

**BOARD BOOK OF
APRIL 25, 2019**



J. B. Goodwin, Chair

Leslie Bingham Escareño, Vice-Chair

Paul Braden, Member

Asusena Reséndiz, Member

Sharon Thomason, Member

Leo Vasquez, III, Member

Texas Department of Housing and Community Affairs

PROGRAMMATIC IMPACT IN FISCAL YEAR 2018

The Texas Department of Housing and Community Affairs (TDHCA) is the State of Texas' lead agency responsible for affordable housing and administers a statewide array of programs to help Texans become more independent and self-sufficient. Short descriptions and key impact measures for these programs – including the total number of households/individuals that were served and total funding either administered or pledged for Fiscal Year 2018 (September 1, 2017 through August 31, 2018) – are set out below:

Multifamily New Construction & Rehabilitation:

Provides mechanisms to attract investment capital and to make available significant financing for the construction and rehabilitation of affordable rental housing through the Housing Tax Credit, Multifamily Bond, and Multifamily Direct Loan programs.

Total Households Served: 14,832
Total Funding: \$1,460,067,840

Single Family Homebuyer Assistance, New Construction, Rehabilitation, Bootstrap, and Contract for Deed:

Assists with the purchase, construction, repair, or rehabilitation of affordable single family housing by providing grants and loans through the HOME Single Family Development, HOME Homeowner Rehabilitation Assistance, HOME Homebuyer Assistance, Amy Young Barrier Removal, and Texas Bootstrap programs. Stabilizes homeownership in colonias through the HOME Contract for Deed program.

Total Households Served: 257
Total Funding: \$15,545,196

Single Family Homeownership Program:

Provides down payment and closing cost assistance, mortgage loans, and mortgage credit certificates to eligible households through the My First Texas Home and Mortgage Credit Certificates programs.

Total Households Served: 8,018
Total Funding: \$1,279,041,464

Rental Assistance:

Provides rental, security, and utility deposit assistance through HOME Tenant Based Rental Assistance, and rental assistance payments through HUD Section 8 Housing Choice Vouchers and Section 811 Project Based Rental Assistance.

Total Households Served: 1,729
Total Funding: \$10,145,027

Weatherization Assistance Program:

Provides funding to help low-income households control energy costs through the installation of energy efficient materials and through energy conservation education.

Total Households Served: 2,667
Total Funding: \$21,395,454

Homelessness:

Funds local programs and services for individuals and families at risk of homelessness or experiencing homelessness. Primary programs are the Homeless Housing and Services program and the Emergency Solutions Grants program.

Total Individuals Served: 48,886
Total Funding: \$12,811,075

Comprehensive Energy Assistance Program:

Provides energy utility bill assistance to households with an income at or below 150% federal poverty guidelines.

Total Households Served: 151,141
Total Funding: \$108,351,163

Community Services Block Grant:

Provides administrative support for essential services for low-income individuals through Community Action Agencies.

Total Individuals Served: 385,869
Total Funding: \$37,322,167

Sources: this data comes from the TDHCA 2019 State Low Income Housing Plan and Annual Report draft. Multifamily New Construction & Rehab data come from the most recent award logs from FY2018 for 4%, 9%, and Direct Loan Applications. Because Multifamily logs are updated on a monthly basis to reflect the changing status of Applications, this impact statement will also be updated on a monthly basis.

Note: Some households may be served by more than one TDHCA program.



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
GOVERNING BOARD MEETING**

**A G E N D A
8:00 AM
APRIL 25, 2019**

**William B. Travis Building
1701 Congress Avenue
Room 1-111
Austin, Texas 78701**

CALL TO ORDER

ROLL CALL

J.B. Goodwin, Chair

CERTIFICATION OF QUORUM

Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Resolution recognizing May as *National Mobility Awareness Month*

Resolution recognizing May as *Community Action Month*

CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Tex. Gov't Code, Texas Open Meetings Act. Action may be taken on any item on this agenda, regardless of how designated.

ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:

LEGAL

- a) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Homes of Persimmons (HTC 98170 / CMTS 2026)
- b) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Fountains at Chimney Rock (HTC 93048 / CMTS 1129)

Jeffrey T. Pender
Deputy General Counsel

COMMUNITY AFFAIRS

- c) Presentation, discussion, and possible action on awards for 2019 Community Services Block Grant discretionary funds for education and employment services to Native American and Migrant Seasonal Farmworker populations

Michael DeYoung
Director of
Community Affairs

BOND FINANCE

- d) Presentation, discussion, and possible action on Resolution No. 19-030 regarding the annual approval of the Department's Investment Policy
- e) Presentation, discussion, and possible action on Resolution No. 19-031 regarding the annual approval of the Department's Interest Rate Swap Policy

Monica Galuski
Director of
Bond Finance

MULTIFAMILY FINANCE

- f) Presentation, discussion and possible action on staff determinations regarding Application disclosures under 10 TAC §11.101(a)(2) related to Applicant Disclosure of Undesirable Site Characteristics

19051	Casa de Manana Apartments	Corpus Christi
19078	Provision at Patriot Place	Hurst
19079	Provision at Patriot Parkway	Venus
19126	3104 Division Lofts	Arlington
19132	Village at Boyer	San Antonio
19139	Hamilton Wolfe Lofts	San Antonio
19214	Lakeridge Villas	Ennis
19239	Talavera Lofts	Austin
19285	Everly Plaza	Fort Worth
19296	McKee City Living	Houston
19319	Bardin Apartments	Arlington
19332	Avanti at South Bluff	Corpus Christi

- g) Presentation, discussion and possible action on staff determinations regarding Application disclosures under 10 TAC §11.101(a)(3) related to Neighborhood Risk Factors

19040	Vista East	Houston
19047	Parkway Meadows	Houston
19085	Gala at MacGregor	Houston
19088	Metro Tower Lofts	Lubbock
19132	Village at Boyer	San Antonio
19134	Village at Nogalitos	San Antonio
19136	Luna Flats	San Antonio
19159	Mid Tule Village Apartments	Tulia
19202	Heritage Heights at Big Spring	Big Spring

- h) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits with another Issuer

19403	Mesa West	San Antonio
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- i) Presentation, Discussion, and Possible Action regarding an Update to the State of Texas 2008 Action Plan Substantial Amendment for the Neighborhood Stabilization Program

ASSET MANAGEMENT

- j) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement

02097	Grove Park Terrace	Waxahachie
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RULES

- k) Presentation, discussion, and possible action on an order proposing an amendment to 10 TAC, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.410 Determination of Alien Status for Program Beneficiaries, and directing publication for public comment in the *Texas Register*

- l) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC §5.802, Local Operators for the Section 8 Housing Choice Voucher Program, and directing its publication for adoption in the *Texas Register*

Marni Holloway
Director of
MF Finance

Rosalio Banuelos
Director of
Asset Management

Brooke Boston
Director of
Programs

- m) Presentation, discussion, and possible action on an order adopting an amendment to 10 TAC §1.15, Integrated Housing Rule, and directing its publication for adoption in the *Texas Register*
- n) Presentation, discussion, and possible action on an order adopting an amendment to 10 TAC §1.405, Bonding Requirements, and directing its publication for adoption in the *Texas Register*
- o) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, and an order proposing new Subchapter H, Income and Rent Limits, and directing their publication for public comment in the *Texas Register*

Patricia Murphy
Director of
Compliance

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) TDHCA Outreach Activities, (March-April)
- b) Report on the Department’s 2nd Quarter Investment Report in accordance with the Public Funds Investment Act
- c) Report on the Department’s Interim Balance Sheet/Statement of Net Position for the period ended February 28, 2019
- d) Report on the Department’s 2nd Quarter Investment Report relating to funds held under Bond Trust Indentures
- e) Report on the closing of the Department’s 2019 Series A Residential Mortgage Revenue Bonds
- f) Report on deadlines after force majeure actions

Michael Lyttle
Director of
External Affairs
Ernie Palacios
Director of
Financial Administration

Monica Galuski
Director of
Bond Finance

Marni Holloway
Director of
MF Finance

ACTION ITEMS

ITEM 3: BOND FINANCE

Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds Series 2019 Resolution No. 19-032 and a Determination Notice for Housing Tax Credits for Lago de Plata (#19600) in Corsicana

Teresa Morales
Manager of
Multifamily Bonds

ITEM 4: ASSET MANAGEMENT

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application
18269 2400 Bryan Street Dallas

Rosalio Banuelos
Director of
Asset Management

ITEM 5: COMPLIANCE

- a) Presentation, discussion, and possible action regarding termination of Program Year 2019 Low Income Home Energy Assistance Program Comprehensive Energy Assistance Program award to Galveston County Community Action Council, Inc.; the commencement of the 30-day notification period required by Tex. Gov’t Code §2105.203 and §2105.301; and the authorization of staff to identify a permanent provider, through release and subsequent award of a Request for Application or through a direct designation, to permanently administer the Comprehensive Energy Assistance Program in Brazoria, Fort Bend, Galveston, and Wharton counties (the areas served by Galveston County Community Action Council, Inc.)
- b) Presentation, discussion, and possible action on initiation of proceedings to remove the eligible entity status of Galveston County Community Action Council, Inc. and terminate the 2019 Community Services Block Grant contract and future funding

Earnest Hunt
Director of
Subrecipient Monitoring

ITEM 6: COMMUNITY AFFAIRS

- a) Presentation, discussion, and possible action on the Program Year 2019 Department of Energy Weatherization Assistance Program State Plan and Awards
- b) Presentation, discussion, and possible action on release of the draft Federal Fiscal Years 2020-2021 Community Services Block Grant State Plan for public comment
- c) Presentation, discussion, and possible action on release of the draft Federal Fiscal Year 2019 Low Income Home Energy Assistance Program State Plan for public comment

Michael DeYoung
Director of
Community Affairs

ITEM 7: MULTIFAMILY FINANCE

- a) Presentation, discussion, and possible action regarding Awards of Direct Loan funds from the 2018-1 Multifamily Direct Loan Notice of Funding Availability
18506 Golden Trails West
- b) Presentation, discussion, and possible action regarding refinancing for Legend Oaks (HTC #00155/ State HTF #85100) with TCAP Repayment Funds reserved for workouts
- c) Presentation, discussion, and possible action on the First Amendment to the 2019-1 Multifamily Direct Loan Notice of Funding Availability
- d) Presentation, discussion, and possible action on timely filed appeals under the Department’s Multifamily Program Rules
19223 Bamboo Estates Apartments Progreso
- e) Presentation, discussion, and possible action on a waiver relating to 10 TAC §11.2, related to Program Calendar for Housing Tax Credits for #19098 Pinewood Crossing Apartments
- f) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits with another Issuer
19404 Legacy Ranch at Dessau East Austin

Andrew Sinnott
MF Loan Programs
Administrator

Marni Holloway
Director of
MF Finance

ITEM 8: RULES

Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.24, Protected Health Information; and an order proposing new 10 TAC §1.24, Information Security and Privacy Requirements; and directing their publication for public comment in the *Texas Register*

Brooke Boston
Director of
Programs

PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS

EXECUTIVE SESSION

The Board may go into Executive Session (close its meeting to the public):

J.B. Goodwin
Chair

The Board may go into Executive Session Pursuant to Tex. Gov’t Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

Pursuant to Tex. Gov’t Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;

Pursuant to Tex. Gov’t Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov’t Code Chapter 551; including seeking legal advice in connection with a posted agenda item;

Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or

Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

OPEN SESSION

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

ADJOURN

To access this agenda and details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Terri Roeber, ADA Responsible Employee, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five (5) days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Elena Peinado, 512-475-3814, at least five (5) days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado, al siguiente número 512-475-3814 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

NOTICE AS TO HANDGUN PROHIBITION DURING THE OPEN MEETING OF A GOVERNMENTAL ENTITY IN THIS ROOM ON THIS DATE:

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista.

NONE OF THESE RESTRICTIONS EXTEND BEYOND THIS ROOM ON THIS DATE AND DURING THE MEETING OF THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Texas Department of Housing and Community Affairs

RESOLUTION

WHEREAS, May 2019 is National Mobility Awareness Month, which is dedicated to showing the community at large how Persons with Disabilities can live active, mobile lifestyles, and raise awareness of the mobility solutions available in the local community;

WHEREAS, a goal of the Texas Department of Housing and Community Affairs (the Department) is to ensure that all Texans have access to safe and decent affordable housing;

WHEREAS, it is the policy of the Department to support fair housing opportunities in the administration of its Single Family and Multifamily Programs, especially in regards to Persons with Disabilities accessing new home construction, home rehabilitation, housing vouchers, and rental assistance programs and services;

WHEREAS, this year, the Department is celebrating nine years of offering the Amy Young Barrier Removal Program, named in honor of the late advocate for Texans with Disabilities who helped shape the state-funded program to improve the quality of life for Persons with Disabilities throughout the State of Texas;

WHEREAS, the Amy Young Barrier Removal Program provides one-time grants of up to \$20,000 for Persons with Disabilities, both renters and homeowners earning up to 80% of the Area Median Family Income, who need home modifications to increase accessibility and eliminate hazardous conditions in their homes;

WHEREAS, since 2010, the Department through the Amy Young Barrier Removal Program has completed approximately \$19.5 million worth of accessibility modifications on approximately 1,012 homes of Texans with Disabilities, such as constructing roll-in showers, installing shower wands and lever faucets, widening doorways, modifying kitchens and laundry rooms with accessible cabinetry and appliances, building ramps, and improving walkways with handrails, paving, and lighting to accommodate program participants' specific needs;

WHEREAS, the Department applauds the nonprofit organizations and local governments around the state who have become Amy Young Barrier Removal Program Administrators and who advocate for their clients through quality construction, pragmatic solutions, and respectful service; and

WHEREAS, the Department encourages Texans to explore the numerous TDHCA programs and resources related to increasing and maintaining mobility during National Mobility Awareness Month and throughout the year;

NOW, therefore, it is hereby

RESOLVED, that in the pursuit of the goal and responsibility of increasing mobility opportunities of Texans with Disabilities, the Governing Board of the Texas Department of Housing and Community Affairs, does hereby celebrate May 2019 as National Mobility Awareness Month and encourages all Texas individuals and organizations, public and private, to join and work together in this observance of National Mobility Awareness Month.

Signed this Twenty-Fifth Day of April, 2019.



J.B. Goodwin

Leslie Bingham Escareño

Paul A. Braden

Asusena Reséndiz

Sharon Thomason

Leo Vasquez

David Cervantes, Acting Director

Texas Department of Housing and Community Affairs
RESOLUTION

WHEREAS, Community Action Agencies are nonprofit and unit of local government organizations designated under the Economic Opportunity Act of 1964 to serve to ameliorate the effects of poverty and help persons experiencing poverty to transition to self-sufficiency;

WHEREAS, Community Action builds and promotes economic stability and enhances stronger communities and the opportunity to live in dignity;

WHEREAS, nationally Community Action has enhanced the lives of millions by providing essential, life-changing services and opportunities;

WHEREAS, Community Action serves 99% of America’s counties in rural, suburban, and urban communities, and works toward the goal of ending poverty in our lifetime;

WHEREAS, Texas has a strong vibrant network of Community Action Agencies to deliver Community Action to Texans in need;

WHEREAS, Community Action will continue to implement innovative and cost-effective programs to improve the lives and living conditions of the impoverished; continue to provide support and opportunities for all eligible households in need of assistance; and continue to develop and carry out effective welfare system reforms; and

WHEREAS, the Texas Department of Housing and Community Affairs and the State of Texas support the Community Action network in Texas in working to improve communities and make Texas a better place to live not only during Community Action Month in May, but throughout the entire year;

NOW, therefore, it is hereby

RESOLVED, that the Governing Board of the Texas Department of Housing and Community Affairs does hereby celebrate May 2019, as Community Action Month in Texas, and encourages all Texas individuals and organizations, public and private, to join and work together in this observance of the hard work and dedication of Texas Community Action agencies.

Signed this twenty-fifth day of April 2019.



J. B. Goodwin, Chair

Leslie Bingham Escareño, Vice Chair

Asusena Reséndiz, Member

Sharon Thomason, Member

Paul A. Braden, Member

Leo Vasquez, Member

David Cervantes, Acting Director

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BOARD ACTION REQUEST

LEGAL DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Homes of Persimmons (HTC 98170 / CMTS 2026)

RECOMMENDED ACTION

WHEREAS, Homes at Persimmons, owned by Persimmons Townhomes, Ltd. (Owner), had uncorrected compliance findings relating to the applicable land use restriction agreement and the associated statutory and rule requirements;

WHEREAS, representatives of Owner previously attended an informal conference during 2018, and signed Agreed Final Orders on November 20, 2018, relating to noncompliance at two properties, Homes of Persimmons (HTC 98170 / CMTS 2026) and Prairie Estates (HTC 97107 / CMTS 1763);

WHEREAS, the terms of the prior Agreed Final Order for Homes of Persimmons were met and the \$500 administrative penalty was fully forgiven;

WHEREAS, the terms of the prior Agreed Final Order for Prairie Estates was violated due to failure to fully verify assets for unit 1304, and the \$500 administrative penalty came due;

WHEREAS, Homes of Persimmons was referred back to the Enforcement Committee again in 2019 for a household that exceeded the income limit;

WHEREAS, the referred finding was resolved informally before consideration by the Enforcement Committee;

WHEREAS, on March 26, 2019, Owner's representatives participated in a second informal conference with the Enforcement Committee and agreed, subject to Board approval, to enter into an Agreed Final Order assessing an administrative penalty of \$500, to be paid when the final order is signed; and

WHEREAS, staff has based its recommendations for an Agreed Final Order on the Department's rules for administrative penalties and an assessment of each and all of the statutory factors to be considered in assessing such penalties, applied specifically to the facts and circumstances present in this case.

NOW, therefore, it is hereby

RESOLVED, that an Agreed Final Order assessing an administrative penalty of \$500, substantially in the form presented at this meeting, and authorizing any non-substantive technical corrections, is hereby adopted as the order of this Board.

BACKGROUND

Persimmons Townhomes, Ltd. (Owner) is the owner of Homes at Persimmons (Property), a low-income apartment complex composed of 180 units, located in Dallas County. The Property is subject to a Land Use Restriction Agreement (LURA) effective in 2000, in consideration for a housing tax credit allocation in the annual amount of \$1,058,204 to build and operate the Property. Per the terms of the LURA, of the 180 units at the Property, 135 are income restricted under the tax credit program and the remainder are market-rate units.

Owner is ultimately controlled by KRR Companies G.P., a Texas general partnership. General partnerships are not filed with the Texas Secretary of State, but the Agreement of Partnership for the entity indicates that its partners include Joseph Kemp (95% partner) and the Joseph Kemp Revocable Living Trust (5%). CMTS lists Joseph Kemp as the primary contact for Owner. The property is self-managed via KRR Real Estate Management LTD, also controlled by Mr. Kemp, with CMTS listing Vicki Mallett as its primary contact. The onsite manager listed in CMTS is Brandy Kemps.

Owner was previously referred for an administrative penalty for reporting violations and file monitoring violations, both of which were addressed without an informal conference. They were subsequently referred for an administrative penalty in 2018 for Uniform Physical Condition Standards (UPCS) violations identified during a 2017 inspection at Homes of Persimmons, and for file monitoring violations identified at a related entity, Prairie Estates (HTC 97107/ CMTS 1763). An informal conference was held on September 25, 2018, with the Enforcement Committee. At the time of the conference, uncorrected findings included:

1. Homes of Persimmons:
 - a. Uniform Physical Condition Standards (UPCS) violations identified during a 2017 inspection, including cracks gaps and damaged trim on the exterior of building 1, a leaking kitchen sink in Unit 806, a fire exit blocked inside unit 1105, peeling paint in bedroom 4 of unit 2005, a damaged refrigerator gasket in unit 2005, a small condensation crack in a window of unit 2005, and a deteriorated front door seal for unit 2306. Owner representatives indicated that all findings were resolved, but that corrections had not been submitted.

2. Prairie Estates:
 - a. Household income above limit upon initial occupancy / program units not leased to Low-Income households for units 1304, 1406, 2304, and 2402. Assets were not verified for these households, so eligibility could not be verified;
 - b. Affirmative Marketing Plan violation for failure to accurately identify least likely to apply populations, and to perform outreach marketing; and
 - c. Violation for failure to have compliant written Tenant Selection Criteria.

Agreed Final Orders were signed for both properties. For Homes of Persimmons, a \$500 administrative penalty was assessed, which was deferred and forgiven when the above findings were corrected within 30 days of signing the Order. For Prairie Estates, a \$500 administrative penalty was assessed, which was to be deferred and forgiven if all findings listed above were fully resolved by February 6, 2019. Corrections were received for Prairie Estates, but the Order was violated and the administrative penalty came due because only a partial tenant file was received for unit 1304, which again failed to fully verify all assets for the household.

The current administrative penalty referral for Homes of Persimmons relates to a household income above limit upon initial occupancy finding identified for unit 3202. The circumstances of this finding stem from a complaint received by the Department from the Dallas City Attorney's Office, alleging that the tenant file for unit 3202 had been falsified in order to qualify for a low-income unit. Income verification documentation was received as part of the allegation, verifying that the income for this household exceeded the income limit. Accordingly, the Department issued a "household income above income limit upon initial occupancy" finding for unit 3202, and required corrective action and an explanation to be submitted no later than December 26, 2018. No response was received and the Compliance Division referred the finding to the Enforcement Committee for an administrative penalty for the household income finding, and to the Fraud, Waste, and Abuse Committee for the allegation of file falsification.

A written response was submitted by Owner shortly after the administrative penalty referral, and the Compliance Division requested tenant file documentation for a replacement household in unit 2305, which had originally been designated as a market-rate unit, but was re-designated as a replacement unit for unit 3202. The tenant file was submitted by Owner on February 22, 2019, after Enforcement Committee intervention, proving eligibility for the household in unit 2305. The finding was closed by the TDHCA Compliance Division on March 8, 2019, with unit 3202 re-designated as a market-rate unit and unit 2305 designated as a low-income unit.

A second informal conference was held with the Enforcement Committee on March 26, 2019. After considering the required statutory factors for making an administrative penalty recommendation, the Enforcement Committee voted to recommend an Agreed Final Order for an administrative penalty of \$500, reduced from the maximum potential penalty of \$1,000. The primary factor informing this recommended amount is the ownership group's repeated failure to submit timely corrective documentation when requested by TDHCA.

Consistent with direction from the Department's Enforcement Committee, an administrative penalty in the amount of \$500 is recommended. This will be a reportable item of consideration under previous participation for any new award to the principals of the Owner.

ENFORCEMENT ACTION AGAINST	§	BEFORE THE
PERSIMMONS TOWNHOMES, LTD. WITH	§	TEXAS DEPARTMENT OF
RESPECT TO HOMES AT PERSIMMONS	§	HOUSING AND COMMUNITY
(HTC FILE # 98170 / CMTS # 2026)	§	AFFAIRS
	§	

AGREED FINAL ORDER

General Remarks and official action taken:

On this 25th day of April, 2019, the Governing Board (“Board”) of the Texas Department of Housing and Community Affairs (“TDHCA” or “Department”) considered the matter of whether enforcement action should be taken against **PERSIMMONS TOWNHOMES, LTD.**, a Texas limited partnership (“Respondent”).

This Agreed Order is executed pursuant to the authority of the Administrative Procedure Act (“APA”), Tex. Gov’t Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this Order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this Order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this Order:

WAIVER

Respondent acknowledges the existence of their right to request a hearing as provided by Tex. Gov’t Code §2306.044, and to seek judicial review, in the District Court of Travis County, Texas, of any order as provided by Tex. Gov’t Code §2306.047. Pursuant to this compromise and settlement, the Respondent waives those rights and acknowledges the jurisdiction of the Board over Respondent.

FINDINGS OF FACT (“FOF”)

Jurisdiction:

1. During 2000, Respondent was awarded an allocation of Low Income Housing Tax Credits by the Board, in an annual amount of \$1,058,204 to build and operate Homes at Persimmons (“Property”) (HTC file No. 98170 / CMTS No. 2026 / LDLD No. 245).

2. Respondent signed a land use restriction agreement (“LURA”) regarding the Property. The LURA was effective December 14, 2000, and filed of record at Volume 2000249, Page 04572 of the Official Public Records of Real Property of Dallas County, Texas (“Records”).
3. Respondent is subject to the regulatory authority of TDHCA.

Compliance Violations¹:

4. Property has a history of violations and previously signed an Agreed Final Order on November 20, 2018, agreeing to a \$500 Administrative Penalty which was to be fully forgivable provided that Respondent complied with the terms of the Order. The Order required submission of work orders for Uniform Physical Condition Standards violations that had been identified during a 2017 inspection. Work orders were submitted and the review was closed, with the administrative penalty deferred and forgiven.
5. On September 28, 2018, TDHCA notified Owner that the Department had received an allegation that Homes of Persimmons had falsified and omitted household income for unit 3202 to qualify them for a low-income unit. Income verification documentation was received as part of the allegation, verifying that the income for this household exceeded the income limit, a violation of 10 TAC §10.611 (Determination, Documentation and Certification of Annual Income) and Section 4 of the LURA, which require screening of tenants to ensure qualification for the program. Accordingly, the Department issued a “household income above income limit upon initial occupancy” finding for unit 3202 and required corrective action to be submitted no later than December 26, 2018. No response was received and the finding was referred for an administrative penalty. A response was submitted by Owner shortly after the administrative penalty referral, and the Department requested tenant file documentation for a replacement household in unit 2305, which had been designated as a replacement unit for unit 3202. A tenant file was submitted by Owner on February 22, 2019, after Enforcement Committee intervention, and the finding was closed by the TDHCA Compliance Division on March 8, 2019.
6. The violation listed above is considered resolved at the time of this Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter pursuant to Tex. Gov’t Code §§2306.041-.0503, and 10 TAC §2.

¹ Within this Agreed Final Order, all references to violations of TDHCA Compliance Monitoring rules at 10 TAC Chapter 10 refers to the versions of the code in effect at the time of the compliance monitoring reviews and/or inspections that resulted in recording each violation. All past violations remain violations under the current code and all interim amendments.

2. Respondent is a “housing sponsor” as that term is defined in Tex. Gov’t Code §2306.004(14).
3. Pursuant to IRC §42(m)(1)(B)(iii), housing credit agencies are required to monitor for noncompliance with all provisions of the IRC and to notify the Internal Revenue Service of such noncompliance.
4. Respondent violated 10 TAC §10.611 and Section 4 of the LURA in 2018, by accepting a household with income that exceeded prescribed limits upon initial occupancy for unit 3202.
5. Because Respondent is a housing sponsor with respect to the Property, and has violated TDHCA rules, the Board has personal and subject matter jurisdiction over Respondent pursuant to Tex. Gov’t Code §2306.041 and §2306.267.
6. Because Respondent is a housing sponsor, TDHCA may order Respondent to perform or refrain from performing certain acts in order to comply with the law, TDHCA rules, or the terms of a contract or agreement to which Respondent and TDHCA are parties, pursuant to Tex. Gov’t Code §2306.267.
7. Because Respondent has violated rules promulgated pursuant to Tex. Gov’t Code §2306.053 and has violated agreements with the Agency to which Respondent is a party, the Agency may impose an administrative penalty pursuant to Tex. Gov’t Code §2306.041.
8. An administrative penalty of \$500 is an appropriate penalty in accordance with 10 TAC Chapter 2.

Based upon the foregoing findings of fact and conclusions of law, and an assessment of the factors set forth in Tex. Gov’t Code §2306.042 to be considered in assessing such penalties as applied specifically to the facts and circumstances present in this case, the Governing Board of the Texas Department of Housing and Community Affairs orders the following:

IT IS HEREBY ORDERED that Respondent is assessed an administrative penalty in the amount of \$500.

IT IS FURTHER ORDERED that Respondent shall pay and is hereby directed to pay the \$500 administrative penalty by cashier’s check payable to the “Texas Department of Housing and Community Affairs” on or before (1) May 27, 2019, or (2) the closing date for the pending contemplated sale for this property, whichever is earlier.

IT IS FURTHER ORDERED that the penalty payment must be submitted to the following address:

If via overnight mail (FedEx, UPS):	If via USPS:
TDHCA Attn: Ysella Kaseman 221 E 11 th St Austin, Texas 78701	TDHCA Attn: Ysella Kaseman P.O. Box 13941 Austin, Texas 78711

IT IS FURTHER ORDERED that Respondent shall follow the requirements of 10 TAC §10.406, a copy of which is included at Exhibit 1, and obtain approval from the Department prior to consummating a sale of the property, if contemplated.

IT IS FURTHER ORDERED that the terms of this Agreed Final Order shall be published on the TDHCA website.

[Remainder of page intentionally blank]

Approved by the Governing Board of TDHCA on April 25, 2019.

By: _____
Name: J.B. Goodwin
Title: Chair of the Board of TDHCA

By: _____
Name: James "Beau" Eccles
Title: Secretary of the Board of TDHCA

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary public, on this 25th day of April, 2019, personally appeared J.B. Goodwin, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary public, on this 25th day of April, 2019, personally appeared James "Beau" Eccles, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, _____ (*notary name*), a notary public in and for the State of _____, on this day personally appeared Joseph Kemp, known to me or proven to me through *circle one: personally known / driver’s license / passport* to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (he/she) executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows:

1. “My name is Joseph Kemp, I am of sound mind, capable of making this statement, and personally acquainted with the facts herein stated.
2. I hold the office of President for Respondent. I am the authorized representative of Respondent, owner of the Property, which is subject to a Land Use Restriction Agreement monitored by the TDHCA in the State of Texas, and I am duly authorized by Respondent to execute this document.
3. Respondent knowingly and voluntarily enters into this Agreed Final Order, and agrees with and consents to the issuance and service of the foregoing Agreed Order by the Governing Board of the Texas Department of Housing and Community Affairs.”

RESPONDENT:

PERSIMMONS TOWNHOMES, LTD., Texas limited partnership

KRR CONSTRUCTION, LTD., a Texas limited partnership, its general partner

KRR OPERATIONS, LLC, a Texas limited liability company, its general partner

KRR COMPANIES G.P., a Texas general partnership, its president

By: _____
Name: Joseph Kemp
Title: President

Given under my hand and seal of office this _____ day of _____, 2019.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC IN AND FOR THE STATE OF _____
My Commission Expires: _____

Exhibit 1

Exhibit 1

Texas Administrative Code

TITLE 10	COMMUNITY DEVELOPMENT
PART 1	TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
CHAPTER 10	UNIFORM MULTIFAMILY RULES
SUBCHAPTER E	POST AWARD AND ASSET MANAGEMENT REQUIREMENTS
RULE §10.406	Ownership Transfers (§2306.6713)

(a) Ownership Transfer Notification. All multifamily Development Owners must provide written notice and a completed Ownership Transfer packet, if applicable, to the Department at least 45 calendar days prior to any sale, transfer, or exchange of the Development or any portion of or Controlling interest in the Development. Except as otherwise provided herein, the Executive Director's prior written approval of any such transfer is required. The Executive Director may not unreasonably withhold approval of the transfer requested in compliance with this section.

(b) Exceptions. The following exceptions to the ownership transfer process outlined herein apply:

(1) A Development Owner shall be required to notify the Department but shall not be required to obtain Executive Director approval when the transferee is an Affiliate of the Development Owner with no new Principals or the transferee is a Related Party who does not Control the Development and the transfer is being made for estate planning purposes.

(2) Transfers that are the result of an involuntary removal of the general partner by the investment limited partner do not require advance approval but must be reported to the Department as soon as possible due to the sensitive timing and nature of this decision. In the event the investment limited partner has proposed a new general partner or will permanently replace the general partner, a full Ownership Transfer packet must be submitted.

(3) Changes to the investment limited partner, non-Controlling limited partner, or other non-Controlling partners affiliated with the investment limited partner do not require Executive Director approval. A General Partner's acquisition of the interest of the investment limited partner does not require Executive Director approval, unless some other change in ownership is occurring as part of the same overall transaction.

(4) Changes resulting from foreclosure do not require advance approval but acquiring parties must notify the Department as soon as possible of the revised ownership structure and ownership contact information.

(c) General Requirements.

(1) Any new Principal in the ownership of a Development must be eligible under §11.202 of Subchapter C (relating to Ineligible Applicants and Applications). In addition, Principals will be reviewed in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee).

(2) Changes in Developers or Guarantors must be addressed as non-material amendments to the application under §10.405 of this subchapter.

(3) To the extent an investment limited partner or its Affiliate assumes a Controlling interest in a Development Owner, such acquisition shall be subject to the Ownership Transfer requirements set forth herein. Principals of the investment limited partner or Affiliate will be considered new Principals and will be reviewed as stated under paragraph (1) of this subsection.

(4) Simultaneous transfer or concurrent offering for sale of the General Partner's and Limited Partner's control and interest will be subject to the Ownership Transfer requirements set forth herein and will trigger a Right of First Refusal, if applicable.

(d) Transfer Actions Warranting Debarment. If the Department determines that the transfer, involuntary removal, or replacement was due to a default by the General Partner under the Limited Partnership

Agreement, or other detrimental action that put the Development at risk of failure or the Department at risk for financial exposure as a result of non-compliance, staff may make a recommendation to the Board for the debarment of the entity and/or its Principals and Affiliates pursuant to the Department's debarment rule. In addition, a record of transfer involving Principals in new proposed awards will be reported and may be taken into consideration by the Executive Award and Review Committee, in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee), prior to recommending any new financing or allocation of credits.

(e) Transfers Prior to 8609 Issuance or Construction Completion. Prior to the issuance of IRS Form(s) 8609 (for Housing Tax Credits) or the completion of construction (for all Developments funded through other Department programs) an Applicant may request an amendment to its ownership structure to add Principals. The party(ies) reflected in the Application as having Control must remain in the ownership structure and retain Control, unless approved otherwise by the Executive Director. A development sponsor, General Partner or Development Owner may not sell the Development in whole or voluntarily end their Control prior to the issuance of 8609s.

(f) Nonprofit Organizations. If the ownership transfer request is to replace a nonprofit organization within the Development ownership entity, the replacement nonprofit entity must adhere to the requirements in paragraph (1) or (2) of this subsection.

(1) If the LURA requires ownership or material participation in ownership by a Qualified Nonprofit Organization, and the Development received Tax Credits pursuant to §42(h)(5) of the Code, the transferee must be a Qualified Nonprofit Organization that meets the requirements of §42(h)(5) of the Code and Tex. Gov't Code §2306.6706, if applicable, and can demonstrate planned participation in the operation of the Development on a regular, continuous, and substantial basis.

(2) If the LURA requires ownership or material participation in ownership by a nonprofit organization or CHDO, the Development Owner must show that the transferee is a nonprofit organization or CHDO, as applicable, that complies with the LURA.

(3) Exceptions to the above may be made on a case by case basis if the Development is past its Compliance Period/Federal Affordability Period, was not reported to the IRS as part of the Department's Nonprofit Set Aside in any HTC Award year, and follows the procedures outlined in §10.405(b)(1) - (5) of this chapter (relating to LURA Amendments that require Board Approval). The Board must find that:

(A) The selling nonprofit is acting of its own volition or is being removed as the result of a default under the organizational documents of the Development Owner;

(B) The participation by the nonprofit was substantive and meaningful during the full term of the Compliance Period but is no longer substantive or meaningful to the operations of the Development; and

(C) The proposed purchaser is an affiliate of the current Owner or otherwise meets the Department's standards for ownership transfers.

(g) Historically Underutilized Business (HUB) Organizations. If a HUB is the general partner or special limited partner of a Development Owner and it determines to sell its ownership interest, after the issuance of 8609's, the purchaser of that partnership interest or the general or special limited partner is not required to be a HUB as long as the procedure described in §10.405(b)(1) of this chapter (relating to Non-Material LURA Amendments) has been followed and approved.

(h) Documentation Required. A Development Owner must submit documentation requested by the Department to enable the Department to understand fully the facts and circumstances pertaining to the transfer and the effects of approval or denial. Documentation must be submitted as directed in the Post Award Activities Manual, which includes but is not limited to:

(1) A written explanation outlining the reason for the request;

(2) Ownership transfer information, including but not limited to the type of sale, amount of Development reserves to transfer in the event of a property sale, and the prospective closing date;

(3) Pre and post transfer organizational charts with TINs of each organization down to the level of natural persons in the ownership structure as described in §11.204(13)(A) of Subchapter C;

(4) A list of the names and contact information for transferees and Related Parties;

(5) Previous Participation information for any new Principal as described in §11.204(13)(B) of Subchapter C;
(6) Agreements among parties associated with the transfer;
(7) Owners Certifications with regard to materials submitted further described in the Post Award Activities Manual;

(8) Detailed information describing the organizational structure, experience, and financial capacity of any party holding a controlling interest in any Principal or Controlling entity of the prospective Development Owner;

(9) Evidence and certification that the tenants in the Development have been notified in writing of the proposed transfer at least 30 calendar days prior to the date the transfer is approved by the Department. The ownership transfer approval letter will not be issued until this 30 day period has expired;

(10) Any required exhibits and the list of exhibits related to specific circumstances of transfer or Ownership as detailed in the Post Award Activities Manual.

(i) Once the Department receives all necessary information under this section and as required under the Post Award Activities Manual, staff shall initiate a qualifications review of a transferee, in accordance with Chapter 1, Subchapter C of this title (relating to Previous Participation and Executive Award Review and Advisory Committee), to determine the transferee's past compliance with all aspects of the Department's programs, LURAs and eligibility under this chapter and §11.202 of Subchapter C (relating to Ineligible Applicants and Applications).

(j) Credit Limitation. As it relates to the Housing Tax Credit amount further described in §11.4(a) of this title (relating to Tax Credit Request and Award Limits), the credit amount will not be applied in circumstances described in paragraphs (1) and (2) of this subsection:

(1) In cases of transfers in which the syndicator, investor or limited partner is taking over ownership of the Development and not merely replacing the general partner; or

(2) In cases where the general partner is being replaced if the award of credits was made at least five years prior to the transfer request date.

(k) Penalties, Past Due Fees and Underfunded Reserves. The Development Owner must comply with any additional documentation requirements as stated in Subchapter F of this chapter (relating to Compliance Monitoring). The Development Owner, as on record with the Department, will be liable for any penalties or fees imposed by the Department even if such penalty can be attributable to the new Development Owner unless such ownership transfer is approved by the Department. In the event a transferring Development has a history of uncorrected UPCS violations, ongoing issues related to keeping housing sanitary, safe, and decent, an account balance below the annual reserve deposit amount as specified in §10.404(a) (relating to Replacement Reserve Accounts), or that appears insufficient to meet capital expenditure needs as indicated by the number or cost of repairs included in a PCA, the prospective Development Owner may be required to establish and maintain a replacement reserve account or increase the amount of regular deposits to the replacement reserve account by entering into a Reserve Agreement with the Department. The Department may also request a plan and timeline relating to needed repairs or renovations that will be completed by the departing and/or incoming Owner as a condition to approving the Transfer.

(l) Ownership Transfer Processing Fee. The ownership transfer request must be accompanied by the corresponding ownership transfer fee as outlined in §11.901 of this chapter (relating to Fee Schedule, Appeals, and other Provisions).

Source Note: The provisions of this §10.406 adopted to be effective January 5, 2017, 41 TexReg 10569; amended to be effective January 4, 2018, 42 TexReg 7610; amended to be effective December 30, 2018, 43 TexReg 8297

1b

BOARD ACTION REQUEST

LEGAL DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Fountains at Chimney Rock (HTC 93048 / CMTS 1129)

RECOMMENDED ACTION

WHEREAS, Fountains at Chimney Rock Apartment, owned by Stellar Equity Fountain Oaks, LLC (“Owner”), had uncorrected compliance findings relating to the applicable land use restriction agreement and the associated statutory and rule requirements;

WHEREAS, all findings that had been referred for an administrative penalty were resolved informally before consideration by the Enforcement Committee;

WHEREAS, Owner’s representatives have agreed, subject to Board approval, to enter into an Agreed Final Order stipulating that violations occurred and assessing no administrative penalty; and

WHEREAS, staff has based its recommendations for an Agreed Final Order on the Department’s rules for administrative penalties and an assessment of each and all of the statutory factors to be considered in assessing such penalties, applied specifically to the facts and circumstances present in this case.

NOW, therefore, it is hereby

RESOLVED, that an Agreed Final Order, assessing no administrative penalty, but stipulating that violations occurred at Fountains at Chimney Rock Apartment (HTC 93048 / / CMTS 1129), as presented at this meeting, but authorizing staff to make any necessary non-substantive technical corrections, is hereby adopted as the order of this Board.

BACKGROUND

Stellar Equity Fountain Oaks, LLC (“Owner”) is the owner of Fountains at Chimney Rock Apartment (“Property”), a low-income apartment complex composed of 265 units, located in Houston, Harris County. Records of the Texas Secretary of State list the following members: Joseph C. Bryson and Stephanie Bryson. CMTS lists Joseph C. Bryson as the primary contact for Owner, and Stephanie Bryson as the primary contact for the related management company, Stellar Equity Management, LLC.

The Property is subject to a Land Use Restriction Agreement (“LURA”) signed by a prior owner in 1994 in consideration for a housing tax credit allocation in the annual amount of \$295,973 to acquire, rehabilitate and operate the Property. The Owner acquired the property in 2017 with Department approval, and the LURA remains in effect per Section 2 of the LURA, which stipulates that its restrictions run with the land.

Owner was previously referred for an administrative penalty for a reporting violation, which was closed informally when reports were received. Owner was then referred for file monitoring violations including: an incomplete affirmative marketing plan; incomplete written policies and procedures, including tenant selection criteria; lease violations for four households that did not receive a Tenant Rights and Resources Guide Acknowledgment; and a utility allowance violation for using an allowance schedule published by the Harris County Housing Authority instead of the applicable Houston Housing Authority. Ultimately, all violations were resolved by March 20, 2019, after the Enforcement Committee deadline for avoiding the informal conference. It is not appropriate to close the administrative penalty referral with a warning letter because of the missed Committee deadline, however, full resolution was achieved before the informal conference, and Owner has agreed to sign an Agreed Final Order assessing no administrative penalty for noncompliance, but stipulating that violations occurred and were not timely corrected.

Consistent with direction from the Department’s Enforcement Committee, an Agreed Final Order stipulating that violations occurred is recommended, with no administrative penalty. This will be a reportable item of consideration under previous participation for any new award to the principals of the owner.

ENFORCEMENT ACTION AGAINST	§	BEFORE THE
STELLAR EQUITY FOUNTAIN OAKS, LLC	§	TEXAS DEPARTMENT OF
WITH RESPECT TO FOUNTAINS AT	§	HOUSING AND COMMUNITY
CHIMNEY ROCK APARTMENT	§	AFFAIRS
(HTC FILE # 93048 / CMTS # 1129)	§	

AGREED FINAL ORDER

General Remarks and official action taken:

On this 25th day of April, 2019, the Governing Board (“Board”) of the Texas Department of Housing and Community Affairs (“TDHCA” or “Department”) considered the matter of whether enforcement action should be taken against **STELLAR EQUITY FOUNTAIN OAKS, LLC**, a Texas limited liability company (“Respondent”).

This Agreed Order is executed pursuant to the authority of the Administrative Procedure Act (“APA”), Tex. Gov’t Code §2001.056, which authorizes the informal disposition of contested cases. In a desire to conclude this matter without further delay and expense, the Board and Respondent agree to resolve this matter by this Agreed Final Order. The Respondent agrees to this Order for the purpose of resolving this proceeding only and without admitting or denying the findings of fact and conclusions of law set out in this Order.

Upon recommendation of the Enforcement Committee, the Board makes the following findings of fact and conclusions of law and enters this Order:

WAIVER

Respondent acknowledges the existence of their right to request a hearing as provided by Tex. Gov’t Code §2306.044, and to seek judicial review, in the District Court of Travis County, Texas, of any order as provided by Tex. Gov’t Code §2306.047. Pursuant to this compromise and settlement, the Respondent waives those rights and acknowledges the jurisdiction of the Board over Respondent.

FINDINGS OF FACT (“FOF”)

Jurisdiction:

1. During 1994, Partners LaPlace, Ltd. (“Prior Owner”) was awarded an allocation of Low Income Housing Tax Credits by the Board, in an annual amount of \$295,973 to build and

operate Fountains at Chimney Rock Apartment (“Property”) (HTC file No. 93048 / CMTS No. 1129 / LDLD No. 834).

2. Prior Owner signed a land use restriction agreement (“LURA”) regarding the Property. The LURA was effective November 14, 1994, and filed of record at Document Number R150412 of the Official Public Records of Real Property of Harris County, Texas (“Records”), as amended by a First Amendment executed on November 22, 2013, and filed in the Records at Document Number 20130600185. In accordance with Section 2 of the LURA, the LURA is a restrictive covenant/deed restriction encumbering the Property and binding on all successors and assigns for the full term of the LURA.
3. Respondent took ownership of the Property on September 21, 2017 and, although an Agreement to Comply was not signed, Respondent is bound to the terms of the LURA in accordance with Section 2 thereof.
4. Respondent is subject to the regulatory authority of TDHCA.

Compliance Violations¹:

5. An on-site monitoring review was conducted on March 20, 2018, to determine whether Respondent was in compliance with LURA requirements to lease units to low income households and maintain records demonstrating eligibility. The monitoring review found violations of the LURA and TDHCA rules. Notifications of noncompliance were sent and an August 30, 2018, corrective action deadline was set, however, the following violations were not resolved before the corrective action deadline:
 - a. Respondent failed to provide a complete affirmative marketing plan, a violation of 10 TAC §10.617 (Affirmative Marketing), which requires developments to maintain an affirmative marketing plan that meets minimum requirements and to distribute marketing materials to selected marketing organizations that reach groups identified as least likely to apply and to the disabled. An affirmative marketing plan was present during the review, but omitted the required marketing materials to prove that the development was carrying out marketing efforts. The finding was resolved on March 20, 2019, after intervention by the Enforcement Committee.
 - b. Respondent failed to maintain compliant written tenant selection criteria, a violation of 10 TAC §10.610 (Written Policies and Procedures), which requires all developments to establish written tenant selection criteria that meet minimum TDHCA requirements. The finding was resolved on February 8, 2019, after intervention by the Enforcement Committee.

¹ Within this Agreed Final Order, all references to violations of TDHCA Compliance Monitoring rules at 10 TAC Chapter 10 refers to the versions of the code in effect at the time of the compliance monitoring reviews and/or inspections that resulted in recording each violation. All past violations remain violations under the current code and all interim amendments.

- c. Respondent failed to properly calculate the utility allowance for the property, a violation of 10 TAC §10.614 (Utility Allowances), which requires all developments to establish a utility allowance. At the time of the review, there was a utility allowance in place, but for the Harris County Housing Authority instead of the applicable Houston Housing Authority. The finding was resolved on March 14, 2019, after intervention by the Enforcement Committee. No gross rent violations were identified in association with this finding.
 - d. Respondent failed to provide a Tenant Rights and Resources Guide and get a signed Acknowledgment for units 159, 309, 448, and 461, a violation of 10 TAC §10.613 (Lease Requirements), which requires owners to post a laminated copy of the Guide in a common area of the leasing office, and provide a copy to each household during the application process and upon any subsequent change to common amenities, unit amenities, or services.
6. All violations listed above are considered resolved at the time of this Order.

CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter pursuant to Tex. Gov't Code §§2306.041-.0503, and 10 TAC §2.
2. Respondent is a "housing sponsor" as that term is defined in Tex. Gov't Code §2306.004(14).
3. Pursuant to IRC §42(m)(1)(B)(iii), housing credit agencies are required to monitor for noncompliance with all provisions of the IRC and to notify the Internal Revenue Service of such noncompliance.
4. Respondent violated 10 TAC §10.617 in 2018, by failing to provide a complete affirmative marketing plan.
5. Respondent violated 10 TAC §10.610 in 2018, by not maintaining written tenant selection criteria meeting TDHCA requirements.
6. Respondent violated 10 TAC §10.613 in 2018, by failing to properly calculate the utility allowance for the property.
7. Respondent violated leasing requirements in 10 TAC §10.613 in 2018, by failing to provide a Tenant Rights and Resources Guide to four households and have the households sign acknowledgment forms.
8. Because Respondent is a housing sponsor with respect to the Property, and has violated TDHCA rules, the Board has personal and subject matter jurisdiction over Respondent pursuant to Tex. Gov't Code §2306.041 and §2306.267.

9. Because Respondent is a housing sponsor, TDHCA may order Respondent to perform or refrain from performing certain acts in order to comply with the law, TDHCA rules, or the terms of a contract or agreement to which Respondent and TDHCA are parties, pursuant to Tex. Gov't Code §2306.267.
10. Because Respondent has violated rules promulgated pursuant to Tex. Gov't Code §2306.053 and has violated agreements with the Agency to which Respondent is a party, the Agency may impose an administrative penalty pursuant to Tex. Gov't Code §2306.041.
11. It is appropriate to assess no administrative penalty in accordance with the policies situated at 10 TAC Chapter 2.

Based upon the foregoing findings of fact and conclusions of law, and an assessment of the factors set forth in Tex. Gov't Code §2306.042 to be considered in assessing such penalties as applied specifically to the facts and circumstances present in this case, the Governing Board of the Texas Department of Housing and Community Affairs orders the following:

IT IS HEREBY ORDERED that Respondent not be assessed an administrative penalty.

IT IS FURTHER ORDERED that the terms of this Agreed Final Order shall be published on the TDHCA website.

[Remainder of page intentionally blank]

Approved by the Governing Board of TDHCA on April 25, 2019.

By: _____
Name: J.B. Goodwin
Title: Chair of the Board of TDHCA

By: _____
Name: James "Beau" Eccles
Title: Secretary of the Board of TDHCA

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary public, on this 25th day of April, 2019, personally appeared J.B. Goodwin, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary public, on this 25th day of April, 2019, personally appeared James "Beau" Eccles, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF _____ §

BEFORE ME, _____ (*notary name*), a notary public in and for the State of _____, on this day personally appeared _____ (*person signing document*), known to me or proven to me through circle one: personally known / driver's license / passport to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (he/she) executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows:

1. "My name is _____, I am of sound mind, capable of making this statement, and personally acquainted with the facts herein stated.
2. I hold the office of Manager for Respondent. I am the authorized representative of Respondent, owner of the Property, which is subject to a Land Use Restriction Agreement monitored by the TDHCA in the State of Texas, and I am duly authorized by Respondent to execute this document.
3. Respondent knowingly and voluntarily enters into this Agreed Final Order, and agrees with and consents to the issuance and service of the foregoing Agreed Order by the Governing Board of the Texas Department of Housing and Community Affairs."

RESPONDENT:

STELLAR EQUITY FOUNTAIN OAKS, LLC, Texas limited liability company

By: _____

Name: _____

Title: Manager

Given under my hand and seal of office this _____ day of _____, 2019.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC IN AND FOR THE STATE OF _____

My Commission Expires: _____

1c

BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on awards for 2019 Community Services Block Grant discretionary funds for education and employment services to Native American and Migrant Seasonal Farmworker populations

RECOMMENDED ACTION

WHEREAS, Community Services Block Grant (CSBG) funds are awarded annually to the Texas Department of Housing and Community Affairs (the Department) by the U.S. Department of Health and Human Services (USHHS);

WHEREAS, the Department reserves 90% of the allotment for CSBG eligible entities to provide services/assistance to the low-income population in all 254 counties; up to 5% for state administration expenses; and the remaining amount for state discretionary use;

WHEREAS, at the Board meeting of June 29, 2017, the Department established a set aside of approximately \$1,600,000 for CSBG discretionary projects, of which \$300,000 was programmed for Native American and Migrant Seasonal Farmworker (MSFW) population education and employment initiatives;

WHEREAS, a Notice of Funding Availability (NOFA) was released on January 18, 2019, for education and employment services to Native American and MSFW populations;

WHEREAS, staff has reviewed and evaluated the applications received under the NOFA targeting education and employment services to Native American and MSFW populations and recommends Board approval of awards totaling \$300,000 to three eligible applicants that applied and met the requirements for funding; and

WHEREAS, the Executive Award Review Advisory Committee (EARAC) met on April 15, 2019, and recommended the approval of three awards;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to take any and all such actions as they or any of them may deem necessary or advisable to effectuate the awards, as represented herein, of

\$300,000 for education and employment services to Native American and MSFW populations.

BACKGROUND

The Department set aside \$300,000 for education and employment services to Native American and MSFW populations as approved at the Board meeting of June 29, 2017.

On January 18, 2019, the Department released a NOFA to make available \$300,000 for education and employment initiatives for Native American and MSFW populations. The NOFA encouraged applicant organizations to apply for either the Native American or MSFW award, or both; however, only the two highest scoring applications for assistance to the MSFW population and the one highest scoring application for assistance to the Native American population would be funded. In response to the NOFA, staff received six applications – four applications for the MSFW award and two applications for the Native American award. The applicants for the MSFW award were Opportunity Center for the Homeless, Family Service Association of San Antonio, Adult and Youth Development Association (AYUDA), and Community Action Social Services and Education, Inc (CASSE). The applicants for the Native American award were AYUDA and Transcend STEM Education. Staff has reviewed the applications and two of the six applications (i.e., CASSE and Transcend STEM Education) were found to not satisfy the threshold requirements. Each were given information on their appeal rights and neither chose to appeal. Based on the scores of the remaining four applicants who satisfied the threshold requirements, staff is recommending three applications to be funded. Scoring notices were sent out on March 7, 2019, and all appeal periods have concluded. Please refer to Attachment A.

The Previous Participation Rule (10 TAC, Chapter 1, Subchapter C, §1.302) includes a review of CSBG discretionary awards prior to contract execution. This award is subject to this review. The review has been performed and three applicants have been recommended by EARAC for award as listed in Attachment A.

Attachment A reflects all applicants and the funding recommendation amounts.

Attachment A

**Recommendations for 2019 CSBG Discretionary Funds for
Education and Employment Services to MSFW Populations
Contract Date: May 1, 2019-April 30, 2020**

#	Applicant	Application Score	Award Recommendation	Project
1	Opportunity Center for the Homeless	654	\$100,000	Employment and education project and supportive services for 270 MSFWs in the El Paso area.
2	Family Service Association of San Antonio, Inc.	481	\$100,000	Employment and education project and supportive services for 42 MSFWs in the San Antonio area.
3	Adult and Youth Development Association	313	Not recommended	NA
4	Community Action Social Services & Education, Inc.	NA	NA	NA
	TOTAL		\$200,000	

Note: In the event that any of these funds remain unexpended by May 1, 2020, the Department will reprogram the funds among the eligible activities previously approved by the Board.

**Recommendations for 2019 CSBG Discretionary Funds for
Education and Employment Services to Native American Populations
Contract Date: May 1, 2019-April 30, 2020**

#	Applicant	Application Score	Award Recommendation	Project
1	Adult and Youth Development Association	382	\$100,000	Employment and education project and supportive services for 50 Native Americans in the El Paso area.
2	Transcend STEM Education	NA	NA	NA
	TOTAL		\$100,000	

Note: In the event that any of these funds remain unexpended by May 1, 2020, the Department will reprogram the funds among the eligible activities previously approved by the Board.

1d

BOARD ACTION REQUEST
BOND FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on Resolution No. 19-030 regarding the annual approval of the Department's Investment Policy

RECOMMENDED ACTION

Adopt attached resolution.

BACKGROUND

The provisions of Tex. Gov't Code, Chapter 2256 (also known as the Public Funds Investment Act) require state agency boards to develop, adopt annually, and maintain a written investment policy (the Investment Policy) that, among other things, details investment priorities and strategies, describes permissible investments, addresses ethics and conflicts of interest, establishes training requirements, and designates Investment Officers. The Investment Policy also establishes requirements for financial advisors and service providers, and requires that investment professionals acknowledge receipt of the Investment Policy in order to do business with the Department. David Cervantes, Acting Director, and Monica Galuski, Director of Bond Finance and Chief Investment Officer, are the Investment Officers for the Department.

The Investment Officers, in conjunction with the Department's Financial Advisor and Bond Counsel, have reviewed the proposed Investment Policy and recommend approval and adoption of Resolution 19-030.

The proposed Investment Policy, blacklined against the prior policy, is attached for your reference.

RESOLUTION NO. 19-030

**RESOLUTION OF THE GOVERNING BOARD APPROVING THE TEXAS
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS INVESTMENT POLICY**

WHEREAS, the Texas Department of Housing and Community Affairs, a public and official agency of the State of Texas (the "Department"), was created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (together with other laws of the State applicable to the Department, collectively, the "Act"); and

WHEREAS, the Governing Board of the Department (the "Governing Board") desires to approve the Department's Investment Policy in the form presented to the Governing Board;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval of the Department's Investment Policy. The Investment Policy in the form presented to the Governing Board is hereby authorized and approved.

Section 1.2 Authorized Representatives. The following persons are each hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director or Acting Director of the Department, the Director of Administration of the Department, the Director of Bond Finance and Chief Investment Officer of the Department, and the Secretary or Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 25th day of April, 2019.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

INVESTMENT POLICY

As presented to the Board for adoption on April 25, 2019

2019

April 25, 2019

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

INVESTMENT POLICY

I. POLICY

It is the policy of the Texas Department of Housing and Community Affairs (the “Department”) to invest public funds in a manner that will provide, by priority, the following objectives:

1. Safety of principal;
2. Sufficient liquidity to meet Department cash flow needs;
3. Market rate of return for the risk assumed; and
4. Conformance to all applicable state statutes governing the investment of public funds including the Department’s enabling legislation, Texas Government Code, Chapter 2306, Texas Government Code, Chapter 2263, Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers, and specifically Texas Government Code, Chapter 2256, the Public Funds Investment Act (the “Act”).

It is further the intent of the Department to set forth in this document how all investments will be administered, providing for an all-inclusive document that will ensure consistency and thoroughness in the presentation of such investments, as they affect the Department’s presentation of its financial statements.

II. SCOPE

This investment policy applies to all investments, including both direct investments and investments that are subject to trust indentures created and supplemented in connection with bonds issued by the Department. All of these investments are accounted for in the Department’s Comprehensive Annual Financial Report and include the General Fund, Special Revenue Fund, Trust and Agency Fund, and Enterprise Fund.

This investment policy does not apply to investments in instruments that constitute hedges, which include but are not limited to, interest rate swaps, caps, floors, futures contracts, forward contracts, etc., that satisfy the eligibility requirements of a “qualified hedge” as defined by Section 1.148-4(h)(2) of the Internal Revenue Code.

The Department has created and adopted a separate Interest Rate Swap Policy for guidance regarding the use and management of such hedges.

III. PRUDENCE

Investments shall be made with judgment and care under prevailing circumstances which persons of prudence, discretion and intelligence would exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety and liquidity of capital as well as the probable income to be derived.

The standard of prudence to be used by the investment officers named herein shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. An investment officer acting in accordance with the investment policy and written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

IV. INVESTMENT PRIORITIES

Investment by the Department will be in accordance with the following priorities in order of importance:

1. Understanding the suitability of the investment to the financial requirements of the Department. Suitability is the first priority in the Department’s investment strategy, and will be evaluated on an overall basis and as a specific component of each of the remaining priorities;
2. Preservation and safety of principal;
3. Liquidity;
4. Marketability of the investment should the need arise to liquidate before maturity;
5. Diversification of the investment portfolio; and
6. Yield (after taking into account the previous five priorities).

Such investment will be in accordance with all federal and state statutes, rules, and regulations.

V. STRATEGIES

The following are the primary strategies for investment activities in order of priority after taking into account the suitability of any investment:

1. Suitability. In accordance with Section 2256.005(d) of the Act, the first priority is the suitability of investment.
2. Preservation and Safety of Principal. Investments of the Department shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk. To achieve this objective, diversification is required so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
 - A. Credit risk is the risk of loss due to the failure of the security issuer or backer, and may be mitigated by:
 - limiting investments to the safest types of securities;
 - pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with whom the Department will do business; and
 - diversifying the investment portfolio to minimize potential losses on individual securities.
 - B. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, and may be mitigated by:

- structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities in the open market prior to maturity, and
 - investing operating funds primarily in shorter-term securities.
3. Liquidity. The Department’s investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated cash flow needs. This is accomplished by structuring the portfolio so that securities mature concurrent with estimated or projected cash needs to meet anticipated demands. Since not all cash demands can be fully anticipated or projected with total accuracy, the portfolio should consist largely of securities with active secondary or resale markets, providing a reasonable level of flexibility to deal with unforeseen cash needs.
 4. Marketability. The Department will evaluate investment opportunities based on the marketability of each investment to reduce risk in the event the Department needs to liquidate the investment before maturity. Specifically, the Department will take into consideration the activity level of the secondary market for the investment.
 5. Diversification. The Department will maintain a diversified investment portfolio. Maturities will be staggered to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.
 6. Yield. The Department’s investment portfolio shall be designed with the objective of attaining a market rate of return through budgetary and economic cycles, taking into account the investment risk constraints and cash flow needs of the Department. Return on investment for short-term operating funds is of less importance than the safety and liquidity objectives described above. The core of investments is limited to relatively low-risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
 - A. A security experiencing or reasonably seen as being at risk of material decline in credit quality could be sold early to minimize the risk of loss of principal;
 - B. A security swap would improve the quality, yield, or target duration of the overall portfolio without creating other material risks or adverse features; or
 - C. Liquidity needs of the portfolio require that the security be sold and there are no preferable alternatives.

VI. DELEGATION OF AUTHORITY

The Board establishes the investment policy and objectives, obtains expert advice and assistance with respect to its actions as is necessary to exercise its responsibilities prudently, and monitors the actions of staff and advisors to ensure compliance with its policy. It is the Board’s intention that this policy be carried out by those persons who are qualified and competent in their area of expertise.

Authority to manage the Department’s investment program is granted under the provisions of Texas Government Code, Section 2306.052(b) (4) and (5) to the Director of the Department, (“Executive Director”). Responsibility for the operation of the investment program is hereby delegated to the Acting Director and the Director of Bond Finance and Chief Investment Officer acting in those capacities (collectively the “Investment Officer”) who shall carry out established written procedures and internal controls for the operation of the investment program consistent with this investment policy. The

Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Procedures should include reference to safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures may include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer.

VII. ETHICS AND CONFLICTS OF INTEREST

1. Department employees and Board members must comply with all applicable laws, and should specifically be aware of the following statutes:
 - A. Texas Government Code, Section 825.211, *Certain Interests in Loans, Investments or Contracts Prohibited*;
 - B. Texas Government Code, Section 572.051, *Standards of Conduct for Public Servants*;
 - C. Texas Government Code, Sections 553.001-003, *Disclosure by Public Servants of Interest in Property Being Acquired by Government*;
 - D. Texas Government Code, Section 552.352, *Distribution of Confidential Information*;
 - E. Texas Government Code, Section 572.054, *Representation by Former Officer or Employee of Regulatory Agency Restricted*;
 - F. Texas Penal Code, Chapter 36, *Bribery, Corrupt Influence and Gifts to Public Servants*; and
 - G. Texas Penal Code, Chapter 39, *Abuse of Office, Official Misconduct*.

The omission of any applicable statute from this list does not excuse violation of its provisions.

2. Department employees and Board members must be honest in the exercise of their duties and must not take actions which will discredit the Department.
3. Department employees and Board members should be loyal to the interest of the Department to the extent that such loyalty is not in conflict with other duties which legally have priority, and should avoid personal, employment or business relationships that create conflicts of interest.
 - A. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
 - B. Officers and employees shall disclose to the Executive Director any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the Department's investment portfolio.
 - C. Officers and employees shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the Department.
 - D. Department employees and Board members may not use their relationship with the Department to seek or obtain personal gain beyond agreed compensation and/or any properly

authorized expense reimbursement. This should not be interpreted to forbid the use of the Department as a reference or the communication to others of the fact that a relationship with the Department exists, provided that no misrepresentation is involved.

E. Department employees and Board members who have a personal business relationship with a business organization offering to engage in an investment transaction with the Department shall file a statement disclosing that personal business interest. An individual who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the Department shall file a statement disclosing that relationship. A statement required under this section must be filed with the Texas Ethics Commission and the Department's Board. For purposes of this policy, an individual has a personal business relationship with a business organization if:

- the individual owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- funds received by the Investment Officer from the business organization exceed 10 percent of the individual's gross income from the previous year; or
- the individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VIII. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Department (in conjunction with the State Comptroller) will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness; these may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state law.

The Department will use as its authorized list of broker/dealers and financial institutions any broker/dealer or financial institution that is authorized to do business with the State Comptroller. With respect to investments provided in connection with the issuance of bonds, the above requirements will be deemed met if the investment provider has the minimum credit ratings required by rating agencies and is acceptable to the bond insurer/credit enhancer, if applicable, and if the investment meets the requirements of the applicable bond trust indenture. A broker, engaged solely to secure a qualified investment referred to in this paragraph on behalf of the Department, and who will not be providing an investment instrument, shall not be subject to the above requirements and may only be engaged if approved by the Board.

IX. ETHICS AND DISCLOSURE REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISORS AND SERVICE PROVIDERS

During the 78th Legislature, Regular Session, the Texas Legislature passed *Chapter 2263, Ethics And Disclosure Requirements For Outside Financial Advisors And Service Providers* ("Chapter 2263"). Chapter 2263, under Senate Bill 1059, requires certain actions by governing boards of state entities involved in the management and investment of state funds and adds disclosure requirements for outside financial advisors and service providers. Chapter 2263 became effective September 1, 2003. Each state governmental entity required to adopt rules under Chapter 2263, Government Code, as added by this Act, must have adopted its initial rules in time for the rules to take effect not later than January 1, 2004.

Applicability. Chapter 2263 applies in connection with the management or investment of any state funds managed or invested:

1. under the Texas Constitution or other law, including Chapter 404, State Treasury Operations of Comptroller, and Chapter 2256, Public Funds Investment; and
2. by or for:
 - A. a public retirement system as defined by Section 802.001 that provides service retirement, disability retirement, or death benefits for officers or employees of the state;
 - B. an institution of higher education as defined by Section 61.003, Education Code; or
 - C. another entity that is part of state government and that manages or invests state funds or for which state funds are managed or invested.

Chapter 2263 applies in connection with the management or investment of state funds without regard to whether the funds are held in the state treasury.

Chapter 2263 does not apply to or in connection with a state governmental entity that does not manage or invest state funds and for which state funds are managed or invested only by the comptroller.

Definition. With respect to this Chapter 2263, "financial advisor or service provider" includes a person or business entity who acts as a financial advisor, financial consultant, money or investment manager, or broker.

Construction With Other Law. To the extent of a conflict between Chapter 2263 and another law, the law that imposes a stricter ethics or disclosure requirement controls.

Ethics Requirements For Outside Financial Advisors Or Service Providers. The governing body of a state governmental entity by rule shall adopt standards of conduct applicable to financial advisors or service providers who are not employees of the state governmental entity, who provide financial services to the state governmental entity or advise the state governmental entity or a member of the governing body of the state governmental entity in connection with the management or investment of state funds, and who:

1. may reasonably be expected to receive, directly or indirectly, more than \$10,000 in compensation from the entity during a fiscal year; or
2. render important investment or funds management advice to the entity or a member of the governing body of the entity, as determined by the governing body.

A contract under which a financial advisor or service provider renders financial services or advice to a state governmental entity or other person as described immediately above, in regard to compensation or duties, is voidable by the state governmental entity if the financial advisor or service provider violates a standard of conduct adopted under this section.

In addition to the disclosures required by Chapter 2263 and described below, the Department will rely upon financial advisors and service providers' submission of an Acknowledgement of Receipt of Investment Policy and Certificate of Compliance with the Public Funds Investment Act forms to evidence compliance with the Department's code of conduct and procedures as related to investments.

Disclosure Requirements For Outside Financial Advisor Or Service Provider. A financial advisor or service provider described by Section 2263.004 shall disclose in writing to the administrative head of the applicable state governmental entity and to the state auditor:

1. any relationship the financial advisor or service provider has with any party to a transaction with the state governmental entity, other than a relationship necessary to the investment or funds management services that the financial advisor or service provider performs for the state governmental entity, if a reasonable person could expect the relationship to diminish the financial advisor's or service provider's independence of judgment in the performance of the person's responsibilities to the state governmental entity; and
2. all direct or indirect pecuniary interests the financial advisor or service provider has in any party to a transaction with the state governmental entity, if the transaction is connected with any financial advice or service the financial advisor or service provider provides to the state governmental entity or to a member of the governing body in connection with the management or investment of state funds.

The financial advisor or service provider shall disclose a relationship described by the immediately preceding subsections (1) or (2) without regard to whether the relationship is a direct, indirect, personal, private, commercial, or business relationship.

A financial advisor or service provider described by Section 2263.004 shall file annually a statement with the administrative head of the applicable state governmental entity and with the state auditor. The statement must disclose each relationship and pecuniary interest described by Subsection (a) or, if no relationship or pecuniary interest described by that subsection existed during the disclosure period, the statement must affirmatively state that fact.

The annual statement must be filed not later than April 15 on a form prescribed by the governmental entity, other than the state auditor, receiving the form. The statement must cover the reporting period of the previous calendar year. The state auditor shall develop and recommend a uniform form that other governmental entities receiving the form may prescribe. The Department's disclosure form is provided as Attachment "D".

The financial advisor or service provider shall promptly file a new or amended statement with the administrative head of the applicable state governmental entity and with the state auditor whenever there is new information to report related to the immediately preceding subsections (1) or (2).

Public Information. Chapter 552, Government Code, controls the extent to which information contained in a statement filed under this chapter is subject to required public disclosure or is excepted from required public disclosure.

Anti-Boycott Verification. Financial advisors and service providers are required to comply with the requirements of Chapter 2270 of the Texas Government Code. Compliance includes a representation by each financial advisor or service provider that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) (i) does not boycott Israel and (ii) will not boycott Israel during the term for which they provide services to the Department.

Iran, Sudan and Foreign Terrorist Organizations. Financial advisors and service providers are required to comply with the requirements of Chapter 2252 of the Texas Government Code. Compliance includes a representation by each financial advisor or service provider that their firm (including any wholly owned

subsidiary, majority-owned subsidiary, parent company, or affiliate) is not an entity listed by the Texas Comptroller of Public Accounts under Sections 2252.153 or 2270.0201 of the Texas Government Code.

Exemption from Disclosure of Interested Parties. Financial advisors and service providers are required to comply with the requirements of Chapter 2252 of the Texas Government Code. Financial advisors and service providers that make a representation that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) is a publicly traded business entity are exempt from Section 2252.908 of the Texas Government Code.

X. AUTHORIZED AND SUITABLE INVESTMENTS

Trust Indenture Funds for which the Department has control of the investment decisions, all of which are held by Treasury Safekeeping for the benefit of bondholders, will be subject to the authorized investments set-forth in the applicable Indenture of Trust and any applicable supplemental indenture(s).

General, Special Revenue and Trust and Agency Funds, all of which are on deposit with the State Treasury (specifically excluding Enterprise Funds), are invested by the Treasury pursuant to Texas Government Code, Section 404.024 and Article 5221(f), Subsection 13A(d) as amended relating to Manufactured Housing.

Enterprise Fund

1. Subject to a resolution authorizing issuance of its bonds, the Department is empowered by Texas Government Code, Section 2306.173 to invest its money in bonds, obligations or other securities: or place its money in demand or time deposits, whether or not evidenced by certificates of deposit. A guaranteed investment contract is an authorized investment for bond proceeds. All bond proceeds and revenues subject to the pledge of an Indenture shall be invested in accordance with the applicable law and the provisions of the applicable indenture including “Investment Securities” as listed in such Indenture and so defined.
2. All other enterprise funds shall be invested pursuant to state law. The following are permitted investments for those funds pursuant to the Act:
 - A. Obligations of, or guaranteed by governmental entities:
 - Obligations of the United States or its agencies and instrumentalities.
 - Direct obligations of this state or its agencies and instrumentalities.
 - Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, that have a market value of not less than the principal amount of the certificates and which has a maturity that does not exceed 10 years.
 - Other obligations the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities.
 - Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

B. A Certificate of Deposit is an authorized investment under this policy if the certificate of deposit is issued by a depository institution that has its main office or a branch office in this state and is:

- guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor;
- secured by obligations that are described in subsection 2A above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates and secured by collateral as described in Section XII of this policy; and
- secured in any other manner and amount provided by law for deposits of the Department.

In addition to the authority to invest funds in certificates of deposit noted above, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this policy:

- the funds are invested by an investing entity through a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;
- the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;
- the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States;
- the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity acts as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity; and
- at the same time that the funds are deposited and the certificates of deposit are issued for the account of the investing entity, the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity receives an amount of deposits from customers of other federally insured depository institutions, wherever located, that is equal to or greater than the amount of the funds invested by the investing entity through the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor.

C. A “repurchase agreement” is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date, obligations of the United States or its agencies and instrumentalities at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement. The Department will comply with the Policy Statements and Recommended Practices for Repurchase Agreements as outlined in Attachment B. A fully collateralized repurchase agreement is an authorized investment under this policy if the repurchase agreement:

- has a defined termination date;
- is secured by collateral described in Section XV of this policy;
- requires the securities being purchased by the Department to be pledged to the Department, held in the Department’s name, and deposited at the time the investment is made with the Department or with a third party selected and approved by the Department;

- is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state; and
 - in the case of a reverse repurchase agreement, notwithstanding any other law other than the Act, the term of any such reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. In addition, money received by the Department under the terms of a reverse security repurchase agreement may be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.
- D. Commercial Paper is an authorized investment under this policy if the commercial paper:
- has a stated maturity of 270 days or fewer from the date of its issuance; and
 - is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally-recognized credit rating agencies, or one nationally-recognized credit rating agency and is fully secured, and by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
3. The following are not authorized investments pursuant to the Act:
- A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
 - B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
 - C. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
 - D. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

XI. DIVERSIFICATION

The Department will diversify its investments by security type and institution. The amount of required diversification will be determined based upon:

1. The maturity date of the investment – longer maturity dates will require more diversification; and
2. The rating of the underlying investment – lower rated investments will require a greater degree of diversification.

XII. PERFORMANCE STANDARDS

The investment portfolio shall be designed and managed with the objective of preserving principal and obtaining a rate of return throughout budgetary and economic cycles commensurate with the investment risk constraints and the cash flow needs. The basis used to determine whether market yields are being achieved shall be the three-month U.S. Treasury bill.

XIII. EFFECT OF LOSS OF REQUIRED RATING

An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not meet or exceed the minimum rating. The Department shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not meet or exceed the minimum rating. Still further, the Investment Officer is required to review monthly all investments subject to this policy to ensure that there have been no rating changes which would render such investment in violation of this policy.

XIV. MAXIMUM MATURITIES

To the extent possible, the Department will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Department will not directly invest in securities maturing more than five years from the date of purchase. The Department will periodically determine what the appropriate average weighted maturity of the portfolio should be based on anticipated cash flow requirements.

General funds dedicated to the support of single family programs may be invested in securities exceeding five years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds.

In addition, funds may be invested in any investments that are being sold from a bond indenture or are the result of the operation of the Department's single family program so long as:

1. such investment furthers the goals of that program;
2. the Investment Officer receives Board approval prior to undertaking such investment.

XV. COLLATERALIZATION

Collateralization will be required on certificates of deposit, repurchase and reverse repurchase agreements, and savings and demand deposits if not insured by FDIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level should be at least 101% of the market value of principal and accrued interest for repurchase and reverse repurchase agreements. Collateralization of 100% will be required for overnight repurchase agreements and bank deposits in excess of FDIC insurance.

The following obligations may be used as collateral under this policy:

1. obligations of the United States or its agencies and instrumentalities;
2. direct obligations of this state or its agencies and instrumentalities;
3. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
4. other obligations, the principal and interest of which are unconditionally guaranteed or insured by or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities; and
5. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally-recognized investment rating firm not less than A or its equivalent.

Collateral will always be held by an independent third party with whom the Department has a current custodial agreement. A clearly marked evidence of ownership or a safekeeping receipt must be supplied to the Department and retained. The right of collateral substitution is granted subject to prior approval by the Investment Officer.

XVI. SAFEKEEPING AND CUSTODY

All security transactions, including collateral for repurchase agreements, entered into by the Department will be executed by Delivery vs. Payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

XVII. INTERNAL CONTROL

The Investment Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that:

1. the cost of a control should not exceed the benefits likely to be derived; and
2. the valuation of costs and benefits requires estimates and judgments by management.

Once every two years, the Department, in conjunction with its annual financial audit, shall have external/internal auditors perform a compliance audit of management controls on investments and adherence to the Department's established investment policies. The internal controls shall address the following points:

1. Control of collusion. Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. Separation of transaction authority from accounting and record keeping. By separating the person who authorizes or performs the transaction from the person who records or otherwise accounts for the transaction, a separation of duties is achieved.
3. Custodial safekeeping. Securities purchased from any bank or dealer including appropriate collateral as defined by state law shall be placed with an independent third party for custodial safekeeping.
4. Avoidance of physical delivery securities. Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
5. Clear delegation of authority to subordinate staff members. Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
6. Written confirmation or telephone transactions for investments and wire transfers. Due to the potential for error and improprieties arising from telephone transactions, all telephone

transactions must be supported by written communications and approved by the appropriate person, as defined by investment internal control procedures. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.

7. Development of a wire transfer agreement with the lead bank or third party custodian. This agreement should outline the various controls, security provisions, and delineate responsibilities of each party making and receiving wire transfers.

The Department's external/internal auditors shall report the results of the audit performed under this section to the Office of the State Auditor not later than January 1 of each even-numbered year. The Office of the State Auditor compiles the results of reports received under this subsection and reports those results to the legislative audit committee once every two years.

XVIII. REPORTING

1. **Methods.** Not less than quarterly, the Investment Officer shall prepare and submit to the Executive Director and the Board of the Department a written report of investment transactions for all funds covered by this policy for the preceding reporting period; including a summary that provides a clear picture of the status of the current investment portfolio and transactions made over the previous reporting period. This report will be prepared in a manner which will allow the Department and the Board to ascertain whether investment activities during the reporting period have conformed to the investment policy. While not required under the Act, this report will provide information regarding investments held under bond trust indentures as well as investments covered under the Act. The report must:
 - A. describe in detail the investment position of the Department on the date of the report;
 - B. be prepared jointly by each Investment Officer of the Department;
 - C. be signed by each Investment Officer of the Department;
 - D. contain a summary statement, prepared in compliance with generally accepted accounting principles for each fund that states the:
 - book value and market value of each separately invested asset at the beginning and end of the reporting period; and
 - fully accrued interest for the reporting period;
 - E. state the maturity date of each separately invested asset that has a maturity date;
 - F. state the fund in the Department for which each individual investment was acquired; and
 - G. state the compliance of the investment portfolio of the Department as it relates to the investment strategy expressed in the Department's investment policy and relevant provisions of the policy.

The reports prepared by the Investment Officer under this policy shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the Board by that auditor.

2. **Performance Standards.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. Portfolio performance will be compared to appropriate benchmarks on a regular basis.

3. Marking to Market. A statement of the market value of the portfolio shall be issued at least quarterly. The Investment Officer will obtain market values from recognized published sources or from other qualified professionals as necessary. This will ensure that a review has been performed on the investment portfolio in terms of value and subsequent price volatility.

XIX. AUTHORIZED LIST OF BROKER/DEALERS AND FINANCIAL INSTITUTIONS

Not less than annually, the Investment Officer shall prepare and submit to the Executive Director and the Board of the Department a written report outlining the list of authorized broker/dealers and financial institutions maintained by the State Comptroller. The current list is provided in Attachment E.

XX. INVESTMENT POLICY ADOPTION

The Department's investment policy shall be adopted by resolution of the Board.

1. Exemptions. Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
2. Amendment. The policy shall be reviewed at least annually by the Board and any amendments made thereto must be approved by the Board. The Board shall adopt by written resolution a statement that it has reviewed the investment policies and strategies.

XXI. ACKNOWLEDGMENT OF RECEIPT OF INVESTMENT POLICY

A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction related to Department funds. The qualified representative of the business organization shall execute a written instrument in a form acceptable to the Department and the business organization, substantially to the effect that the offering business organization has:

1. received and reviewed the investment policy of the Department; and
2. acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Department and the business organization that are not authorized by the Department's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the Department's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Officer of the Department may not buy any securities from a person who has not delivered to the Department an instrument complying with this investment policy. (See sample documents in Attachment "C".)

XXII. TRAINING

Each member of the Department's Board and the Investment Officer who are in office on September 1, 1996 or who assume such duties after September 1, 1996, shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

Training under this section is provided by the Texas Higher Education Coordinating Board and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this policy. The Investment Officer shall attend a training session not less than once in a two-year period and may receive training from any independent source approved by the Department's Board. The Investment Officer shall prepare a report on the training and deliver the report to the Board not later than the 180th day after the last day of each regular session of the legislature.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment A

STRATEGY

SECTION 1

All of the Department's funds as listed below are program / operational in nature, excluding the bond funds which are listed separately in Section 2 below. The following funds are held in the State Treasury and the Department earns interest on those balances at the then applicable rate.

- General Fund
- Trust Funds
- Agency Funds
- Proprietary Funds (excluding Revenue Bond Funds)

SECTION 2

The Department's Revenue Bond Funds, including bond proceeds, are invested in various investments as stipulated by the controlling bond indenture. Certain investments, controlled by indentures prior to the latest revised Public Funds Investment Act, are properly grandfathered from its provisions. Typical investments include: guaranteed investment contracts; agency mortgage-backed securities resulting from the program's loan origination; in some cases, long-term Treasury notes; and bonds used as reserves with maturities that coincide with certain long-term bond maturities.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment B

POLICY STATEMENTS AND RECOMMENDED PRACTICE

Repurchase Agreements

1. Repurchase agreements (“repos”) are the sale by a bank or dealer of government securities with the simultaneous agreement to repurchase the securities on a later date. Repos are commonly used by public entities to secure money market rates of interest.
2. The Department affirms that repurchase agreements are an integral part of its investment program.
3. The Department and its designated Investment Officer should exercise special caution in selecting parties with whom they will conduct repurchase transactions, and be able to identify the parties acting as principals to the transaction.
4. Proper collateralization practices are necessary to protect the public funds invested in repurchase agreements. Risk is significantly reduced by delivery of underlying securities through physical delivery or safekeeping with the purchaser’s custodian. Over-collateralization, commonly called haircut, or marking-to-market practices should be mandatory procedures.
5. To protect public funds the Department should work with securities dealers, banks, and their respective associations to promote improved repurchase agreement procedures through master repurchase agreements that protect purchasers’ interests, universal standards for delivery procedures, and written risk disclosures.
6. Master repurchase agreements should generally be used subject to appropriate legal and technical review. If the prototype agreement developed by the Public Securities Association is used, appropriate supplemental provisions regarding delivery, substitution, margin maintenance, margin amounts, seller representations and governing law should be included.
7. Despite contractual agreements to the contrary, receivers, bankruptcy courts and federal agencies have interfered with the liquidation of repurchase agreement collateral. Therefore, the Department should encourage Congress to eliminate statutory and regulatory obstacles to perfected security interests and liquidation of repurchase collateral in the event of default.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment C

ACKNOWLEDGMENT OF RECEIPT OF INVESTMENT POLICY

- 1. I am a qualified representative of _____ (the “Business Organization”).
- 2. The Business Organization proposes to engage in an investment transaction (the “Investments”) with the Texas Department of Housing and Community Affairs (the “Department”).
- 3. I acknowledge that I have received and reviewed the Department’s investment policy.
- 4. I acknowledge that the Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the business organization and the Department that are not authorized by the Department’s investment policy.
- 5. The Business Organization makes no representation regarding authorization of the Investments to the extent such authorization is dependent on an analysis of the Department’s entire portfolio and which requires an interpretation of subjective investment standards.

Dated this _____ day of _____, _____.

Name: _____

Title: _____

Business Organization: _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment D

Annual Disclosure Statement for Financial Advisors and Service Providers

Figure 1
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

ANNUAL DISCLOSURE STATEMENT FOR FINANCIAL ADVISORS AND SERVICE PROVIDERS
DUE NO LATER THAN APRIL 15

INSTRUCTIONS:

- 1) THE REPORTING PERIOD COVERED BY THIS STATEMENT CONSISTS OF THE PRECEDING CALENDAR YEAR.
- 2) A NEW OR AMENDED STATEMENT MUST BE PROMPTLY FILED WITH THE PARTIES LISTED IN STEP 4 WHENEVER THERE IS NEW INFORMATION TO REPORT UNDER TEXAS GOVERNMENT CODE, SECTION 2263.005(a).
- 3) THIS STATEMENT MUST BE SUBMITTED EVEN IF YOU ANSWER "NO" TO QUESTIONS 1 AND 2 IN PART 2.
- 4) SUBMIT A COPY OF THIS STATEMENT TO THE FOLLOWING (FOR EACH GOVERNMENTAL ENTITY TO WHICH YOU PROVIDE SERVICES):
 - a. ADMINISTRATIVE HEAD OF THE STATE GOVERNMENTAL ENTITY
 - b. THE STATE AUDITOR (mail to P.O. Box 12067, Austin, TX, 78711-2067)
- 5) PROMPT FILING REQUIRES A POSTMARK DATE NO LATER THAN APRIL 15 IF THE COMPLETED FORM IS RECEIVED AT THE CORRECT ADDRESS.

PART 1: GENERAL INFORMATION

FILING TYPE (Check one) ANNUAL DISCLOSURE FOR YEAR ENDING DECEMBER 31, 20____
 UPDATED DISCLOSURE

NAME OF INDIVIDUAL _____ JOB TITLE _____

NAME OF BUSINESS ENTITY _____ TYPE OF SERVICE PROVIDED _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ PHONE _____

NAME OF STATE GOVERNMENTAL ENTITY AND/OR GOVERNING BOARD MEMBER TO WHICH YOU ARE PROVIDING SERVICES _____

PART 2: DISCLOSURES

DEFINITION: (Texas Government Code, Section 2263.002)

Financial advisor or service provider includes a person or business entity who acts as a financial advisor, financial consultant, money or investment manager, or broker.

DISCLOSURE REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISOR OR SERVICE PROVIDER (Texas Government Code, Section 2263.005)

Financial advisors and service providers (see definition) must disclose information regarding certain relationships with, and direct or indirect pecuniary interests in, any party to a transaction with the state governmental entity, without regard to whether the relationships are direct, indirect, personal, private, commercial, or business relationships.

- 1) Do you or does your business entity have any relationship with any party to a transaction with the state governmental entity (other than a relationship necessary to the investment or funds management services that you or your business entity performs for the state governmental entity) for which a reasonable person could expect the relationship to diminish your or your business entity's independence of judgment in the performance of your responsibilities to the state entity?
Yes _____ No _____

If yes, please explain in detail. (Attach additional sheets as needed.)

2) Do you or does your business entity have any direct or indirect pecuniary interests in any party to a transaction with the state governmental entity if the transaction is connected with any financial advice or service that you or your business entity provides to the state governmental entity or to a member of the governing body in connection with the management or investment of state funds?

Yes _____ No _____

If yes, please explain in detail. (Attach additional sheets as needed.)

PART 3: SIGNATURE AND DATE

I hereby attest that all information provided above is complete and accurate. I acknowledge my or my firm's responsibility to submit promptly a new or amended disclosure statement to the parties listed in step 4 of the instructions if any of the above information changes.

Signature _____ Date _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment E



COMPTROLLER OF PUBLIC ACCOUNTS
Revised FY19 Broker Dealer List
March 2019

Amherst Pierpont Securities LLC
Barclays Capital Inc.
Blaylock Van LLC
BMO Capital Markets Corp.
BNP Paribas Securities Corp.
BNY Mellon Capital Markets, LLC
BOK Financial Services
Brean Capital
Cantor Fitzgerald & Co.*
Capital Institutional Services, Inc.
CIBC World Markets Corp.*
Citigroup Global Markets Inc.
Credit Agricole Securities (USA)
Daiwa Capital Markets America, Inc.*
FTN Financial Securities Corp.
Goldman Sachs & Co.
Guggenheim Partners
HSBC Securities (USA), Inc.
Jefferies, LLC
J.P. Morgan Securities LLC
Loop Capital Markets, LLC*
Merrill Lynch Pierce Fenner & Smith
Mesirow Financial Inc.
Mischler Financial Group, Inc.
Mitsubishi UFJ Securities (USA)
Mizuho Securities USA Inc.

Morgan Stanley Smith Barney LLC
Multi-Bank Securities, Inc.
Mutual Securities, Inc.*
NatWest Securities (formerly RBS)
Nomura Securities International Inc.
Oppenheimer & Co. Inc.
Piper Jaffray & Co.
Ramirez & Company
Raymond James & Associates Inc.
RBC Capital Markets, LLC
Rice Securities, LLC
Robert W. Baird & Co., Inc.
Scotia Capital (USA) Inc.
S.G. Americas Securities LLC
Signature Securities Group Corp.
SMBC Nikko Securities America, Inc.*
Stifel, Nicolaus & Company Inc.
SunTrust Robinson Humphrey Inc.
T.D. Securities (USA) LLC
UBS Securities LLC
Vining Sparks IGB, LP
Virtu Americas LLC
Wells Fargo Securities, LLC
Williams Capital Group, LP*
ZB, NA, Investment Division

***Added, Mid-Year Review 2019**

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

INVESTMENT POLICY

As presented to the Board for adoption on April ~~26~~25, 2018⁹

~~2018~~2019

April ~~26~~25, 2018⁹2019

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

INVESTMENT POLICY

I. POLICY

It is the policy of the Texas Department of Housing and Community Affairs (the “Department”) to invest public funds in a manner that will provide, by priority, the following objectives:

1. Safety of principal;
2. Sufficient liquidity to meet Department cash flow needs;
3. Market rate of return for the risk assumed; and
4. Conformance to all applicable state statutes governing the investment of public funds including the Department’s enabling legislation, Texas Government Code, Chapter 2306, Texas Government Code, Chapter 2263, Ethics and Disclosure Requirements for Outside Financial Advisors and Service Providers, and specifically Texas Government Code, Chapter 2256, the Public Funds Investment Act (the “Act”).

It is further the intent of the Department to set forth in this document how all investments will be administered, providing for an all-inclusive document that will ensure consistency and thoroughness in the presentation of such investments, as they affect the Department’s presentation of its financial statements.

II. SCOPE

This investment policy applies to all investments, including both direct investments and investments that are subject to trust indentures created and supplemented in connection with bonds issued by the Department. All of these investments are accounted for in the Department’s Comprehensive Annual Financial Report and include the General Fund, Special Revenue Fund, Trust and Agency Fund, and Enterprise Fund.

This investment policy does not apply to investments in instruments that constitute hedges, which include but are not limited to, interest rate swaps, caps, floors, futures contracts, forward contracts, etc., that satisfy the eligibility requirements of a “qualified hedge” as defined by Section 1.148-4(h)(2) of the Internal Revenue Code.

The Department has created and adopted a separate Interest Rate Swap Policy for guidance regarding the use and management of such hedges.

III. PRUDENCE

Investments shall be made with judgment and care under prevailing circumstances which persons of prudence, discretion and intelligence would exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety and liquidity of capital as well as the probable income to be derived.

The standard of prudence to be used by the investment officers named herein shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. An investment officer acting in accordance with the investment policy and written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

IV. INVESTMENT PRIORITIES

Investment by the Department will be in accordance with the following priorities in order of importance:

1. Understanding the suitability of the investment to the financial requirements of the Department. Suitability is the first priority in the Department’s investment strategy, and will be evaluated on an overall basis and as a specific component of each of the remaining priorities;
2. Preservation and safety of principal;
3. Liquidity;
4. Marketability of the investment should the need arise to liquidate before maturity;
5. Diversification of the investment portfolio; and
6. Yield (after taking into account the previous five priorities).

Such investment will be in accordance with all federal and state statutes, rules, and regulations.

V. STRATEGIES

The following are the primary strategies for investment activities in order of priority after taking into account the suitability of any investment:

1. Suitability. In accordance with Section 2256.005(d) of the Act, the first priority is the suitability of investment.
2. Preservation and Safety of Principal. Investments of the Department shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk. To achieve this objective, diversification is required so that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
 - A. Credit risk is the risk of loss due to the failure of the security issuer or backer, and may be mitigated by:
 - limiting investments to the safest types of securities;
 - pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with whom the Department will do business; and
 - diversifying the investment portfolio to minimize potential losses on individual securities.
 - B. Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, and may be mitigated by:

- structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities in the open market prior to maturity, and
 - investing operating funds primarily in shorter-term securities.
3. Liquidity. The Department’s investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated cash flow needs. This is accomplished by structuring the portfolio so that securities mature concurrent with estimated or projected cash needs to meet anticipated demands. Since not all cash demands can be fully anticipated or projected with total accuracy, the portfolio should consist largely of securities with active secondary or resale markets, providing a reasonable level of flexibility to deal with unforeseen cash needs.
 4. Marketability. The Department will evaluate investment opportunities based on the marketability of each investment to reduce risk in the event the Department needs to liquidate the investment before maturity. Specifically, the Department will take into consideration the activity level of the secondary market for the investment.
 5. Diversification. The Department will maintain a diversified investment portfolio. Maturities will be staggered to provide cash flows based on anticipated needs. Investment risks will be reduced through diversification among authorized investments.
 6. Yield. The Department’s investment portfolio shall be designed with the objective of attaining a market rate of return through budgetary and economic cycles, taking into account the investment risk constraints and cash flow needs of the Department. Return on investment for short-term operating funds is of less importance than the safety and liquidity objectives described above. The core of investments is limited to relatively low-risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
 - A. A security experiencing or reasonably seen as being at risk of material decline in credit quality could be sold early to minimize the risk of loss of principal;
 - B. A security swap would improve the quality, yield, or target duration of the overall portfolio without creating other material risks or adverse features; or
 - C. Liquidity needs of the portfolio require that the security be sold and there are no preferable alternatives.

VI. DELEGATION OF AUTHORITY

The Board establishes the investment policy and objectives, obtains expert advice and assistance with respect to its actions as is necessary to exercise its responsibilities prudently, and monitors the actions of staff and advisors to ensure compliance with its policy. It is the Board’s intention that this policy be carried out by those persons who are qualified and competent in their area of expertise.

Authority to manage the Department’s investment program is granted under the provisions of Texas Government Code, Section 2306.052(b) (4) and (5) to the Director of the Department, (“Executive Director”). Responsibility for the operation of the investment program is hereby delegated ~~by the Executive Director~~ to the Chief Investment Officer/Acting Director and the Director of Bond Finance and Chief Financial Investment Officer acting in those capacities (collectively the “Investment Officer”) who shall carry out established written procedures and internal controls for the operation of the investment

program consistent with this investment policy. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Procedures should include reference to safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures may include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer.

VII. ETHICS AND CONFLICTS OF INTEREST

1. Department employees and Board members must comply with all applicable laws, and should specifically be aware of the following statutes:
 - A. Texas Government Code, Section 825.211, *Certain Interests in Loans, Investments or Contracts Prohibited*;
 - B. Texas Government Code, Section 572.051, *Standards of Conduct for Public Servants*;
 - C. Texas Government Code, Sections 553.001-003, *Disclosure by Public Servants of Interest in Property Being Acquired by Government*;
 - D. Texas Government Code, Section 552.352, *Distribution of Confidential Information*;
 - E. Texas Government Code, Section 572.054, *Representation by Former Officer or Employee of Regulatory Agency Restricted*;
 - F. Texas Penal Code, Chapter 36, *Bribery, Corrupt Influence and Gifts to Public Servants*; and
 - G. Texas Penal Code, Chapter 39, *Abuse of Office, Official Misconduct*.

The omission of any applicable statute from this list does not excuse violation of its provisions.

2. Department employees and Board members must be honest in the exercise of their duties and must not take actions which will discredit the Department.
3. Department employees and Board members should be loyal to the interest of the Department to the extent that such loyalty is not in conflict with other duties which legally have priority, and should avoid personal, employment or business relationships that create conflicts of interest.
 - A. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.
 - B. Officers and employees shall disclose to the Executive Director any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the Department's investment portfolio.
 - C. Officers and employees shall refrain from undertaking personal investment transactions with the same individuals with whom business is conducted on behalf of the Department.
 - D. Department employees and Board members may not use their relationship with the Department to seek or obtain personal gain beyond agreed compensation and/or any properly

authorized expense reimbursement. This should not be interpreted to forbid the use of the Department as a reference or the communication to others of the fact that a relationship with the Department exists, provided that no misrepresentation is involved.

E. Department employees and Board members who have a personal business relationship with a business organization offering to engage in an investment transaction with the Department shall file a statement disclosing that personal business interest. An individual who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the Department shall file a statement disclosing that relationship. A statement required under this section must be filed with the Texas Ethics Commission and the Department's Board. For purposes of this policy, an individual has a personal business relationship with a business organization if:

- the individual owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
- funds received by the Investment Officer from the business organization exceed 10 percent of the individual's gross income from the previous year; or
- the individual has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the individual.

VIII. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Department (in conjunction with the State Comptroller) will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness; these may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule). No public deposit shall be made except in a qualified public depository as established by state law.

The Department will use as its authorized list of broker/dealers and financial institutions any broker/dealer or financial institution that is authorized to do business with the State Comptroller. With respect to investments provided in connection with the issuance of bonds, the above requirements will be deemed met if the investment provider has the minimum credit ratings required by rating agencies and is acceptable to the bond insurer/credit enhancer, if applicable, and if the investment meets the requirements of the applicable bond trust indenture. A broker, engaged solely to secure a qualified investment referred to in this paragraph on behalf of the Department, and who will not be providing an investment instrument, shall not be subject to the above requirements and may only be engaged if approved by the Board.

IX. ETHICS AND DISCLOSURE REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISORS AND SERVICE PROVIDERS

During the 78th Legislature, Regular Session, the Texas Legislature passed *Chapter 2263, Ethics And Disclosure Requirements For Outside Financial Advisors And Service Providers* ("Chapter 2263"). Chapter 2263, under Senate Bill 1059, requires certain actions by governing boards of state entities involved in the management and investment of state funds and adds disclosure requirements for outside financial advisors and service providers. Chapter 2263 became effective September 1, 2003. Each state governmental entity required to adopt rules under Chapter 2263, Government Code, as added by this Act, must have adopted its initial rules in time for the rules to take effect not later than January 1, 2004.

Applicability. Chapter 2263 applies in connection with the management or investment of any state funds managed or invested:

1. under the Texas Constitution or other law, including Chapter 404, State Treasury Operations of Comptroller, and Chapter 2256, Public Funds Investment; and
2. by or for:
 - A. a public retirement system as defined by Section 802.001 that provides service retirement, disability retirement, or death benefits for officers or employees of the state;
 - B. an institution of higher education as defined by Section 61.003, Education Code; or
 - C. another entity that is part of state government and that manages or invests state funds or for which state funds are managed or invested.

Chapter 2263 applies in connection with the management or investment of state funds without regard to whether the funds are held in the state treasury.

Chapter 2263 does not apply to or in connection with a state governmental entity that does not manage or invest state funds and for which state funds are managed or invested only by the comptroller.

Definition. With respect to this Chapter 2263, "financial advisor or service provider" includes a person or business entity who acts as a financial advisor, financial consultant, money or investment manager, or broker.

Construction With Other Law. To the extent of a conflict between Chapter 2263 and another law, the law that imposes a stricter ethics or disclosure requirement controls.

Ethics Requirements For Outside Financial Advisors Or Service Providers. The governing body of a state governmental entity by rule shall adopt standards of conduct applicable to financial advisors or service providers who are not employees of the state governmental entity, who provide financial services to the state governmental entity or advise the state governmental entity or a member of the governing body of the state governmental entity in connection with the management or investment of state funds, and who:

1. may reasonably be expected to receive, directly or indirectly, more than \$10,000 in compensation from the entity during a fiscal year; or
2. render important investment or funds management advice to the entity or a member of the governing body of the entity, as determined by the governing body.

A contract under which a financial advisor or service provider renders financial services or advice to a state governmental entity or other person as described immediately above, in regard to compensation or duties, is voidable by the state governmental entity if the financial advisor or service provider violates a standard of conduct adopted under this section.

In addition to the disclosures required by Chapter 2263 and described below, the Department will rely upon financial advisors and service providers' submission of an Acknowledgement of Receipt of Investment Policy and Certificate of Compliance with the Public Funds Investment Act forms to evidence compliance with the Department's code of conduct and procedures as related to investments.

Disclosure Requirements For Outside Financial Advisor Or Service Provider. A financial advisor or service provider described by Section 2263.004 shall disclose in writing to the administrative head of the applicable state governmental entity and to the state auditor:

1. any relationship the financial advisor or service provider has with any party to a transaction with the state governmental entity, other than a relationship necessary to the investment or funds management services that the financial advisor or service provider performs for the state governmental entity, if a reasonable person could expect the relationship to diminish the financial advisor's or service provider's independence of judgment in the performance of the person's responsibilities to the state governmental entity; and
2. all direct or indirect pecuniary interests the financial advisor or service provider has in any party to a transaction with the state governmental entity, if the transaction is connected with any financial advice or service the financial advisor or service provider provides to the state governmental entity or to a member of the governing body in connection with the management or investment of state funds.

The financial advisor or service provider shall disclose a relationship described by the immediately preceding subsections (1) or (2) without regard to whether the relationship is a direct, indirect, personal, private, commercial, or business relationship.

A financial advisor or service provider described by Section 2263.004 shall file annually a statement with the administrative head of the applicable state governmental entity and with the state auditor. The statement must disclose each relationship and pecuniary interest described by Subsection (a) or, if no relationship or pecuniary interest described by that subsection existed during the disclosure period, the statement must affirmatively state that fact.

The annual statement must be filed not later than April 15 on a form prescribed by the governmental entity, other than the state auditor, receiving the form. The statement must cover the reporting period of the previous calendar year. The state auditor shall develop and recommend a uniform form that other governmental entities receiving the form may prescribe. The Department's disclosure form is provided as Attachment "D".

The financial advisor or service provider shall promptly file a new or amended statement with the administrative head of the applicable state governmental entity and with the state auditor whenever there is new information to report related to the immediately preceding subsections (1) or (2).

Public Information. Chapter 552, Government Code, controls the extent to which information contained in a statement filed under this chapter is subject to required public disclosure or is excepted from required public disclosure.

Anti-Boycott Verification. Financial advisors and service providers are required to comply with the requirements of Chapter 2270 of the Texas Government Code. Compliance includes a representation by each financial advisor or service provider that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) (i) does not boycott Israel and (ii) will not boycott Israel during the term for which they provide services to the Department.

Iran, Sudan and Foreign Terrorist Organizations. Financial advisors and service providers are required to comply with the requirements of Chapter 2252 of the Texas Government Code. Compliance includes a representation by each financial advisor or service provider that their firm (including any wholly owned

subsidiary, majority-owned subsidiary, parent company, or affiliate) is not an entity listed by the Texas Comptroller of Public Accounts under Sections 2252.153 or 2270.0201 of the Texas Government Code.

Exemption from Disclosure of Interested Parties. Financial advisors and service providers are required to comply with the requirements of Chapter 2252 of the Texas Government Code. Financial advisors and service providers that make a representation that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) is a publicly traded business entity are exempt from Section 2252.908 of the Texas Government Code.

X. AUTHORIZED AND SUITABLE INVESTMENTS

Trust Indenture Funds for which the Department has control of the investment decisions, all of which are held by Treasury Safekeeping for the benefit of bondholders, will be subject to the authorized investments set-forth in the applicable Indenture of Trust and any applicable supplemental indenture(s).

General, Special Revenue and Trust and Agency Funds, all of which are on deposit with the State Treasury (specifically excluding Enterprise Funds), are invested by the Treasury pursuant to Texas Government Code, Section 404.024 and Article 5221(f), Subsection 13A(d) as amended relating to Manufactured Housing.

Enterprise Fund

1. Subject to a resolution authorizing issuance of its bonds, the Department is empowered by Texas Government Code, Section 2306.173 to invest its money in bonds, obligations or other securities; or place its money in demand or time deposits, whether or not evidenced by certificates of deposit. A guaranteed investment contract is an authorized investment for bond proceeds. All bond proceeds and revenues subject to the pledge of an Indenture shall be invested in accordance with the applicable law and the provisions of the applicable indenture including “Investment Securities” as listed in such Indenture and so defined.
2. All other enterprise funds shall be invested pursuant to state law. The following are permitted investments for those funds pursuant to the Act:
 - A. Obligations of, or guaranteed by governmental entities:
 - Obligations of the United States or its agencies and instrumentalities.
 - Direct obligations of this state or its agencies and instrumentalities.
 - Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, that have a market value of not less than the principal amount of the certificates and which has a maturity that does not exceed 10 years.
 - Other obligations the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities.
 - Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

B. A Certificate of Deposit is an authorized investment under this policy if the certificate of deposit is issued by a depository institution that has its main office or a branch office in this state and is:

- guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor;
- secured by obligations that are described in subsection 2A above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates and secured by collateral as described in Section XII of this policy; and
- secured in any other manner and amount provided by law for deposits of the Department.

In addition to the authority to invest funds in certificates of deposit noted above, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this policy:

- the funds are invested by an investing entity through a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;
- the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;
- the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States;
- the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity acts as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity; and
- at the same time that the funds are deposited and the certificates of deposit are issued for the account of the investing entity, the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor as selected by the investing entity receives an amount of deposits from customers of other federally insured depository institutions, wherever located, that is equal to or greater than the amount of the funds invested by the investing entity through the depository institution guaranteed or insured by the Federal Deposit Insurance Department (FDIC) or its successor.

C. A “repurchase agreement” is a simultaneous agreement to buy, hold for a specified time, and sell back at a future date, obligations of the United States or its agencies and instrumentalities at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement. The Department will comply with the Policy Statements and Recommended Practices for Repurchase Agreements as outlined in Attachment B. A fully collateralized repurchase agreement is an authorized investment under this policy if the repurchase agreement:

- has a defined termination date;
- is secured by collateral described in Section XV of this policy;
- requires the securities being purchased by the Department to be pledged to the Department, held in the Department’s name, and deposited at the time the investment is made with the Department or with a third party selected and approved by the Department;

- is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state; and
 - in the case of a reverse repurchase agreement, notwithstanding any other law other than the Act, the term of any such reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. In addition, money received by the Department under the terms of a reverse security repurchase agreement may be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.
- D. Commercial Paper is an authorized investment under this policy if the commercial paper:
- has a stated maturity of 270 days or fewer from the date of its issuance; and
 - is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally-recognized credit rating agencies, or one nationally-recognized credit rating agency and is fully secured, and by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.
3. The following are not authorized investments pursuant to the Act:
- A. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
 - B. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
 - C. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
 - D. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

XI. DIVERSIFICATION

The Department will diversify its investments by security type and institution. The amount of required diversification will be determined based upon:

1. The maturity date of the investment – longer maturity dates will require more diversification; and
2. The rating of the underlying investment – lower rated investments will require a greater degree of diversification.

XII. PERFORMANCE STANDARDS

The investment portfolio shall be designed and managed with the objective of preserving principal and obtaining a rate of return throughout budgetary and economic cycles commensurate with the investment risk constraints and the cash flow needs. The basis used to determine whether market yields are being achieved shall be the three-month U.S. Treasury bill.

XIII. EFFECT OF LOSS OF REQUIRED RATING

An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not meet or exceed the minimum rating. The Department shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not meet or exceed the minimum rating. Still further, the Investment Officer is required to review monthly all investments subject to this policy to ensure that there have been no rating changes which would render such investment in violation of this policy.

XIV. MAXIMUM MATURITIES

To the extent possible, the Department will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Department will not directly invest in securities maturing more than five years from the date of purchase. The Department will periodically determine what the appropriate average weighted maturity of the portfolio should be based on anticipated cash flow requirements.

General funds dedicated to the support of single family programs may be invested in securities exceeding five years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds.

In addition, funds may be invested in any investments that are being sold from a bond indenture or are the result of the operation of the Department's single family program so long as:

1. such investment furthers the goals of that program;
2. the Investment Officer receives Board approval prior to undertaking such investment.

XV. COLLATERALIZATION

Collateralization will be required on certificates of deposit, repurchase and reverse repurchase agreements, and savings and demand deposits if not insured by FDIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level should be at least 101% of the market value of principal and accrued interest for repurchase and reverse repurchase agreements. Collateralization of 100% will be required for overnight repurchase agreements and bank deposits in excess of FDIC insurance.

The following obligations may be used as collateral under this policy:

1. obligations of the United States or its agencies and instrumentalities;
2. direct obligations of this state or its agencies and instrumentalities;
3. collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
4. other obligations, the principal and interest of which are unconditionally guaranteed or insured by or backed by the full faith and credit of this state or the United States or their respective agencies and instrumentalities; and
5. obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally-recognized investment rating firm not less than A or its equivalent.

Collateral will always be held by an independent third party with whom the Department has a current custodial agreement. A clearly marked evidence of ownership or a safekeeping receipt must be supplied to the Department and retained. The right of collateral substitution is granted subject to prior approval by the Investment Officer.

XVI. SAFEKEEPING AND CUSTODY

All security transactions, including collateral for repurchase agreements, entered into by the Department will be executed by Delivery vs. Payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third-party custodian as evidenced by safekeeping receipts.

XVII. INTERNAL CONTROL

The Investment Officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that:

1. the cost of a control should not exceed the benefits likely to be derived; and
2. the valuation of costs and benefits requires estimates and judgments by management.

Once every two years, the Department, in conjunction with its annual financial audit, shall have external/internal auditors perform a compliance audit of management controls on investments and adherence to the Department's established investment policies. The internal controls shall address the following points:

1. Control of collusion. Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. Separation of transaction authority from accounting and record keeping. By separating the person who authorizes or performs the transaction from the person who records or otherwise accounts for the transaction, a separation of duties is achieved.
3. Custodial safekeeping. Securities purchased from any bank or dealer including appropriate collateral as defined by state law shall be placed with an independent third party for custodial safekeeping.
4. Avoidance of physical delivery securities. Book entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
5. Clear delegation of authority to subordinate staff members. Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
6. Written confirmation or telephone transactions for investments and wire transfers. Due to the potential for error and improprieties arising from telephone transactions, all telephone

transactions must be supported by written communications and approved by the appropriate person, as defined by investment internal control procedures. Written communications may be via fax if on letterhead and the safekeeping institution has a list of authorized signatures.

7. Development of a wire transfer agreement with the lead bank or third party custodian. This agreement should outline the various controls, security provisions, and delineate responsibilities of each party making and receiving wire transfers.

The Department's external/internal auditors shall report the results of the audit performed under this section to the Office of the State Auditor not later than January 1 of each even-numbered year. The Office of the State Auditor compiles the results of reports received under this subsection and reports those results to the legislative audit committee once every two years.

XVIII. REPORTING

1. **Methods.** Not less than quarterly, the Investment Officer shall prepare and submit to the Executive Director and the Board of the Department a written report of investment transactions for all funds covered by this policy for the preceding reporting period; including a summary that provides a clear picture of the status of the current investment portfolio and transactions made over the previous reporting period. This report will be prepared in a manner which will allow the Department and the Board to ascertain whether investment activities during the reporting period have conformed to the investment policy. While not required under the Act, this report will provide information regarding investments held under bond trust indentures as well as investments covered under the Act. The report must:
 - A. describe in detail the investment position of the Department on the date of the report;
 - B. be prepared jointly by each Investment Officer of the Department;
 - C. be signed by each Investment Officer of the Department;
 - D. contain a summary statement, prepared in compliance with generally accepted accounting principles for each fund that states the:
 - book value and market value of each separately invested asset at the beginning and end of the reporting period; and
 - fully accrued interest for the reporting period;
 - E. state the maturity date of each separately invested asset that has a maturity date;
 - F. state the fund in the Department for which each individual investment was acquired; and
 - G. state the compliance of the investment portfolio of the Department as it relates to the investment strategy expressed in the Department's investment policy and relevant provisions of the policy.

The reports prepared by the Investment Officer under this policy shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the Board by that auditor.

2. **Performance Standards.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. Portfolio performance will be compared to appropriate benchmarks on a regular basis.

3. Marking to Market. A statement of the market value of the portfolio shall be issued at least quarterly. The Investment Officer will obtain market values from recognized published sources or from other qualified professionals as necessary. This will ensure that a review has been performed on the investment portfolio in terms of value and subsequent price volatility.

XIX. AUTHORIZED LIST OF BROKER/DEALERS AND FINANCIAL INSTITUTIONS

Not less than annually, the Investment Officer shall prepare and submit to the Executive Director and the Board of the Department a written report outlining the list of authorized broker/dealers and financial institutions maintained by the State Comptroller. The current list is provided in Attachment E.

XX. INVESTMENT POLICY ADOPTION

The Department's investment policy shall be adopted by resolution of the Board.

1. Exemptions. Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.
2. Amendment. The policy shall be reviewed at least annually by the Board and any amendments made thereto must be approved by the Board. The Board shall adopt by written resolution a statement that it has reviewed the investment policies and strategies.

XXI. ACKNOWLEDGMENT OF RECEIPT OF INVESTMENT POLICY

A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction related to Department funds. The qualified representative of the business organization shall execute a written instrument in a form acceptable to the Department and the business organization, substantially to the effect that the offering business organization has:

1. received and reviewed the investment policy of the Department; and
2. acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Department and the business organization that are not authorized by the Department's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the Department's entire portfolio or requires an interpretation of subjective investment standards.

The Investment Officer of the Department may not buy any securities from a person who has not delivered to the Department an instrument complying with this investment policy. (See sample documents in Attachment "C".)

XXII. TRAINING

Each member of the Department's Board and the Investment Officer who are in office on September 1, 1996 or who assume such duties after September 1, 1996, shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

Training under this section is provided by the Texas Higher Education Coordinating Board and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this policy. The Investment Officer shall attend a training session not less than once in a two-year period and may receive training from any independent source approved by the Department's Board. The Investment Officer shall prepare a report on the training and deliver the report to the Board not later than the 180th day after the last day of each regular session of the legislature.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment A

STRATEGY

SECTION 1

All of the Department's funds as listed below are program / operational in nature, excluding the bond funds which are listed separately in Section 2 below. The following funds are held in the State Treasury and the Department earns interest on those balances at the then applicable rate.

- General Fund
- Trust Funds
- Agency Funds
- Proprietary Funds (excluding Revenue Bond Funds)

SECTION 2

The Department's Revenue Bond Funds, including bond proceeds, are invested in various investments as stipulated by the controlling bond indenture. Certain investments, controlled by indentures prior to the latest revised Public Funds Investment Act, are properly grandfathered from its provisions. Typical investments include: guaranteed investment contracts; agency mortgage-backed securities resulting from the program's loan origination; in some cases, long-term Treasury notes; and bonds used as reserves with maturities that coincide with certain long-term bond maturities.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment B

POLICY STATEMENTS AND RECOMMENDED PRACTICE

Repurchase Agreements

1. Repurchase agreements (“repos”) are the sale by a bank or dealer of government securities with the simultaneous agreement to repurchase the securities on a later date. Repos are commonly used by public entities to secure money market rates of interest.
2. The Department affirms that repurchase agreements are an integral part of its investment program.
3. The Department and its designated Investment Officer should exercise special caution in selecting parties with whom they will conduct repurchase transactions, and be able to identify the parties acting as principals to the transaction.
4. Proper collateralization practices are necessary to protect the public funds invested in repurchase agreements. Risk is significantly reduced by delivery of underlying securities through physical delivery or safekeeping with the purchaser’s custodian. Over-collateralization, commonly called haircut, or marking-to-market practices should be mandatory procedures.
5. To protect public funds the Department should work with securities dealers, banks, and their respective associations to promote improved repurchase agreement procedures through master repurchase agreements that protect purchasers’ interests, universal standards for delivery procedures, and written risk disclosures.
6. Master repurchase agreements should generally be used subject to appropriate legal and technical review. If the prototype agreement developed by the Public Securities Association is used, appropriate supplemental provisions regarding delivery, substitution, margin maintenance, margin amounts, seller representations and governing law should be included.
7. Despite contractual agreements to the contrary, receivers, bankruptcy courts and federal agencies have interfered with the liquidation of repurchase agreement collateral. Therefore, the Department should encourage Congress to eliminate statutory and regulatory obstacles to perfected security interests and liquidation of repurchase collateral in the event of default.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment C

ACKNOWLEDGMENT OF RECEIPT OF INVESTMENT POLICY

- 1. I am a qualified representative of _____ (the “Business Organization”).
- 2. The Business Organization proposes to engage in an investment transaction (the “Investments”) with the Texas Department of Housing and Community Affairs (the “Department”).
- 3. I acknowledge that I have received and reviewed the Department’s investment policy.
- 4. I acknowledge that the Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the business organization and the Department that are not authorized by the Department’s investment policy.
- 5. The Business Organization makes no representation regarding authorization of the Investments to the extent such authorization is dependent on an analysis of the Department’s entire portfolio and which requires an interpretation of subjective investment standards.

Dated this _____ day of _____, _____.

Name: _____

Title: _____

Business Organization: _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment D

Annual Disclosure Statement for Financial Advisors and Service Providers

**Figure 1
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

**ANNUAL DISCLOSURE STATEMENT FOR FINANCIAL ADVISORS AND SERVICE PROVIDERS
DUE NO LATER THAN APRIL 15**

INSTRUCTIONS:

- 1) THE REPORTING PERIOD COVERED BY THIS STATEMENT CONSISTS OF THE PRECEDING CALENDAR YEAR.
- 2) A NEW OR AMENDED STATEMENT MUST BE PROMPTLY FILED WITH THE PARTIES LISTED IN STEP 4 WHENEVER THERE IS NEW INFORMATION TO REPORT UNDER TEXAS GOVERNMENT CODE, SECTION 2263.005(a).
- 3) THIS STATEMENT MUST BE SUBMITTED EVEN IF YOU ANSWER “NO” TO QUESTIONS 1 AND 2 IN PART 2.
- 4) SUBMIT A COPY OF THIS STATEMENT TO THE FOLLOWING (FOR EACH GOVERNMENTAL ENTITY TO WHICH YOU PROVIDE SERVICES):
 - a. ADMINISTRATIVE HEAD OF THE STATE GOVERNMENTAL ENTITY
 - b. THE STATE AUDITOR (mail to P.O. Box 12067, Austin, TX, 78711-2067)
- 5) PROMPT FILING REQUIRES A POSTMARK DATE NO LATER THAN APRIL 15 IF THE COMPLETED FORM IS RECEIVED AT THE CORRECT ADDRESS.

PART 1: GENERAL INFORMATION

FILING TYPE (Check one) ANNUAL DISCLOSURE FOR YEAR ENDING DECEMBER 31, 20____
 UPDATED DISCLOSURE

NAME OF INDIVIDUAL _____ JOB TITLE _____

NAME OF BUSINESS ENTITY _____ TYPE OF SERVICE PROVIDED _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____ PHONE _____

NAME OF STATE GOVERNMENTAL ENTITY AND/OR GOVERNING BOARD MEMBER TO WHICH YOU ARE PROVIDING SERVICES _____

PART 2: DISCLOSURES

DEFINITION: (Texas Government Code, Section 2263.002)

Financial advisor or service provider includes a person or business entity who acts as a financial advisor, financial consultant, money or investment manager, or broker.

DISCLOSURE REQUIREMENTS FOR OUTSIDE FINANCIAL ADVISOR OR SERVICE PROVIDER (Texas Government Code, Section 2263.005)

Financial advisors and service providers (see definition) must disclose information regarding certain relationships with, and direct or indirect pecuniary interests in, any party to a transaction with the state governmental entity, without regard to whether the relationships are direct, indirect, personal, private, commercial, or business relationships.

- 1) Do you or does your business entity have any relationship with any party to a transaction with the state governmental entity (other than a relationship necessary to the investment or funds management services that you or your business entity performs for the state governmental entity) for which a reasonable person could expect the relationship to diminish your or your business entity’s independence of judgment in the performance of your responsibilities to the state entity?
 Yes _____ No _____

If yes, please explain in detail. (Attach additional sheets as needed.)

2) Do you or does your business entity have any direct or indirect pecuniary interests in any party to a transaction with the state governmental entity if the transaction is connected with any financial advice or service that you or your business entity provides to the state governmental entity or to a member of the governing body in connection with the management or investment of state funds?

Yes _____ No _____

If yes, please explain in detail. (Attach additional sheets as needed.)

PART 3: SIGNATURE AND DATE

I hereby attest that all information provided above is complete and accurate. I acknowledge my or my firm's responsibility to submit promptly a new or amended disclosure statement to the parties listed in step 4 of the instructions if any of the above information changes.

Signature _____ Date _____

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Attachment E



COMPTROLLER OF PUBLIC ACCOUNTS
Revised FY19 Broker Dealer List
March 2019

Amherst Pierpont Securities LLC
Barclays Capital Inc.
Blaylock Van LLC
BMO Capital Markets Corp.
BNP Paribas Securities Corp.
BNY Mellon Capital Markets, LLC
BOK Financial Services
Brean Capital
Cantor Fitzgerald & Co.*
Capital Institutional Services, Inc.
CIBC World Markets Corp.*
Citigroup Global Markets Inc.
Credit Agricole Securities (USA)
Daiwa Capital Markets America, Inc.*
FTN Financial Securities Corp.
Goldman Sachs & Co.
Guggenheim Partners
HSBC Securities (USA), Inc.
Jefferies, LLC
J.P. Morgan Securities LLC
Loop Capital Markets, LLC*
Merrill Lynch Pierce Fenner & Smith
Mesirow Financial Inc.
Mischler Financial Group, Inc.
Mitsubishi UFJ Securities (USA)
Mizuho Securities USA Inc.

Morgan Stanley Smith Barney LLC
Multi-Bank Securities, Inc.
Mutual Securities, Inc.*
NatWest Securities (formerly RBS)
Nomura Securities International Inc.
Oppenheimer & Co. Inc.
Piper Jaffray & Co.
Ramirez & Company
Raymond James & Associates Inc.
RBC Capital Markets, LLC
Rice Securities, LLC
Robert W. Baird & Co., Inc.
Scotia Capital (USA) Inc.
S.G. Americas Securities LLC
Signature Securities Group Corp.
SMBC Nikko Securities America, Inc.*
Stifel, Nicolaus & Company Inc.
SunTrust Robinson Humphrey Inc.
T.D. Securities (USA) LLC
UBS Securities LLC
Vining Sparks IGB, LP
Virtu Americas LLC
Wells Fargo Securities, LLC
Williams Capital Group, LP*
ZB, NA, Investment Division

***Added, Mid-Year Review 2019**

1e

BOARD ACTION REQUEST
BOND FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on Resolution No. 19-031 regarding the annual approval of the Department's Interest Rate Swap Policy

RECOMMENDED ACTION

Adopt attached resolution.

BACKGROUND

The Department adopted an Interest Rate Swap Policy (the Swap Policy) on September 9, 2004, to establish guidelines for the use and administration of interest rate management agreements, including but not limited to, interest rate swaps, caps, collars, and floors acquired in connection with the issuance of debt obligations. The Swap Policy is reviewed and approved annually. It underwent substantial changes in 2009, and has had minor edits since.

Staff, in conjunction with the Department's Swap Advisor and Bond Counsel, has reviewed the proposed Swap Policy and recommends approval and adoption of Resolution 19-031.

The proposed Swap Policy, blacklined against the prior policy, is attached for your reference.

**TEXAS DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS**

INTEREST RATE SWAP POLICY

As presented to the Board on April 25, 2019

2019

April 25, 2019

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS INTEREST RATE SWAP POLICY

The Texas Department of Housing and Community Affairs (the “Department”) has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code (the “Act”), as amended from time to time, for the purpose of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe and sanitary housing for individuals and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the “Governing Board”) from time to time) at prices they can afford.

The Act authorizes the Department: (a) to acquire, and to enter into advance commitments to acquire, mortgage loans (including participations therein) secured by mortgages on residential housing in the State of Texas (the “State”); (b) to issue its bonds, for the purpose of obtaining funds to make and acquire such mortgage loans or participations therein, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such mortgage loans or participations therein, and to mortgage, pledge or grant security interests in such mortgages, mortgage loans or other property of the Department, to secure the payment of the principal or redemption price of and interest on such bonds.

I. Introduction

The purpose of this Interest Rate Swap Policy (“Policy”) of the Texas Department of Housing and Community Affairs (the “Department”) is to establish guidelines for the use and management of all interest rate management agreements, including, but not limited to, interest rate swaps, swaptions, caps, collars and floors (collectively “Swaps” or “Agreements”) incurred in connection with the issuance of debt obligations. This Policy sets forth the manner of execution of Swaps and provides for security and payment provisions, risk considerations, and certain other relevant provisions.

II. Authority

The Department is authorized by Sections 1371.056 and 2306.351 of the Texas Government Code to enter into Swaps from time to time to better manage assets and liabilities and take advantage of market conditions to lower overall costs and reduce interest rate risk.

This Policy shall govern the Department’s use and management of all Swaps. While adherence to this Policy is required in applicable circumstances, the Department recognizes that changes in the capital markets, agency programs, and other unforeseen circumstances may from time to time produce situations that are not covered by this Policy and will require modifications or exceptions approved or authorized by the Governing Board to achieve policy goals.

The Chief Financial Officer and the Director of Bond Finance and Chief Investment Officer are the designated administrators of the Department’s Policy. The Bond Finance Division shall have the day-to-day responsibility for structuring, implementing, and managing Swaps, which includes, with the approval of the Executive Director, the execution of the Department’s right to optional termination of Swaps to avoid being overswapped (having a higher notional amount of swap outstanding than par amount of related bonds), for economic benefit to the Department, or to achieve other goals of the Department.

The Department shall be authorized to enter into Swaps only with qualified Swap counterparties as defined herein. The Director of Bond Finance and Chief Investment Officer, in consultation with the Chief Financial Officer, or a Department designee, shall have the authority to recommend counterparties, so long as the criteria set forth in this Policy are met.

The Chief Financial Officer and the Director of Bond Finance and Chief Investment Officer shall review this Policy on an annual basis and recommend any necessary changes to the Governing Board.

III. Purpose

The incurring of obligations by the Department involves a variety of interest rate payments and other risks for which a variety of financial instruments are available to offset, hedge, or reduce. It is the policy of the Department to utilize Swaps to better manage its assets and liabilities. The Department may execute Swaps if the transaction can be expected to result in one of, but not limited to, the following:

- Reduce exposure to changes in interest rates on a particular financial transaction or in the context of the management of interest rate risk derived from the Department's overall asset/liability balance.
- Result in a lower net cost of borrowing with respect to the Department's debt, a higher return on assets, and/or a stronger balance sheet.
- Manage variable interest rate exposure consistent with prudent debt practices.
- Achieve flexibility in meeting overall financial and programmatic objectives that cannot be achieved in conventional markets.
- Lock in fixed rates in current markets for use at a later date.
- Manage the Department's exposure to the risk of changes in the legal or regulatory treatment of tax-exempt bonds.
- Manage the Department's credit exposure to financial institutions.

The Department will not use Agreements that:

- Are purely speculative or incorporate extraordinary leverage;
- Lack adequate liquidity to terminate without incurring a significant bid/ask spread;
- Are characterized by insufficient pricing transparency and therefore make reasonable valuation difficult.

IV. Evaluation of Risks Associated with Swaps

Before entering into a Swap, the Department shall evaluate the risks inherent in the transaction. The risks to be evaluated will include basis risk, tax risk, counterparty risk, credit risk, termination risk, rollover risk, liquidity risk, remarketing risk, amortization mismatch risk, mortgage yield risk, non-origination risk, and PAC band risk. The following table outlines these various risks and the Department's evaluation methodology for those risks.

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Risk	Description	Evaluation Methodology
Basis Risk	The mismatch between actual variable rate debt service and variable rate indices used to determine Swap payments.	The Department will review historical trading differentials between the variable rate bonds and the index.
Tax Risk	The risk created by potential tax events that could affect Swap payments or their relationship to future bond payments.	The Department will review the tax events in proposed Swap agreements. The Department will evaluate the impact of potential changes in tax law on LIBOR indexed Swaps.
Counterparty Risk	The failure of the counterparty to make required payments or the occurrence of an event modifying the credit rating of the counterparty.	The Department will monitor exposure levels, ratings thresholds, and collateralization requirements.
Termination Risk	The need to terminate the transaction in a market that dictates a termination payment by the Department.	The Department will compute its termination exposure for all existing and proposed Swaps at market value and under a worst-case scenario.
Rollover Risk	The mismatch of the maturity of the Swap and the maturity of the underlying bonds.	The Department will determine its capacity to service variable rate bonds that may be outstanding after the maturity of the Swap.
Liquidity Risk	The inability to continue or renew a liquidity facility, and the risk that the cost of a facility will increase beyond expectations.	The Department will evaluate the expected availability of liquidity support for swapped and unhedged variable rate debt, if any.
Remarketing Risk	The risk that a remarketing agent may be unable to remarket VRDBs.	The Department will obtain a standby bond purchase facility to provide the funds necessary to purchase the VRDBs.
Amortization Mismatch Risk	The mismatch of outstanding Swap notional amount versus the outstanding bond principal subject to the hedge.	The Department may incorporate one or a combination of the following features: par termination options, PAC or lockout bonds.
Mortgage Yield Risk	The bond issue may not comply with yield restrictions if the Swap is terminated.	The Department will obtain legal opinions and or certificates as appropriate.
Non-origination Risk	The bond proceeds may not originate within the prescribed timeframe and require an unused proceeds call and possible termination payment.	The Department will evaluate bond and mortgage market conditions and quantify the potential termination payment due upon non-origination.

PAC Band Break Risk	The targeted PAC bonds may amortize faster than anticipated based on the PAC amortization schedule.	The Department will rely upon credit rating agency cashflows to ensure adequate PAC/companion bond structural integrity.
Collateral Posting Risk	The risk that the Department may be required to post liquid collateral to the Counterparty. Inability to post such liquid collateral upon short notice may result in the early termination of a Swap transaction.	The Department will seek to structure Swap Agreements so that the need to post collateral is highly unlikely. This can be accomplished by using high posting thresholds or low rating triggers.
Accounting Risk	The risk that the Department may be required to record changes in fair value of a derivative transaction as a gain or loss in its annual financial statements.	The Department, when feasible, should aim to structure Transactions that would expect to qualify as effective hedges under GASB 53.

The Department will diversify its exposure to counterparties. To that end, before entering into a transaction, the Department will determine its exposure to the relevant counterparty or counterparties and determine how the proposed transaction would affect that exposure. The exposure will not be measured solely in terms of notional amount, but rather how changes in interest rates would affect the Department’s exposure (“Maximum Net Termination Exposure”). For purposes of these limits, “Maximum Net Termination Exposure” shall equal the aggregate termination payment for all existing and projected Swaps that would be paid by an individual counterparty. For purposes of this calculation, the aggregate termination payment is equal to the reasonably expected worse case termination payment of all existing Swaps plus the proposed transaction.

The Department will base the Maximum Net Termination Exposure on all outstanding derivative transactions. Limits will be established for each counterparty as well as the relative level of risk associated with each existing and projected Swap. In order to lessen counterparty risk, the Department will diversify exposure among multiple counterparties and avoid excessive concentration to any one counterparty. In situations where the Department may execute a swap transaction that would result in offsetting counterparty risk with an existing counterparty, the Department should seek to utilize that counterparty.

The Director of Bond Finance and Chief Investment Officer shall determine the appropriate term for a Swap on a case-by-case basis. The slope of the Swap curve, the marginal change in Swap rates from year to year along the Swap curve, and the impact that the term of the Swap has on the overall exposure of the Department shall be considered in determining the appropriate term of any Swap. The term of a Swap between the Department and a qualified Swap counterparty shall not extend beyond the final maturity date of the associated debt, or in the case of a refunding transaction, beyond the final maturity date of the refunding bonds.

The Department will review the use of forward-starting swaps and determine the duration based on market condition and the risk associated with using a forward-starting swap. The Department does not have any swaps with a knock-out option which could expose the Department to higher interest rates. The Department will advise the Board prior to entering into either a forward-starting swap or knock-out option.

The Department will inform the Board if the swap is a fixed notional value swap or a declining notional value swap. The Director of Bond Finance and Chief Investment Officer will review proposed swaps to ensure that the use of fixed notional value swaps does not place the Department at risk of incurring an incrementally higher expense if the related bond principal is paid off early.

The total “net notional amount” of all Swaps related to a bond issue should not exceed the amount of outstanding bonds, or bonds anticipated to be issued. For purposes of calculating the net notional amount, credit shall be given to any Swaps that offset another Swap for a specific bond transaction.

V. Long Term Financial Implications

In evaluating a particular transaction involving the use of derivatives, the Department shall review long-term implications associated with entering into derivatives, including costs of borrowing, historical interest rate trends, variable rate capacity, credit enhancement capacity, liquidity capacity, opportunities to refund related debt obligations and other similar considerations.

Impact of Use of Liquidity

The Department shall consider the impact of any variable rate demand bonds issued in combination with a Swap on the availability and cost of liquidity support for other Department variable rate programs.

Call Option Value considerations

When considering the relative advantage of a Swap versus fixed rate bonds, the Department will take into consideration the value of any call option on fixed rate bonds.

Qualified Hedges

The Department understands that, (1) if payments on and receipts from the Agreement are to be taken into account in computing the yield on the related bonds, the Agreement must meet the requirements for a “qualified hedge” under federal tax law (sometimes referred to as an “integrated Swap”); and (2) if one of the goals of entering into the Agreement is to convert variable yield bonds into fixed yield bonds (sometimes referred to as a “super integrated Swap”), then certain additional requirements must be met. In both of these situations, the terms of the Agreement and the process for entering into the Agreement must be reviewed and approved in advance by tax counsel.

VI. Form of Swap Agreements

Each Swap executed by the Department shall contain terms and conditions as set forth in the International Swap and Derivatives Association, Inc. (“ISDA”) Master Agreement, including any schedules and confirmations. The Swaps between the Department and each qualified Swap counterparty shall include payment, term, security, collateral, default, remedy, termination, and other terms, conditions and provisions as the Director of Bond Finance and Chief Investment Officer deems necessary, desirable, or consistent with industry best practices.

VII. Qualified Swap Counterparties

The Department will make its best efforts to work with qualified Swap counterparties that (i) have, or has a credit support counterparty that has, a general credit rating of at least “A2” with respect to ratings by Moody’s Investors Service or “A” with respect to ratings by Standard and Poor’s Rating Services or Fitch Ratings.

In addition to the rating criteria specified herein, the Department may seek additional credit enhancement and safeguards in the form of:

- i. Contingent credit support or enhancement;
- ii. Collateral consistent with the policies contained herein; and/or
- iii. Ratings downgrade triggers.

In addition, the Department will take into consideration a Swap counterparty’s track record of successfully executing Swap transactions. The Department will only execute Swap transactions with qualified Swap counterparties.

In addition to credit-related requirements, swap counterparties and other providers of derivative products must comply with the following requirements to be eligible to enter into a contract with the Department:

Anti-Boycott Verification. Swap counterparties and other providers of derivative products are required to comply with the requirements of Chapter 2270 of the Texas Government Code. Compliance includes a representation by each counterparty or provider that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) (i) does not boycott Israel and (ii) will not boycott Israel during the term for which they provide services to the Department.

Iran, Sudan and Foreign Terrorist Organizations. Swap counterparties and other providers of derivative products are required to comply with the requirements of Chapter 2252 of the Texas Government Code. Compliance includes a representation by each counterparty or provider that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) is not an entity listed by the Texas Comptroller of Public Accounts under Sections 2252.153 or 2270.0201 of the Texas Government Code.

Exemption from Disclosure of Interested Parties. Swap counterparties and other providers of derivative products are required to comply with the requirements of Chapter 2252 of the Texas Government Code. Counterparties or providers that make a representation that their firm (including any wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate) is a publicly traded business entity are exempt from Section 2252.908 of the Texas Government Code.

VIII. Termination Provisions

The Department shall include in all Swaps provisions granting the Department the right to optionally terminate a Swap at any time at market over the term of the Agreement. The Director of Bond Finance and Chief Investment Officer, in consultation with the Chief Financial Officer, shall determine if it is financially advantageous for the Department to terminate a Swap.

A ratings-based additional termination event shall be included in all of the Department's Swaps if the provider (or its credit support provider) fails to maintain either:

1. A credit rating of at least Baa2 from Moody's; or
2. A credit rating of at least BBB from S&P; or,
3. An equivalent rating determined above by a nationally recognized ratings service acceptable to both parties.

A termination payment to or from the Department may be required in the event of termination of a Swap due to a default or a decrease in credit rating of either the Department or the counterparty. If the cause of the termination is a counterparty downgrade, termination payments will be calculated on the side of the bid-offer spread that favors the Department. Additionally, the termination amount of the Swap should seek to compensate the Department, as allowed under the ISDA Agreement, all other costs for creating a replacement transaction of like terms and conditions.

It is the intent of the Department not to make a termination payment to a counterparty that does not meet its contractual obligations. Prior to making any such termination payment, the Director of Bond Finance and Chief Investment Officer, in consultation with the Chief Financial Officer, shall evaluate whether it is financially advantageous for the Department to obtain a replacement counterparty to avoid making such termination payment or finance the termination payment through a long-term financing product.

For payments on early termination and optional termination, Market Quotation and the Second Method will apply, allowing for two way mark-to-market breakage (assuming the Swaps are documented under the 1992 form of the ISDA Master Agreements).

IX. Security and Source of Repayment

The Department may use the same security and source of repayment (pledged revenues) for Swaps as is used for the bonds that are hedged or carried by the Swap, if any, but shall consider the economic costs and benefits of subordinating the Department's payments and/or termination payment under the Swap. The use of the same security and source of repayment (pledged revenues) is subject to the respective bond indenture's covenants and the prior approval of the Department's bond counsel.

X. Specified Indebtedness

The specified indebtedness related to credit events in any Swap should be narrowly defined and refer only to indebtedness of the Department that could have a materially adverse effect on the Department's ability to perform its obligations under the Swap. Debt should typically only include obligations within the same lien as the Swap obligation.

XI. Governing Law

Governing law for Swaps will be the State of Texas. Issues relating to jurisdiction, venue, waiver of jury trial and sovereign immunity will be subject to prevailing law and approval of the Texas Attorney General Office. Preference will be given to language providing that the counterparty will consent to jurisdiction in the Texas courts with respect to enforcement of the Agreement.

XII. Events of Default

Events of default of a Swap counterparty shall include, but are not limited to the counterparty's:

1. Failure to make payments when due;
2. Breach of representations and warranties;
3. Illegality;
4. Failure to comply with downgrade provisions; and
5. Failure to comply with any other provisions of the Agreement after a specified notice period.

XIII. Collateral Requirements

As part of any Swap, the Department may require the counterparty or the counterparty may require the Department to post collateral or other credit enhancement to secure any or all Swap payment obligations. As appropriate, the Chief Financial Officer and Director of Bond Finance and Chief Investment Officer may require collateral or other credit enhancement to be posted by each Swap counterparty under the following circumstances:

- Each counterparty to the Department may be required to post collateral if the credit rating of the counterparty or parent falls below a certain rating threshold, which varies by counterparty. Additional collateral for further decreases in credit ratings of each counterparty shall be posted by each counterparty in accordance with the provisions contained in the credit support annex to each Swap with the Department. At the current time, collateral posting rating triggers by the counterparties would range from A2/A to Baa1/BBB+.
- Collateral shall consist of cash, U.S. Treasury securities, or other mutually acceptable highly liquid securities.

- Collateral shall be deposited with an eligible third party custodian, or as mutually agreed upon between the Department and each counterparty.
- The market value of the collateral shall be determined on at least a weekly basis.
- The Department will determine reasonable threshold limits for increments of collateral posting based on a sliding scale reflective of credit ratings.
- The Director of Bond Finance and Chief Investment Officer, in consultation with the Chief Financial Officer, shall determine on a case-by-case basis whether a form of credit enhancement in lieu of, or in addition to, collateral is more beneficial to the Department.
- The Department shall seek to not post collateral to the counterparty unless the Department's ratings fall below "A2" or "A".

XIV. Other Criteria

The Department may use a competitive or a negotiated process to select a Swap counterparty and price a Swap as it believes business, market or competitive conditions justify such a process. The conditions under which a negotiated selection is best used are provided below.

- Marketing of the Swap will require complex explanations about the security for payment or credit quality.
- Demand is weak among Swap counterparties.
- Market timing is important, such as for refundings.
- Coordination of multiple components of the financing is required.
- The Swap has non-standard features.
- The par amount is large enough to move the market in a manner adverse to the Department's interests.
- Counterparties are likely to demand individual changes in bid documents.

If a transaction is awarded through a negotiated process, the counterparty will provide the Department with:

- A statement that, in the counterparty's judgment, the difference in basis points between the rate of the transaction and the mid-market rate for a comparable transaction falls within the commonly occurring range for comparable transactions.
- A statement of the amount of the difference as determined by the counterparty.
- If the counterparty does not know of a comparable transaction or mid-market rate, a statement of another suitable measure of pricing acceptable to the counterparty.

The Department will use a swap advisory firm to assist in the price negotiation. Such swap advisory firm shall act as the "qualified independent representative" ("QIR") of the Department for purposes of CFTC Rule 23.450 (b) (1) to advise the Department on swaps, provided that such firm provide certification to the Department addressing why such firm meets the requirements to act as a QIR pursuant to CFTC Regulation 23.450(b)(1). Also, the Department may obtain an opinion from an independent party that the terms and conditions of any derivative entered into reflect a fair market value of such derivatives as of the execution date.

The counterparty must provide to the Department disclosure of any payments the counterparty made to another person to procure the transaction.

Prior to or at execution of any new swap transaction, the swap dealer and/or swap advisor, as the case may be, shall provide information to the Department consistent with the rules and regulations in effect at the time. Such rules would include the Business Conduct Standards for Swap Dealers

and Major Swap Participants as published and enacted by the Commodity Futures Trading Commission. In addition the swap dealer should represent to the Department that it is in compliance with such rules including pay-to-play restrictions.

The Department will determine that the swap transaction will conform to this Interest Rate Swap Policy after reviewing a report of the Director of Bond Finance and Chief Investment Officer that identifies with respect to the transaction:

- its purpose;
- the anticipated economic benefit and the method used to determine the anticipated benefit;
- the use of the receipts of the transaction;
- the notional amount, amortization, and average life compared to the related obligation;
- any floating indices;
- its effective date and duration;
- the identity and credit rating of the counterparties;
- the cost and anticipated benefit of transaction insurance;
- the financial advisors and the legal advisors and their fees;
- any security for scheduled and early termination payments;
- any associated risks and risk mitigation features; and
- early termination provisions.

XV. Ongoing Monitoring and Reporting Requirements

Written records noting the status of all Swaps will be maintained by the Bond Finance Division and shall include the following information:

- Highlights of all material changes to Swaps or new Swaps entered into by the Department since the last report.
- Market value of each of the Swaps.
- The net impact of a 50 or 100 basis point parallel shift or other relevant shift in the appropriate Swap index or curve.
- For each counterparty, the total notional amount, the average life of each Swap and the remaining term of each Swap.
- The credit rating of each Swap counterparty and credit enhancer insuring Swap payments.
- Actual collateral posting by Swap counterparty, if any, in total by Swap counterparty.
- A summary of each Swap, including but not limited to the type of Swap, the rates paid by the Department and received by the Department, indices, and other key terms.
- Information concerning any default by a Swap counterparty to the Department, and the results of the default, including but not limited to the financial impact to the Department, if any.
- A summary of any Swaps that were terminated.

The Department will monitor its Swaps exposure on a periodic basis, as necessary, and will look for ways to reduce the cost of a Swap(s) or the overall Swap exposure.

The Bond Finance Division will monitor the performance of the QIR on an on-going basis.

The Department shall report its Swaps exposure in its annual financial statements and will reflect the use of derivatives in accordance with GASB requirements. With the adoption of GASB 53, the Department will be required to test hedge effectiveness on an annual basis. Any hedge deemed to be ineffective will result in the change in fair value being recorded as a gain or loss. While the long term economic value of the transaction should be more important when structuring a derivative, the Department should seek to structure transactions that are expected to be effective and would not result in changes in fair value affecting net income. For example, while a transaction structured to meet the Consistent Critical Terms method of GASB 53 would ensure hedge effectiveness, the Department should consider the tradeoffs of utilizing a transaction structure that may provide greater expected economic benefits at the expense of potentially not meeting hedge effectiveness. The disclosure requirements include:

1. Objective of the Derivative
2. Significant Terms
3. Fair Value
4. Associated Debt
5. Risks including but not limited to Credit Risk, Termination Risk, Interest Rate Risk, Basis Risk, Rollover Risk, Market Access Risk, and Foreign Currency Risk.

With the adoption of GASB 72, the Department will be required to report the fair value of its Swaps in its annual financial statements, as more fully described in GASB 72. The Department will follow these guidelines and may engage a third party to assist in the required calculations.

The Chief Financial Officer and the Director of Bond Finance and Chief Investment Officer will review this Policy on an annual basis.

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RESOLUTION NO. 19-031

RESOLUTION OF THE GOVERNING BOARD APPROVING THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS INTEREST RATE SWAP POLICY

WHEREAS, the Texas Department of Housing and Community Affairs, a public and official agency of the State of Texas (the "Department"), was created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (together with other laws of the State applicable to the Department, collectively, the "Act"); and

WHEREAS, the Governing Board of the Department (the "Governing Board") desires to approve the Department's Interest Rate Swap Policy in the form presented to the Governing Board;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Approval of the Department's Interest Rate Swap Policy. The Interest Rate Swap Policy in the form presented to the Governing Board is hereby authorized and approved.

Section 1.2 ISDA Dodd-Frank Protocols. Each Authorized Representative is hereby severally authorized to take such actions as are necessary or desirable to enable the Board to adhere to any protocols promulgated by the International Swaps and Derivatives Association, Inc. ("ISDA") in connection with the Dodd-Frank Wall Street Reform and Consumer Protection Act, which adherence may (i) include the use of documents intended to address the subject matter of any such protocol but not using forms promulgated by ISDA, and (ii) be with respect to such counterparties as an Authorized Representative determines in his judgment are appropriate.

Section 1.3 Authorized Representatives. The following persons are each hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director or Acting Director of the Department, the Director of Administration of the Department, the Director of Bond Finance and Chief Investment Officer of the Department, and the Secretary or Assistant Secretary to the Governing Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

ARTICLE 2

GENERAL PROVISIONS

Section 2.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 2.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 25th day of April, 2019.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on staff determinations regarding Application disclosures under 10 TAC §11.101(a)(2) related to Applicant Disclosure of Undesirable Site Features:

19051	Casa de Manana Apartments	Corpus Christi
19078	Provision at Patriot Place	Hurst
19079	Provision at Patriot Parkway	Venus
19126	3104 Division Lofts	Arlington
19132	Village at Boyer	San Antonio
19139	Hamilton Wolfe Lofts	San Antonio
19214	Lakeridge Villas	Ennis
19239	Talavera Lofts	Austin
19285	Everly Plaza	Fort Worth
19296	McKee City Living	Houston
19319	Bardin Apartments	Arlington
19332	Avanti at South Bluff	Corpus Christi

RECOMMENDED ACTION

WHEREAS, pursuant to 10 TAC §11.101(a)(2) of the 2019 Qualified Allocation Plan (QAP) related to Undesirable Site Features, Development Sites within the applicable distance of any of the identified Undesirable Features will be considered ineligible, unless it is determined by the Board that information regarding mitigation of the applicable Undesirable Site Feature(s) is sufficient and supports Site eligibility;

WHEREAS, the Board has previously found two sites to be eligible as the result of requests for pre-determination; and,

WHEREAS, additional disclosures were included in Applications submitted on March 1, 2019;

NOW, therefore, it is hereby,

RESOLVED, that the Board accepts staff recommendation, and finds the sites for the Applications presented at this meeting eligible in satisfaction of the requirements of 10 TAC §11.101(a)(2) of the 2019 QAP.

BACKGROUND

The following tables describe the staff reviews and recommendations for a portion of the 2019 Competitive Housing Tax Credit (HTC) Applications that included disclosures related to 10 TAC §11.101(a)(2) of the 2019 QAP, related to Undesirable Site Features. Pursuant to the rule, such disclosures are required if the Development Site is within the applicable distance of any of the identified undesirable features.

Each entry identifies the HTC Development/Application identification number (TDHCA ID#), the name of the Development, city, region, and Application review status, along with staff's recommendation with respect to eligibility of the site. A brief summary of each disclosure has been included.

The Department's Governing Board has final decision making authority in making an affirmative determination or finding the site ineligible. Pursuant to 10 TAC §11.101(a)(2), should the Board make the determination that a Development Site is ineligible based on this report, the termination of the Application resulting from such Board action is final and not subject to further appeal.

TDHCA ID#	Dev. Name	Region	City	Review Status
19051	Casa de Manana Apartments	10	Corpus Christi	Priority

Summary of Disclosure: Casa de Manana Apartments, located in Corpus Christi, is an existing housing development applying in the At-Risk Set-Aside to reconstruct the property. A pipeline is located in the Right of Way adjacent to the proposed Development. The pipeline carries a "Refined Liquid Product," which, according to the Applicant, is high-pressure liquid petroleum.

Mitigation Efforts: According to the Applicant, all structures shall be at least 10 feet from the outer boundary of the utility. Rolando Briones, of Briones Engineering, offered his PIPA-compliant opinion (PIPA is the Pipelines and Informed Planning Alliance, which develops recommended practices related to protecting communities, protecting transmission pipelines, and ensuring better communication among stakeholders), at the request of the Applicant, and shared the following observations: 1) the pipeline has co-existed with the existing multifamily residential Development for 46 years with no incident; 2) Corpus Christi has zoned the site for residential multifamily housing, despite the pipeline; 3) Any required excavation will be outside the pipeline easement; 4) The General Contractor and all subcontractors will be required to address safety and emergency response measures related to construction near the pipeline; and 5) the residential units will be separated from the pipeline easement by a parking lot at a distance of greater than 20 feet. According to Mr. Briones, all Texas Railroad Commission and PIPA requirements will be incorporated into the final design of the proposed Development.

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described mitigation, as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA. The site has not been reviewed for the site and neighborhood standards of the HOME program.

TDHCA ID#	Dev. Name	Region	City	Review Status
19078	Provision at Patriot Place	3	Hurst	Priority

Summary of Disclosure: Development Site is located approximately 400 feet from a railroad track.

Mitigation Efforts: Applicant has certified that they have engaged a qualified Third Party to perform a noise assessment and that the proposed Development will incorporate any necessary sound mitigation according to HUD standards, as if these HUD standards applied directly to the Development. This proposed mitigation meets the requirement of 10 TAC §11.101(a)(2)(E)(ii).

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described mitigation as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

The Applicant also disclosed the presence of an adjacent paint manufacturing facility and provided evidence that this business is light industry. Given the nature of this specific facility, staff does not find this particular business and its operations to constitute "heavy industry," per the requirements of 10 TAC §11.101(a)(2)(F).

TDHCA ID#	Dev. Name	Region	City	Review Status
19079	Provision at Patriot Parkway	3	Venus	Priority

Summary of Disclosure: Development Site is located approximately 500 feet from a railroad track.

Mitigation Efforts: Applicant has certified that they have engaged a qualified Third Party to perform a noise assessment and that the proposed Development will incorporate any necessary sound mitigation according to HUD standards, as if these HUD standards applied directly to the Development. This proposed mitigation meets the requirement of 10 TAC §11.101(a)(2)(E)(ii).

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described sound mitigation as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19126	3104 Division Lofts	3	Arlington	Priority

Summary of Disclosure: Development Site is located approximately 92 feet from a railroad track.

Mitigation Efforts: The Applicant states that the Development Site has been designed so that all buildings are at least 500 feet from the track. Furthermore, the Applicant has certified that they have engaged a qualified Third Party to perform a noise assessment and that the proposed Development will incorporate any necessary sound mitigation according to HUD standards, as if these HUD standards applied directly to the Development. This proposed mitigation meets the requirement of 10 TAC §11.101(a)(2)(E)(ii).

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described sound mitigation as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19132	Village at Boyer	9	San Antonio	Non-Priority

Summary of Disclosure: Development Site is located approximately 132 feet from a railroad track.

Mitigation Efforts: Applicant has certified that they have engaged a qualified Third Party to perform a noise assessment and that the proposed Development will incorporate any necessary sound mitigation according to HUD standards, as if these HUD standards applied directly to the Development. This proposed mitigation meets the requirement of 10 TAC §11.101(a)(2)(E)(ii).

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described sound mitigation as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19139	Hamilton Wolfe Lofts	9	San Antonio	Non-Priority

Summary of Disclosure: Hamilton Wolfe Lofts is proposed to be located at Hamilton Wolfe Road and Princeton Place in San Antonio, Bexar County Texas. Overhead high-power electric transmission lines traverse the southern and north-central portions of the Development Site. The current site plan shows the community center approximately 60 feet from the southern portion of the transmission line, and has Building B (of three total residential buildings) approximately 80 feet away from the north-central portion of the line. The other two residential buildings are more than 100 feet from the transmission lines.

The utility that owns and manages these high-power electric transmission lines is City Public Service Energy (CPS), which is owned by the city of San Antonio. Based on previous staff and Governing Board determinations regarding various Developments' proximity to high-power electric transmission lines operated by CPS (e.g., Application 18412, Lord Road Apartments), staff understands that all of the

utility's regulations are passed by City of San Antonio ordinance and, therefore, the utility's easement and setback requirements can be considered to be local ordinances, and per 10 TAC 11.101(a)(2) a smaller distance can be used. The Site Design and Feasibility Report notes that there is a 75-foot easement that runs with the overhead high-power electric transmission lines that traverse the southern and north-central portions of the Development Site. The site plan reflects that no buildings fall within this required easement.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19214	Lakeridge Villas	3	Ennis	Non-Priority

Summary of Disclosure: Applicant disclosed the Development Site's proximity to an airport's runway clear zone. While nearby, the Development Site's location does not actually lie within the runway clear zone and, therefore, does not violate the requirements of 10 TAC §11.101(a)(2)(H). This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

Staff Determination: Staff is recommending that the Board find the Development Site eligible. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA. The site has not been reviewed for the site and neighborhood standards of the HOME program.

TDHCA ID#	Dev. Name	Region	City	Review Status
19239	Talavera Lofts	7	Austin	Non-Priority

Summary of Disclosure: Development Site is located within 500 feet from a railroad track.

Mitigation Efforts: The railroad in question is solely a commuter rail. Commuter rail does not require that mitigation be provided in accordance with the requirements of 10 TAC §11.101(a)(2)(E)(iii) of the QAP.

Staff Determination: Staff is recommending that the Board find the Development Site eligible. This site has not been reviewed for environmental concerns that may be reflected the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19285	Everly Plaza	3	Fort Worth	Priority

Summary of Disclosure: Development Site is located approximately 80 feet from a railroad track.

Mitigation Efforts: Applicant has certified that they have engaged a qualified Third Party to perform a noise assessment and that the proposed Development will incorporate any necessary sound mitigation

according to HUD standards, as if these HUD standards applied directly to the Development. This proposed mitigation meets the requirement of 10 TAC §11.101(a)(2)(E)(ii) of the QAP.

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described sound mitigation as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19296	McKee City Living	6	Houston	Priority

Summary of Disclosure: Development Site is located approximately 132 feet from a railroad track.

Mitigation Efforts: Applicant has certified that they have engaged a qualified Third Party to perform a noise assessment and that the proposed Development will incorporate any necessary sound mitigation according to HUD standards, as if these HUD standards applied directly to the Development. Additionally, according to the Applicant and the current site owner, the site will soon fall within a Railroad Quiet Zone, where train horns will no longer be sounded. This proposed mitigation meets the requirement of 10 TAC §11.101(a)(2)(E)(ii).

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to demonstration of the described sound mitigation as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19319	Bardin Apartments	3	Arlington	Non-Priority

Summary of Disclosure: Applicant disclosed an adjacent manufacturing facility, with an attendant logistics hub for shipping goods. The Application includes a letter from an Arlington city official that describes their Unified Development Code (UDC) requirements for setbacks and screening in this situation, and that the requirements will be subject to the review of a new Planned Development, with a Development Plan and recommendation and approval by the Planning and Zoning Commission and City Council. The UDC is an ordinance, which meets the requirements of 10 TAC §11.101(a), which allows that when a local ordinance that regulates the proximity of the undesirable site feature has smaller distances than the distances noted in the QAP, those smaller distances may be used.

Staff Determination: Staff is recommending that the Board find the Development Site eligible, subject to the City’s review of a new Planned Development, with a Development Plan and recommendation and approval by the Planning and Zoning Commission and City Council, with timing as further described in the REA Underwriting Report. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA.

TDHCA ID#	Dev. Name	Region	City	Review Status
19332	Avanti at South Bluff	10	Corpus Christi	Priority

Summary of Disclosure: The Development Site is currently occupied with a 35-unit apartment complex, which was built in 1982, and is being proposed for reconstruction. The existing complex was built using HUD financing and ultimately owned by the Corpus Christi Housing Authority, with a 100% project-based Section 8 contract, which expired in 2014. The existing complex is now owned by a private party. The Development Site is located within two miles of a refinery that produces more than 100,000 barrels of oil per day. Both Flint Hills Resources and Citgo Refineries lie approximately 1.85 miles northeast of the proposed Development Site.

Mitigation Efforts: Corpus Christi's spatial layout is unique in that its central business district and its urban neighborhoods congregate around the bay, which is also where oil refineries tend to be located. As noted by the Applicant, much of the city's core assets lie within two miles of an oil refinery. For example, Corpus Christi City Hall and Nueces County Courthouse lie approximately 1.2 miles from the Flint Hills and Citgo Refineries; the Texas State Aquarium is 1.6 miles from the Citgo Refinery, and the nearby USS Lexington is 1.86 miles away; Whataburger Field, home of the Corpus Christi Hooks, is approximately 1.15 miles from the Citgo Refinery, and the Corpus Christi Museum of Science and History lies less than 1.5 miles away. The Applicant included a letter from Corpus Christi's Interim City Manager, in which he states that "many prominent areas in Corpus Christi are within two miles of a refinery . . ." The Applicant points out how existing Departmental policy tries to incentivize development near prominent downtown features through its 'proximity to the urban core' scoring item, which the proposed Development qualifies for.

This Development is considered sufficiently mitigated because of its and Corpus Christi's spatial circumstances — the major employment, civic, and tourist institutions are all located in or near downtown Corpus Christi, and downtown Corpus Christi, being on the bay, is within two miles of oil refineries. Furthermore, staff notes that the Development's Environmental Site Assessment made no mention of any potential migration of hazardous substances and/or petroleum products to the Development's future residents.

Staff Determination: Staff is recommending that the Board find the Development Site eligible. This site has not been reviewed for environmental concerns that may be reflected in the Phase I ESA. This site has not been reviewed for the site and neighborhood standards in the HOME program.

19051

Casa de Manana Apartments

PIPELINES AND INFORMED PLANNING ALLIANCE (PIPPA)

The proposed development is adjacent to an existing "Refined Liquid Product. The Line is operated by Celanese Chemicals, Incorporated. Celanese {NYSE: CE} is a global technology and speciality materials company that engineers and manufactures a wide variety of products essential to everyday living. The contact phone number is (361) 584-6301.

The Corporate headquarters: 222 W. Las Colinas Blvd., Suite 900, Irving, Texas 75039, Office Number: (972) 443-4000

The above are Pipeline Indicators on site. The line is in the Right of Way (ROW) and is not inside the proposed development. Texas One-Call was used to mark the line on site and was incorporated into our design information to be used during the next phase.

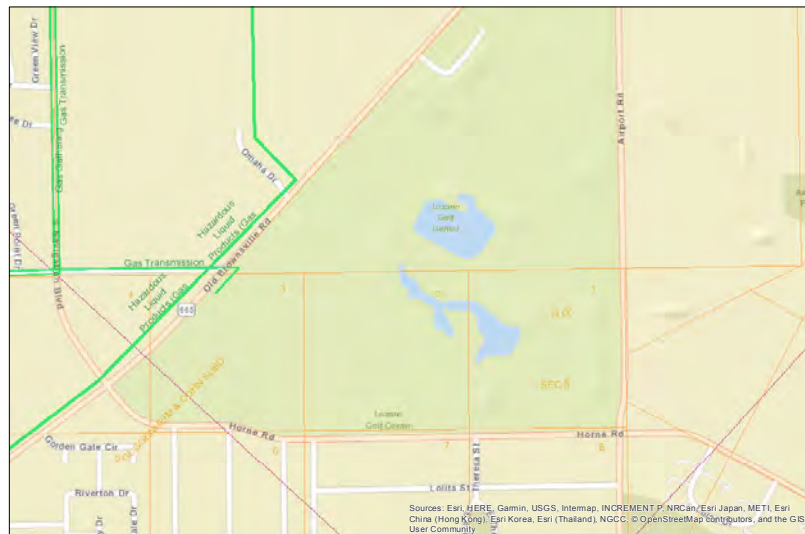
The Utility will not adversely impact the proposed development. The Rail Road Commission of Texas has this line in their records. All Rail Road and PIPA requirements will be incorporated into the final design.

All parts of any structure shall be at least 10 feet from the outer boundary of the utility for this high pressure liquid petroleum transportation pipeline. The land use will not change. There will be no new crossing impacting the line.

Pipeline specifications would need to be obtained from the pipeline operating company. If the distance requirement is not met a barrier may be required to mitigate the project. If the pipeline contains a hazardous liquid, the potential for site contamination will be evaluated as well during the design phase.



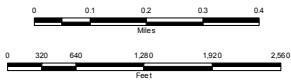
Pipeline near Casa De Manana



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

February 25, 2019

1 inch = 752 feet



PREPARED BY:
RAILROAD COMMISSION OF TEXAS
P.O. BOX 12967
AUSTIN, TX 78711-2967

Source: RRC Public GIS Viewer

NOTICE/DISCLAIMER: Mapping data sets are provided for informational purposes only. These data sets are continuously being updated and refined. Users are responsible for checking the accuracy, completeness, currency and/or suitability of these data sets themselves. This is not a survey grade product and should not be used to define or establish survey boundaries.

February 28, 2019

Mr. David Cervantes
Acting Executive Director
Texas Department of Housing and Community Affairs
P.O. Box 13941
Austin, TX 78711-3941

Re: Pipelines and Informed Planning Alliance (PIPPA) Requirements
TDHCA #19051, Casa de Mañana Apartments

Dear Mr. Cervantes,

We were asked to provide information relating to the Pipelines and Informed Planning Alliance (PIPPA) requirements regarding the proposed reconstruction of the Casa de Manana Apartments located at 4702 Old Brownsville Rd, Corpus Christi, TX 78405 and an existing adjacent pipeline easement. Although the City of Corpus Christi has no formal PIPPA requirements, I have the following comments regarding the proposed development.

The proposed development is adjacent to an existing "Refined Liquid Product". The Line is operated by Celanese Chemicals, Incorporated. Celanese {NYSE: CE} is a global technology and specialty materials company that engineers and manufactures a wide variety of products essential to everyday living. The contact phone number is (361) 584-6301. The Corporate headquarters: 222 W. Las Colinas Blvd., Suite 900, Irving, Texas 75039, Office Number: (972) 443-4000

The pipeline is identified by Pipeline Indicators on site as detailed on the attached. The line is in the Right of Way (ROW) and is not inside the proposed development. Texas One-Call was used to mark the line on site and was incorporated into our design information to be used during the design phase of the development.

The Utility will not adversely impact the proposed development. The Rail Road Commission of Texas has this line in their records. All Rail Road and PIPA requirements will be incorporated into the final design. All parts of any structure shall be at least 10 feet from the outer boundary of the utility for this high-pressure liquid petroleum transportation pipeline.

Pipeline specifications from the pipeline operating company and all precipitated development requirements will be incorporated in the final development design including any barriers potentially required to comply with applicable distant requirements for residential development and any site contamination prevention measures required based on all hazardous liquids transported within the pipeline.. If the distance requirement is not met a barrier may be required to mitigate the project.

No adverse impact to the development is anticipated from the pipeline because:

- The pipeline has co-existed without incident with the existing multifamily residential development for 46 years;
- The proposed multifamily residential development is consistent with the current land use of the property as a residential multifamily development;
- Any required excavation will be outside of the pipeline easement which is not located on the subject property;
- The General Contractor will be required to address safety and emergency response measures related to construction activity near or adjacent to the pipeline easement as part of its construction contract and all contracts with its site work subcontractors and those conducting construction activities in the vicinity of the pipeline easement; and
- The residential units will be separated from the pipeline easement by a parking lot at a distance of greater than 20 feet.

There will be no construction within 20 feet of the existing pipeline. The existing and proposed driveways exist into Omaha Drive not Old Brownsville Road. The pipeline is in the existing Right of way of Old Brownsville Road.

If you have any questions or require any additional information, please contact me at (210) 828-1432.

Sincerely,

A handwritten signature in blue ink, reading "Rolando H. Briones, Jr. P.E." with a stylized flourish at the end.

Rolando H. Briones, Jr. P.E
President
BC&E, LLC

Attachment: Casa de Manana Adjacent Pipeline Exhibit

19078

Provision at Patriot Place

Provision at Patriot Place Undesirable Site Features

This Development is located within 500 ft of an active railroad track. In accordance with the 2019 QAP, please find the following certification that certifies that the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.

This Development is also located adjacent to a Kelly Moore paint manufacturing facility. Please find attached letters from the City of Hurst and Kelly Moore confirming that this facility is a light industrial use and is not detrimental to neighboring multifamily housing. Additionally, there is a local ordinance passed by the City of Hurst regarding the proximity of multifamily housing to the Kelly Moore facility. In accordance with the 2019 QAP, where there is a local ordinance that regulates the proximity of an undesirable feature to a multifamily development that has smaller distances than the minimum distances noted in the QAP, then such smaller distances may be used and documentation such as a copy of the local ordinance identifying such distances relative to the Development Site must be included in the Application. Please find the following ordinance that specifies that the setback of multifamily housing to the Kelly Moore facility is 0 feet.

Provision at Patriot Place

The Development Site is located within 500 feet of active railroad tracks. Per Section 11.101(a)(2)(E)(ii), the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.



Ryan Combs



Date



Office of the Mayor

January 17, 2019

Provision at Patriot Place
C/O Ryan Combs
2501 N. Harwood Street, Suite 1520
Dallas, TX 75201

Re: Kelly Moore Paint facility

Dear Ryan,

This letter is written in acknowledgement that the Kelly Moore paint facility located at 303 W. Hurst Blvd, Hurst TX is a facility that contains a retail component as well as paint mixing and storage. The City of Hurst considers the use at this facility to be of a light industrial use and not a heavy manufacturing use that would cause excessive noise or other undesirable features to residential in close proximity.

If you have any other questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Henry Wilson".

Henry Wilson
Mayor

KELLY-MOORE[®] PAINTS

STEVE DeVoe
PRESIDENT / CEO / CHAIRMAN

January 21, 2019

John W. Palmer
Senior Vice President
GARDNER CAPITAL, INC.
2501 N. Harwood Street, Suite 1520
Dallas, TX 75201

RE: SOUTH HURST COMMUNITY REVITALIZATION PLAN

Dear John,

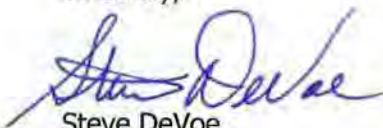
Thank you for reaching out to my office and informing me of your plans to develop *Provision at Patriot Place*, a high-quality multifamily housing community proposed on vacant land located next door to our retail/light industrial property in Hurst, Texas. We understand your gated development is a part of a broader community revitalization plan designed to stimulate investment along our underserved business corridor and is endorsed by city officials and local neighborhood stakeholders. We have operated our business in Hurst for over 40 years and are likewise interested in seeing revitalization along Highway 10.

I'm very supportive of your effort to develop affordable workforce housing next door and would consider its presence a value and complement to the community. As we discussed on the phone, our business location on Highway 10 is a recognized state-of-the-art facility. Our facility in Hurst is not considered a heavy industrial use and would not be loud or dangerous to residents based upon proximity to the adjacent land.

In fact, our company has invested millions into our Hurst facility to create a convenient location to sell our products directly to consumers through our retail store, as well as produce and distribute our products in an environmentally-friendly and safe manner to commercial customers. The west side of our property, that is closest to your multifamily site, is mostly warehouse and provides storage for our products.

Thank you for your consideration of this matter.

Sincerely,



Steve DeVoe
President/CEO/Chairman
Kelly-Moore Paint Co., Inc.
987 Commercial Street
San Carlos, CA. 94070

ORDINANCE 2403

AN ORDINANCE OF THE CITY OF HURST CITY COUNCIL ESTABLISHING DISTANCE SEPARATION BETWEEN CERTAIN PROPERTIES CONTAINING MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN THE TEXAS HIGHWAY 10 MULTIUSE DISTRICT

WHEREAS, the City of Hurst currently does not have any restrictions regarding the distance separation from multi-family residential development from property containing the Kelly Moore paint facility located at 303 W Hurst Boulevard, Hurst TX 76053; and

WHEREAS, the City of Hurst has established the Texas Highway 10 Multiuse District for the purpose of creating concentrated growth along the north and south sides of Highway 10 with the development of business, industry and compatible supportive activities that maximize the potential for job growth, increase property values, and enhance the city's urban image along the state Highway 10 corridor; and

WHEREAS, multi-family residential is an allowed use in this district under the Planned Development uses within the Texas Highway 10 Multiuse District; and

WHEREAS, the City of Hurst Sustainable Neighborhoods Plan of 2017 identifies the Highway 10 corridor as an area needing reinvestment to encourage revitalization and mixed uses; and

WHEREAS, the Kelly Moore paint facility contains retail uses as well as paint mixing and storage facilities and operates as a light industrial use, and

WHEREAS, the Kelly Moore paint facility poses no threat to neighboring residential and has undergone extensive investment to become an environmentally friendly and sustainable asset and employment center for the City of Hurst; and

WHEREAS, the City Council finds that adoption of this ordinance will provide for reinvestment and the ability for new quality housing in appropriate locations in the Highway 10 Multiuse District; and

WHEREAS, the City of Hurst is authorized by law to adopt the provisions contained herein; and

WHEREAS, the City Council of the City of Hurst deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

SECTION 1. That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. A new multi-family residential development may have its boundary no less than zero feet (i.e. adjacent) to the boundary of a property containing the Kelly Moore paint facility as long as that development adheres to the Planned Development guidelines of the Texas Highway 10 Multiuse District.

SECTION 3. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. This ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

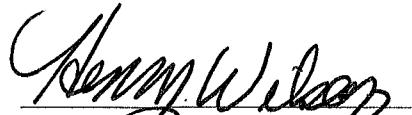
Passed on the first reading on the 22nd day of January 2019 by a vote of 6 to 0.

Approved on the second reading on the 12th day of February 2019 by a vote of 6 to 0.

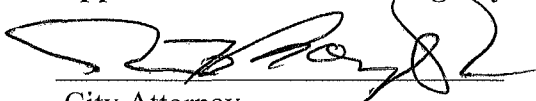
ATTEST:

CITY OF HURST


Rita Frick, City Secretary


Henry Wilson, Mayor

Approved as to form and legality:


City Attorney

19079

Provision at Patriot Parkway

Provision at Patriot Parkway
Undesirable Site Features

This Development is located within 500 ft of an active railroad track. In accordance with the 2019 QAP, please find the following certification that certifies that the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.

Provision at Patriot Parkway

The Development Site is located within 500 feet of active railroad tracks. Per Section 11.101(a)(2)(E)(ii), the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.



Ryan Combs



Date

19126

3104 Division Lofts



February 22, 2019

Ms. Marni Holloway
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Request for Eligibility Under 10 TAC § 10.101(a)(2)(E) related to Undesirable Site Features

Dear Ms. Holloway:

I am writing on behalf of the Applicant, 3104 Division Lofts Ltd., for Application 19126 3104 Division Lofts, proposed to be located in Arlington, Texas, Urban Region 3. The Applicant has submitted a pre-application and will submit a final application for 2019 Housing Tax Credits for the construction of 75 new affordable units and as such must adhere to 10 TAC § 11.101(a)(2) of the Multifamily Rules relating to Undesirable Site Features. The Applicant seeks a determination of eligibility for its Development Site, as permitted by the rule.

The rule § 11.101(a)(2) begins “Development Sites within the applicable distance of any of the undesirable features identified in subparagraphs (A) - (K) of this paragraph will be considered ineligible unless it is determined by the Board that information regarding mitigation of the applicable undesirable site feature(s) is sufficient and supports Site eligibility.”

Subsection (E) of the above referenced Section prohibits “Development Sites located within 500 feet of active railroad tracks, measured from the closest rail to the boundary of the development, site, unless:

- (i) the Applicant provides evidence that the city/community has adopted a Railroad Quiet Zone; or
- (ii) the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development;

The site for 3104 Division Lofts is located in Arlington, Texas on West Division Street – a commercial corridor. The site is 7.35 acres and measures roughly 811 feet deep. The back edge of the property line is roughly 92 feet from Union Pacific railroad tracks, which run parallel to Division Street through Arlington. The two closest railroad crossings are located at Forest Edge Drive, approximately .45 miles to the west of the site and at North Bowen Road, approximately .61 miles to the east of the Site. The crossing at North Bowen Road has been designated a 24-

hour Railroad Quiet Zone, the crossing at Forest Edge Drive is not.

The City of Arlington has landscape buffer requirements between different land uses as mandated by the [Unified Development Code](#) (UDC). The requirements range from Levels 0 to 3. Using the most stringent buffer requirement of Level 3 that applies between Multi-Family and Industrial, the landscape buffer required is 30 feet. The development site has a fully vegetated solid 130-foot natural buffer of hardwood trees between the rail and the development - over four times the distance required by the City. A railroad is not technically an industrial land use, but it is a reasonable comparison. See Exhibit E for an excerpt from the UDC.

In light of the proximity of the rail line, we have designed the site so that all buildings are at least 500 linear feet from the tracks. Moreover, per the recommendations of the ESA and TDHCA guidelines, we will engage Terracon to conduct a noise study and will perform sound mitigation as needed in accordance with HUD standards.

I am requesting that the Development Site for 3104 Division Lofts be found eligible for two reasons, 1) local code allows for development within the distances laid out on the site plan for the proposed development. We are exceeding local requirements for a buffer in excess of four times the City's most stringent requirement and all buildings are at least 500 feet from the rail line; and 2) we are following the recommendations of TDHCA in terms of the distance from the rail and all noise mitigation requirements, as if this were a HUD-regulated property.

There are limited affordable housing options in Arlington and none in the Census Tract for 3104 Division Lofts. We believe that granting this request will further the purposes and policies as stated in Texas Government Code, §§2306.001(2), 2306.002(1), 2306.002(2), and 2306.6701 and is consistent with the mitigation provisions in the Rule.

We appreciate your time and consideration.

Sincerely,



Sarah H. Andre

Exhibit A: Aerial map of the site

Exhibit B: Development Site Plan showing location of rail and proposed buildings.

Exhibit C: Quiet Zone Documentation for crossing at North Bowen Road

Exhibit D: ESA Certification included in full application

Exhibit E: Excerpt from Arlington's Unified Development Code

IV. Vicinity Map



VICINITY MAP
NRP ARLINGTON DIVISION

CROSS ENGINEERING
CONSULTANTS, Inc.



LEE
AND ASSOCIATES

4607 RANCH ROAD 5337
BILLINGSVILLE, TEXAS 77816
TEL: 817.334.1100
WWW.LEEANDASSOCIATES.COM

DATE	2/13/2019
PROJ. NO.	2213
FILE NAME	2213 BASE 5
KREF	
KREF	

West Division Street Multifamily
ARLINGTON, TEXAS
CONCEPTUAL SITE PLAN

THIS DRAWING IS
NOT FOR
RELIANCE
WITHOUT
APPROVAL OR
CONSTRUCTION



SCALE 1" = 50'-0"

THESE CALCULATIONS, NOTES, AND ASSUMPTIONS ARE FOR INTERNAL USE ONLY AND ARE NOT TO BE REPLICATED ON ANY FORMAL OR INFORMAL MUNICIPAL SUBMITTALS.

SITE CALCULATIONS

TOTAL UNITS	75 UNITS
AVERAGE UNIT SIZE	934 SF
ACREAGE	7.35 ACRES
DENSITY	10.2 DU/ACRE

PARKING CALCULATIONS

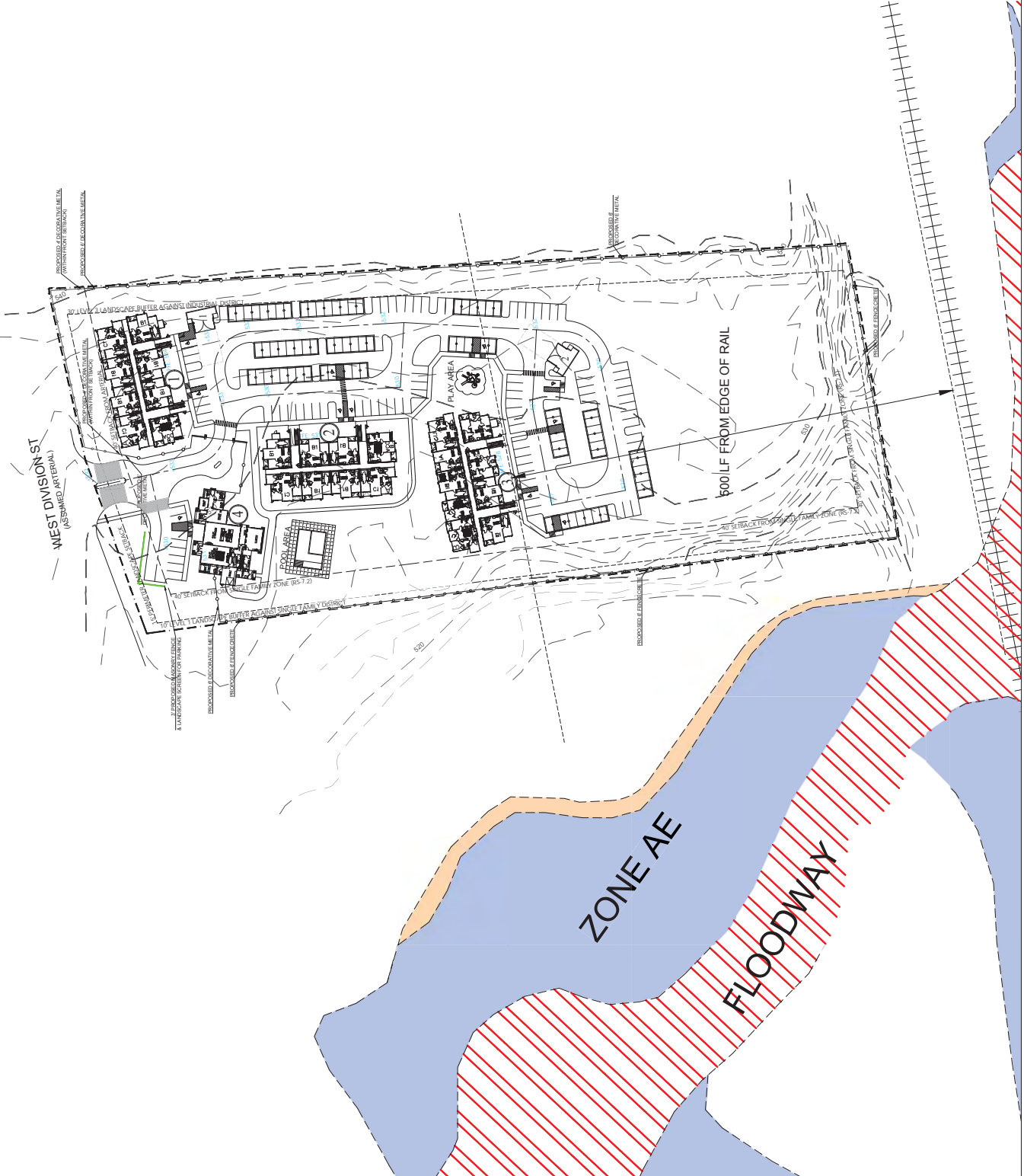
PARKING CALCULATIONS (CITY STANDARDS)	
REQUIRED PARKING	156 SPACES (2.08 SP/DU)
PROVIDED PARKING	172 SPACES (2.29 SP/DU)
STANDARD	156 SPACES (2.08 SP/DU)
ADDITIONAL	16 SPACES (0.21 SP/UNIT)
TOTAL	172 SPACES (2.29 SP/UNIT)
PARKING CALCULATIONS (CLIENT STANDARDS)	
REQUIRED PARKING	135 SPACES (1.80 SP/DU)
PROVIDED PARKING	154 SPACES (2.05 SP/DU)
STANDARD	135 SPACES (1.80 SP/DU)
ADDITIONAL	19 SPACES (0.25 SP/UNIT)
TOTAL	154 SPACES (2.05 SP/UNIT)

NOTES:

- BUILDING FOOTPRINTS WERE PROVIDED BY THE PROJECT ARCHITECT ON 10/13/18. THESE FOOTPRINTS ARE SUBJECT TO CHANGE. THE PROJECT ENGINEER HAS CONDUCTED VISUAL VERIFICATION OF THE ARCHITECTURAL INFORMATION IS CURRENT BEFORE THE RELEASE OF ANY PERMITS.
- THE BOUNDARY WAS DIGITIZED FROM THE ONLINE GIS DATABASE FOR ARLINGTON.
- A FIELD RUN TOPOGRAPHIC SURVEY IS NOT AVAILABLE AT THIS TIME. ADJUSTMENTS TO THE LAYOUT DUE TO GRADING CONCERNS MAY BE REQUIRED. SPOT ELEVATIONS WERE PROVIDED BY THE ARCHITECT AND SPOT GRADINGS WERE TAKEN FROM GOOGLE EARTH.
- A DETAILED ANALYSIS OF STATE, COUNTY, AND CITY ORDINANCES GOVERNING THE DEVELOPMENT OF THIS PROJECT HAS NOT BEEN PERFORMED. ORDINANCE ANALYSIS WILL BE REQUIRED TO CONFIRM PROJECTED YIELDS.
- GRADING IS FOR DESIGN INTENT ONLY. ACTUAL GRADING WILL NEED TO BE PERFORMED BY THE PROJECT ENGINEER.
- ALL RESIDENTIAL BUILDINGS ARE 3-STORY.
- THE MAXIMUM HEIGHT FOR A FENCE IN THE FRONT SETBACK IS 4'-6" FENCE WILL REQUIRE A WAIVER.

ASSUMPTIONS:

- THIS SITE IS LOCATED IN ARLINGTON, TEXAS.
- THIS SITE IS ZONED U. THIS PLAN ASSUMES A REZONE TO DMF-22 ZONING CRITERIA WAS TAKEN FROM THE ONLINE ZONING ORDINANCE.
- THIS PROJECT IS SUBJECT TO THE 2015 INTERNATIONAL BUILDING CODE AND FIRE CODE.
- THIS PLAN ASSUMES THAT THE BUILDINGS HAVE SPRINKLER SYSTEMS, ALLOWING A MAX FIRE HOSE LAY OF 200 LF.
- THIS PLAN ASSUMES THE DISTANCE OF 500 LF FROM THE RAIL IS MEASURED FROM THE EDGE OF THE TRACKS AND NOT FROM THE R.O.W.
- PORTIONS OF THE DRIVEABLE AND PARKING CAN BE LOCATED IN THE FRONT SETBACKS.
- THIS PLAN ASSUMES A WAIVER FOR THE ENCLOSED GARAGES THIS PLAN ASSUMES A WAIVER FOR THE ENCLOSED PARKING REQUIREMENT AS LONG AS THE 9% COVERED REQUIREMENT IS MET.



U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 04 / 04 / 2018	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input checked="" type="checkbox"/> Change in Data <input type="checkbox"/> Re-Open <input type="checkbox"/> New Crossing <input type="checkbox"/> Date Change Only <input type="checkbox"/> Closed <input type="checkbox"/> Change in Primary Operating RR <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Quiet Zone Update <input type="checkbox"/> Admin. Correction	D. DOT Crossing Inventory Number 794984F
---	--	--	--

Part I: Location and Classification Information

1. Primary Operating Railroad Union Pacific Railroad Company [UP]		2. State TEXAS		3. County TARRANT	
4. City / Municipality <input checked="" type="checkbox"/> In <input type="checkbox"/> Near ARLINGTON		5. Street/Road Name & Block Number north BOWEN ROAD 100 (Street/Road Name) * (Block Number)		6. Highway Type & No. Is	
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			8. Do Other Railroads Operate Over Your Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR		
9. Railroad Division or Region <input type="checkbox"/> None FT. WORTH		10. Railroad Subdivision or District <input type="checkbox"/> None DALLAS SUB		11. Branch or Line Name <input checked="" type="checkbox"/> None	
12. RR Milepost 0235.160 (prefix) (nnnn.nnn) (suffix)		13. Line Segment *		14. Nearest RR Timetable Station *	
15. Parent RR (if applicable) <input checked="" type="checkbox"/> N/A		16. Crossing Owner (if applicable) <input type="checkbox"/> N/A UP			
17. Crossing Type <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private		18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.		19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over	
20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		21. Type of Train <input checked="" type="checkbox"/> Freight <input type="checkbox"/> Intercity Passenger <input type="checkbox"/> Commuter <input type="checkbox"/> Transit <input type="checkbox"/> Shared Use Transit <input type="checkbox"/> Tourist/Other		22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input type="checkbox"/> Number Per Day 0	
23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard					
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Provide Crossing Number		25. Quiet Zone (FRA provided) <input type="checkbox"/> No <input checked="" type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established 4/16/2010 12:00:0			
26. HSR Corridor ID <input checked="" type="checkbox"/> N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 32.7340861		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -97.1491363	
29. Lat/Long Source <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated					

30.A. Railroad Use *		31.A. State Use *			
30.B. Railroad Use *		31.B. State Use *			
30.C. Railroad Use *		31.C. State Use * State Phone# updated - date updated: 2018-08-16			
30.D. Railroad Use *		31.D. State Use *			
32.A. Narrative (Railroad Use) *		32.B. Narrative (State Use) *			
33. Emergency Notification Telephone No. (posted) 800-848-8715		34. Railroad Contact (Telephone No.) 402-544-3721		35. State Contact (Telephone No.) 512-416-2635	

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 20		1.B. Total Night Thru Trains (6 PM to 6 AM) 20		1.C. Total Switching Trains 0
				1.D. Total Transit Trains 0
1.E. Check if Less Than One Movement Per Day <input type="checkbox"/> How many trains per week? _____				
2. Year of Train Count Data (YYYY) 2017		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 60 3.B. Typical Speed Range Over Crossing (mph) From 25 to 50		
4. Type and Count of Tracks Main 2 Siding 0 Yard 0 Transit 0 Industry 0				
5. Train Detection (Main Track only) <input type="checkbox"/> Constant Warning Time <input type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input checked="" type="checkbox"/> Other <input type="checkbox"/> None				
6. Is Track Signaled? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		7.A. Event Recorder <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.B. Remote Health Monitoring <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 04/04/2018		PAGE 2		D. Crossing Inventory Number (7 char.) 794984F	
Part III: Highway or Pathway Traffic Control Device Information					
1. Are there Signs or Signals? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2. Types of Passive Traffic Control Devices associated with the Crossing			
2.A. Crossbuck Assemblies (count) 0		2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count)	2.D. Advance Warning Signs (Check all that apply; include count) <input type="checkbox"/> None <input checked="" type="checkbox"/> W10-1 2 <input type="checkbox"/> W10-3 <input type="checkbox"/> W10-11 <input type="checkbox"/> W10-2 <input type="checkbox"/> W10-4 <input type="checkbox"/> W10-12	
2.E. Low Ground Clearance Sign (W10-5) <input type="checkbox"/> Yes (count _____) <input checked="" type="checkbox"/> No		2.F. Pavement Markings <input checked="" type="checkbox"/> Stop Lines <input type="checkbox"/> Dynamic Envelope <input checked="" type="checkbox"/> RR Xing Symbols <input type="checkbox"/> None		2.G. Channelization Devices/Medians <input checked="" type="checkbox"/> All Approaches <input checked="" type="checkbox"/> Median <input type="checkbox"/> One Approach <input type="checkbox"/> None	2.H. EXEMPT Sign (R15-3) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.I. ENS Sign (I-13) Displayed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2.J. Other MUTCD Signs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Specify Type R8-8 Count 2 Specify Type W10-9P Count 2 Specify Type R15-2P Count 4		2.K. Private Crossing Signs (if private) <input type="checkbox"/> Yes <input type="checkbox"/> No	2.L. LED Enhanced Signs (List types) r88
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)					
3.A. Gate Arms (count) Roadway 2 Pedestrian 0	3.B. Gate Configuration <input checked="" type="checkbox"/> 2 Quad <input type="checkbox"/> Full (Barrier) Resistance <input type="checkbox"/> 3 Quad <input type="checkbox"/> Median Gates	3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane 0 <input type="checkbox"/> Incandescent Not Over Traffic Lane 0 <input type="checkbox"/> LED		3.D. Mast Mounted Flashing Lights (count of masts) 2 <input type="checkbox"/> Incandescent <input checked="" type="checkbox"/> LED <input checked="" type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included	3.E. Total Count of Flashing Light Pairs 8
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) ____/____/____ <input checked="" type="checkbox"/> Not Required		3.G. Wayside Horn <input type="checkbox"/> Yes Installed on (MM/YYYY) ____/____/____ <input checked="" type="checkbox"/> No		3.H. Highway Traffic Signals Controlling Crossing <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.I. Bells (count) 2
3.J. Non-Train Active Warning <input type="checkbox"/> Flagging/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input type="checkbox"/> None				3.K. Other Flashing Lights or Warning Devices Count 0 Specify type _____	
4.A. Does nearby Hwy Intersection have Traffic Signals? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	4.B. Hwy Traffic Signal Interconnection <input checked="" type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs	4.C. Hwy Traffic Signal Preemption <input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance	5. Highway Traffic Pre-Signals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____	6. Highway Monitoring Devices (Check all that apply) <input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input checked="" type="checkbox"/> None	
Part IV: Physical Characteristics					
1. Traffic Lanes Crossing Railroad Number of Lanes 4 <input type="checkbox"/> One-way Traffic <input checked="" type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic		2. Is Roadway/Pathway Paved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3. Does Track Run Down a Street? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/____ Width * 24 Length * 66 <input type="checkbox"/> 1 Timber <input type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input checked="" type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____					
6. Intersecting Roadway within 500 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Approximate Distance (feet) _____			7. Smallest Crossing Angle <input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input checked="" type="checkbox"/> 60° - 90°		8. Is Commercial Power Available? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Part V: Public Highway Information					
1. Highway System <input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input type="checkbox"/> (03) Federal AID, Not NHS <input checked="" type="checkbox"/> (08) Non-Federal Aid		2. Functional Classification of Road at Crossing <input type="checkbox"/> (0) Rural <input checked="" type="checkbox"/> (1) Urban <input type="checkbox"/> (1) Interstate <input type="checkbox"/> (5) Major Collector <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input checked="" type="checkbox"/> (7) Local		3. Is Crossing on State Highway System? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Highway Speed Limit 30 MPH <input checked="" type="checkbox"/> Posted <input type="checkbox"/> Statutory
5. Linear Referencing System (LRS Route ID) *					
6. LRS Milepost *					
7. Annual Average Daily Traffic (AADT) Year 2017 AADT 18802		8. Estimated Percent Trucks 03 %	9. Regularly Used by School Buses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Average Number per Day 15		10. Emergency Services Route <input type="checkbox"/> Yes <input type="checkbox"/> No
Submission Information - This information is used for administrative purposes and is not available on the public website.					
Submitted by _____ Organization _____ Phone _____ Date _____					
Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.					

Environmental Plan 3104 Division Lofts

The Phase I ESA conducted by Phase Engineering, Inc., on February 18, 2019, has revealed no evidence of recognized environmental conditions in connection with the property, except for the following:

- A limited site investigation due to the potential impact to the subject property as a result of past undocumented petroleum product release(s) from a gasoline UST historically active at the east adjoining property will be conducted.
- Prior to the demolition of the existing structures lead and asbestos testing is recommended due to the age of the existing structures on the site.
- The noise study conducted revealed that noise mitigation would be required due to the proximity to West Division Street, located north of the property.

Any recommendations received from the studies will be incorporated into the development and construction of Division Lofts.

The project has budgeted for the additional work mentioned above. The costs of any mitigation will be applied to the environmental, demolition, excavation and construction contingency line items in the budget.

Certified by:



Division Lofts Ltd.

TABLE 5.3-1: Residential Screening and Buffering											
Zoning or Use of Subject Property											
Zoning or Use of Adjacent Properties	Adjacent property ↓	Subject property →	Single-Family		Multi-Family		Mixed-Use		Commercial		Industrial
	Zone District	Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3 Stories	3+ Stories	--
	Single-Family	Residential	0	1	1	1	2	2	2	3	3
		Non-Residential	1	0	1	1	1	1	1	1	
	Multi-Family	Residential	1	1	0	1	1	1	2	3	3
		Non-Residential	1	0	1	0	1	1	1	1	
	Mixed-Use	Vertical	2	1	1	1	0	0	1	1	3
		Horizontal	2	1	1	1	0	0	0	1	
	Commercial	1-3 Stories	2	1	2	1	1	0	0	0	3
		3+ Stories	3	1	3	1	1	1	0	0	3
Industrial	--	3	3	3	3	3	3	3	3	0	

TABLE 5.3-2: Description of Buffer and Screening Requirements		
* = Additional Requirement ONLY for proposed residential structures		
	Landscape Buffer Width	Screening Device
Level 0	None	Not required
Level 1	10 feet	Required. See Section 5.3.4.A.2.c
Level 2	15 feet	Required. See Section 5.3.4.A.2.b
Level 3	30 feet*	Required. See Section 5.3.4.A.2.a

***For proposed residential use (or mixed-use developments with residential use) adjacent to existing gas well sites:**

- The residential structure shall have a minimum building setback of 300 feet from the nearest gas well drill zone or wellhead.
- The building setback is measured in a straight line from the nearest edge of the drill zone or gas wellhead.

EXCEPTION: This requirement does not apply to existing residentially-zoned properties (as currently zoned) or lots platted for residential uses prior to July 19, 2018.

The above exception does NOT apply to properties that changed zoning classifications after the above date. (For example, if a property was previously zoned RE and was changed to RS-7.2 after the above specified date, the 300-foot building setback standard would apply.)

4. Screening Standards

a. Design of Fences

When properties are required or permitted to have a screening device to meet residential screening standards, the standards of Section 5.3.4, *Fences*, shall apply.

19132

Village at Boyer

Undesirable Site Feature:

Development Site located within 500 feet of active
railroad tracks

Related Attachments:

1. Commitment to perform sound mitigation in
accordance with HUD standards
2. Third Party Noise Assessment

Commitment to Perform Sound Mitigation

ALT AFFORDABLE HOUSING SERVICES, INC-ARBOR PLACE

8610 N. New Braunfels, Suite 520
San Antonio, Texas 78217-6397
Phone 210.887.7470; Fax 210.495.4670
Jerry Du Terroil, Executive Director
Founded August 1993

CERTIFICATION

I, Jerry Du Terroil, certify that ALT-Affordable Housing Services, Inc.-Arbor Place engaged Astex Environmental Services, a qualified Third Party, to perform a noise assessment on the property known as Village at Boyer, 1510 Hoefgen Avenue, San Antonio, Bexar County, Texas. We commit to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.

EXECUTED effective as of the 22 th day of February 2019.

Village at Boyer, LP,
a Texas limited partnership

By: Village at Boyer GP, LLC,
a Texas limited liability company,
its general partner

By: ALT-Affordable Housing Services, Inc.-Arbor Place,
a Texas non-profit corporation,
its sole member

By: Jerry Du Terroil
Jerry Du Terroil
Executive Director

THE STATE OF Texas §

COUNTY OF Bexar §

Before me, a notary public, on this day personally appeared Jerry Du Terroil, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared and certified that the statements therein contained are true and correct.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 22 day of February
2019

(Seal)



Daphne Lyne Garramore
Notary Public Signature

Third Party Noise Assessment



Astex Environmental Services

139 Braniff Drive · San Antonio, TX 78216

Phone: (210) 828-9800 · Fax: (210) 829-4927

astex@astexinc.com

www.astexinc.com

October 5, 2018

Delivered via email: BradfordMc@prosperahcs.org

Bradford McMurray
Development Director
Prospera Housing Community Services
8610 N. New Braunfels Ave. Suite 500
San Antonio, TX 78217-6397
P 210.821.4344
C 210.774.0703
F 210.821.4303

Re: 1510 Hoefgen, San Antonio, Bexar County, Texas
Apartments to Open onto Boyer Avenue
Astex Project Number: AE-18-13619

Mr. McMurray:

On October 5, 2018, Astex Environmental Services conducted a noise evaluation of the above-mentioned site. This noise assessment was conducted in accordance with the Department of Housing and Urban Development's Noise Assessment Guidelines (HUD Noise Model). This noise assessment was conducted at the direction of and for the benefit of Prospera Housing Community Services.

Summary Result:

The noise levels fall in the middle of the range that HUD defines as "Normally Unacceptable". It is the opinion of Astex Environmental Services, that conducting a Sound Transmission Classification, with site elevations and information provided by the client architect concerning the components that make up the construction of the building closest to the noise sources (i.e. windows, doors, siding, stucco, etc.), will result in a reduction of the DNL to "Acceptable" levels.

It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not consider cost or feasibility. For the purpose of this regulation and to meet other program objectives, sites with a day-night average sound level of 65 and below are acceptable and are allowable. The basic foundation for and structure of the HUD noise program is set out in the noise regulation, 24 CFR 51B, Federal Register Vol. 44, No. 235, July 12, 1979.

The noise environment inside a building is considered acceptable if (a) the noise environment external to the building complies with these standards, and (b) the building is constructed in a manner common to the area or, if of uncommon construction, has at least the equivalent noise attenuation characteristics.

Site Acceptability Standards:

Acceptable:	not exceeding 65 dB
Normally Unacceptable:	Exceeding 65 dB but not exceeding 75 dB
Unacceptable:	above 75 dB

The property is near the corner of Hoefgen Ave. and W. Boyer Ave. The nearest major road with traffic counts exceeding 10,000 vehicles per day and that is within 1,000 feet of the nearest building on the subject property is IH-37. The Noise Assessment Location (NAL) of the apartment building to be built on the subject property is approximately 673 feet from the building to the center of IH37. Noise from this source is a factor to be considered in noise calculations.

The subject site is approximately 6.4 miles to the east of Kelly AFB, approximately 4.5 miles north of the Stinson Municipal Airport, approximately 14.26 west of Randolph Air Force Base, and 8.85 miles south of the San Antonio International Airport. Stinson Municipal Airport is a regional airport that serves mostly single engine planes. The subject site is not located within the noise contours of the airports. As a result, noise from airports will not be taken into consideration in the noise calculations.

The subject site lies within 3000 feet of an active railroad. Nearest railroad to the north is 132 feet away from the NAL, which is 2 meters in front of the façade of the building. Noise from this railroad is a factor to be considered in noise calculations.

Only noise from the road and the railroad will be included in noise calculations for this property.

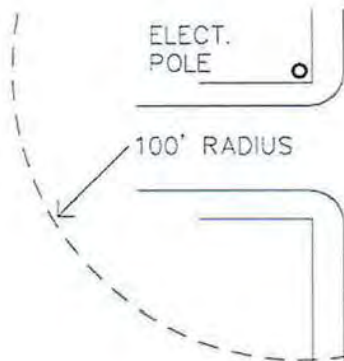
Using the online HUD DNL Calculator, the noise levels were calculated at **71.22** dB for the year 2018 and **71.44** dB for the year 2028. The noise levels fall in the middle of the range that HUD defines as "Normally Unacceptable". To be within the Acceptable level, the noise values must be 65 dB or below.

It is the opinion of Astex Environmental Services, that conducting a Sound Transmission Classification, with site elevations and information provided by the client architect concerning the components that make up the construction of the building closest to the noise sources (i.e. windows, doors, siding, stucco, etc.), will result in a reduction of the DNL to "Acceptable" levels.

Sincerely,
Astex Environmental Services, by

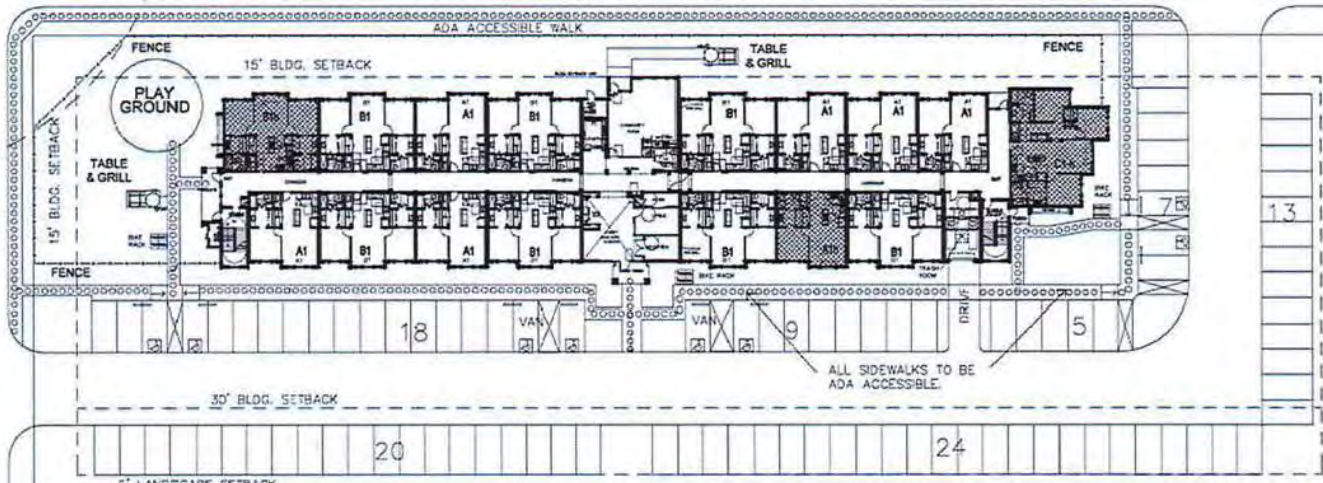


Elizabeth Combs
Environmental Professional



HOEFGEN AVE.

WEST BOYER AVE.



UNIT AND BLDG. TABULATION

Unit Type	Area	1st.	2nd.	3rd.	4th.	5th.	Total	Percent	%	Area
A1	661	6	7	7	8	8	36	42%		23,796
A1-h	661	1					1	1%		661
A1-hv	661			1			1	1%	44%	661
B1	887	7	7	8	8	9	39	46%		34,593
B1-h	887	1	1	1			3	3%		2,661
B1-hv	887				1		1	1%	50%	887
C1	1,185	0	1	1	1	1	4	5%		4,740
C1-h	1,185	1					1	1%		1,185
									6%	
Total Units		16	16	18	18	18	86		100%	69,184
COMMON AREA										2,936
OFFICE AREA										609
										TOTALS 72,729

PARKING TABULATION

88 - OPEN SPACES
 6 - HC SPACES
 2 - VAN SPACES
 96 - TOTAL SPACES

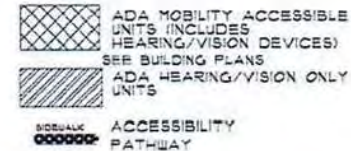
CITY PARKING REQUIREMENT

NO PARKING REQUIREMENT IN THE D ZONE
 HAVE - 4% SPACES = 1.0 SPACES/UNIT

**BICYCLE PARKING SPACES
 (10% OF MIN. VEHICLE SPACES)**

10 - BIKE SPACES REQUIRED

NO EXISTING EASEMENTS ON THE SITE.
 NO DETENTION POND REQUIRED.
 NO FLOODPLAIN ON SITE



86 UNIT / 5 STORY BUILDING - SITE PLAN

SITE AREA = 1.72 ACRES - DENSITY OF 50 units/ac.



02/19/19

Village at Boyer
 San Antonio, Texas



SP-1



1510 Hoefgen Ave

Distance from Noise Assessment Location (NAL 1510) to:
Nearest High Capacity Road (IH 37) is 673 feet to the west
Nearest Railroad is 132 feet to the north

SUPPORT DOCUMENTATION

1510 Hoefgen

IH37

Year #				1	2	3	4	5	6	7	8	9	10								
Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
AADT	121403	123463	125558	127689	129856	132060	134301	136580	138898	141255	143652	146090	148569	151090	153654	156262	158914	161611	164354	167143	169979
Medium Trucks	2564	2608	2652	2697	2743	2789	2836	2885	2934	2983	3034	3085	3138	3191	3245	3300	3356	3413	3471	3530	3590
Large Trucks	1282	1304	1326	1348	1371	1395	1418	1442	1467	1492	1517	1543	1569	1596	1623	1650	1678	1707	1736	1765	1795
Cars	117557	119551	121580	123644	125742	127876	130047	132253	134497	136780	139101	141462	143862	146303	148786	151312	153880	156491	159147	161848	164594

** Most current information available from TxDOT Statewide Planning Map for IH37 was 2016 AADT of 121,403 and a projected 2036 AADT of 169,970. Calculated the estimated growth per year at 1.697% and determined the numbers for the years in between. TxDOT also suggested truck percentage was 3.2%, assumed 1/3 of those were Large Trucks and 2/3 of those were Medium Trucks.

Maps Measure Query
Sketch Legend About

Base Maps

TxDOT

- Texas Imagery Service (Google)
- Esri Light Gray
- Esri Streets
- Open Street Map

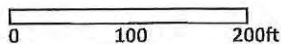
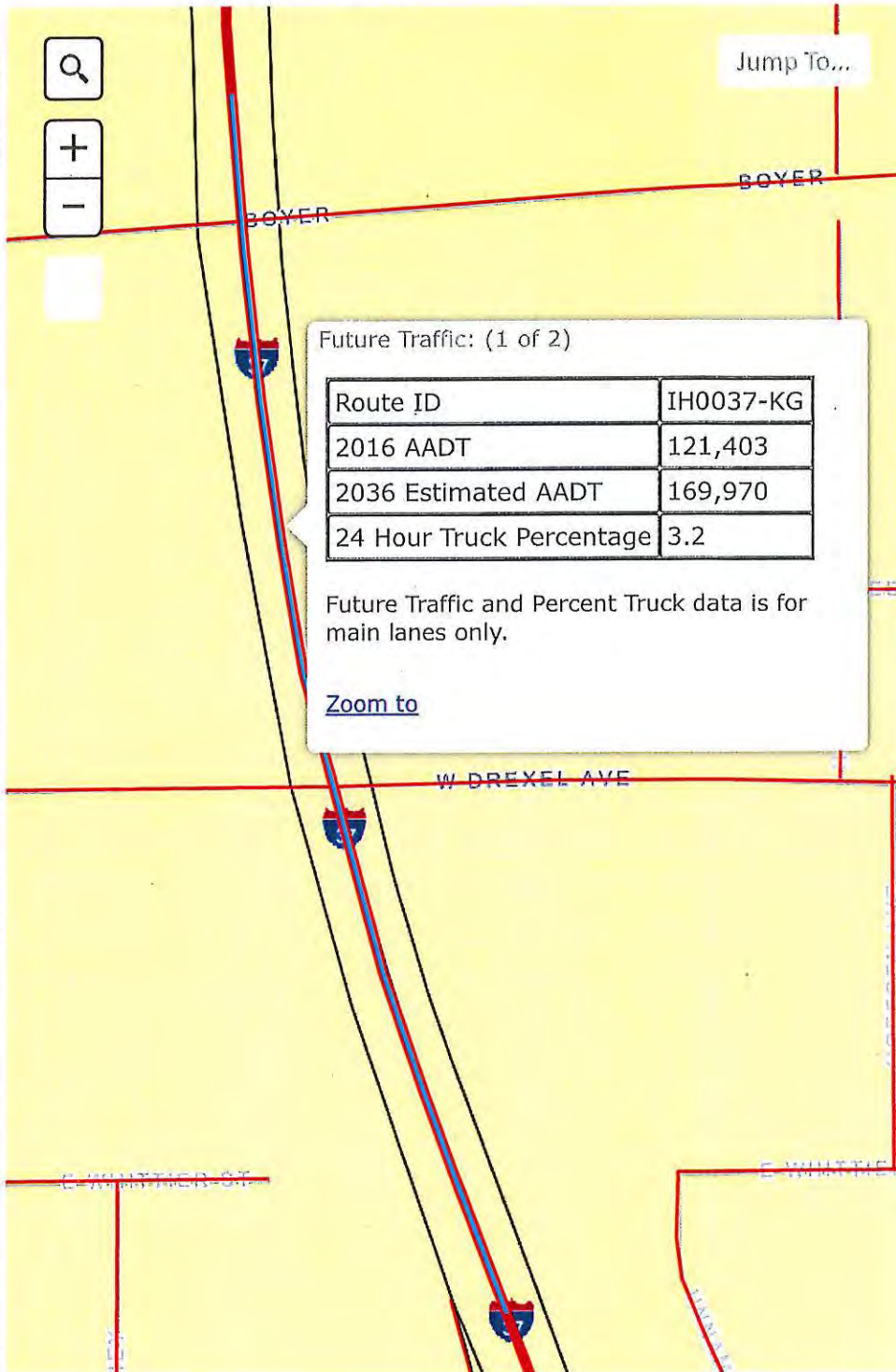
Overlays

Clear Overlays

- AADT
- Area Offices
- Bridges
- Cemeteries
- Control Sections
- Councils of Governments (COG)
- Connectivity Corridors
- Congestion (Base Year)
- Congestion (Forecast Year)
- Energy Sector Corridors
- Freight Network (FHWA)
- Freight Network (TxDOT)
- Functional Classification & Urban Areas

Future Traffic & Percent Truck

- Highway Designations
- Hurricane Evacuation Routes
- Maintenance Section
- Maintenance Section Routes
- Memorial Highways
- Metropolitan Planning Organizations (MPO)
- National Highway System
- Non-Attainment Areas
- Permanent Count Stations
- Projects - Construction Scheduled
- Projects - Finalizing for Construction
- Projects - Under Development
- Projects - Long Term Planning
- Railroads
- Reference Markers
- Regional Mobility Authorities (RMA)
- Roadway Inventory - On-System
- Roadbeds
- Shale Plays and Basins
- Speed Limits
- State House Districts
- State Senate Districts
- Texas Trunk System & Urban Areas
- Tolls



Level: 17, 29.400499, -98.478427

TxDOT, TPP-GIS

Download Data

TxDOT

- Texas Imagery Service (Google)
- Esri Light Gray
- Esri Streets
- Open Street Map

Overlays

Clear Overlays

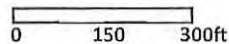
- AADT
- Area Offices
- Bridges
- Cemeteries
- Control Sections
- Councils of Governments (COG)
- Connectivity Corridors
- Congestion (Base Year)
- Congestion (Forecast Year)
- Energy Sector Corridors
- Freight Network (FHWA)
- Freight Network (TxDOT)
- Functional Classification & Urban Areas
- Future Traffic & Percent Truck
- Highway Designations
- Hurricane Evacuation Routes
- Maintenance Section
- Maintenance Section Routes
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- National Highway System
- Non-Attainment Areas
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- Projects - Under Development
- Projects - Long Term Planning
- Railroads
- Reference Markers
- Regional Mobility Authorities (RMA)
- Roadway Inventory - On-System
- Roadbeds
- Shale Plays and Basins
- Speed Limits**
- State House Districts
- State Senate Districts
- Texas Trunk System & Urban Areas
- Tolls
- Top 100 Congested Roadways
- TxDOT Facilities
- US House Districts
- Vertical Clearance



Speed Limit: (1 of 2)

Route ID	IH0037-KG
Max Speed	65
From DFO	139.871
To DFO	140.878

Zoom to



Level: 16, 29.400922, -98.476438

Download Data

TxDOT, TPP-GIS

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 07 / 24 / 2018	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input checked="" type="checkbox"/> Change in Data <input type="checkbox"/> Re-Open <input type="checkbox"/> New Crossing <input type="checkbox"/> Date Change Only <input type="checkbox"/> Closed <input type="checkbox"/> Change in Primary Operating RR <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Admin. Correction <input type="checkbox"/> Quiet Zone Update	D. DOT Crossing Inventory Number 415638X
---	--	--	--

Part I: Location and Classification Information

1. Primary Operating Railroad Union Pacific Railroad Company [UP]		2. State TEXAS		3. County BEXAR	
4. City / Municipality <input checked="" type="checkbox"/> In <input type="checkbox"/> Near SAN ANTONIO		5. Street/Road Name & Block Number HOEFGEN STREET (Street/Road Name) (* (Block Number)		6. Highway Type & No. ST 0000	
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			8. Do Other Railroads Operate Over Your Track at Crossing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Specify RR ATK , BNSF		
9. Railroad Division or Region <input type="checkbox"/> None SAN ANTONIO		10. Railroad Subdivision or District <input type="checkbox"/> None AUSTIN SUB		11. Branch or Line Name <input checked="" type="checkbox"/> None	
12. RR Milepost 0259.260 (prefix) (nnnn.nnn) (suffix)					
13. Line Segment *		14. Nearest RR Timetable Station *		15. Parent RR (if applicable) <input checked="" type="checkbox"/> N/A	
16. Crossing Owner (if applicable) <input checked="" type="checkbox"/> N/A					
17. Crossing Type <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.	19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over	20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	21. Type of Train <input checked="" type="checkbox"/> Freight <input checked="" type="checkbox"/> Intercity Passenger <input type="checkbox"/> Commuter <input type="checkbox"/> Transit <input type="checkbox"/> Shared Use Transit <input type="checkbox"/> Tourist/Other	22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input checked="" type="checkbox"/> Number Per Day <u>1</u>
23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard					
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Provide Crossing Number			25. Quiet Zone (FRA provided) <input checked="" type="checkbox"/> No <input type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established		
26. HSR Corridor ID <input checked="" type="checkbox"/> N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnn) 29.4024696		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnn) -98.4792048	
29. Lat/Long Source <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated					
30.A. Railroad Use *		31.A. State Use *			
30.B. Railroad Use *		31.B. State Use *			
30.C. Railroad Use *		31.C. State Use * State Phone# updated - date updated: 2018-08-16			
30.D. Railroad Use *		31.D. State Use *			
32.A. Narrative (Railroad Use) *		32.B. Narrative (State Use) *			
33. Emergency Notification Telephone No. (posted) 800-848-8715		34. Railroad Contact (Telephone No.) 402-544-3721		35. State Contact (Telephone No.) 512-416-2635	

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 9	1.B. Total Night Thru Trains (6 PM to 6 AM) 9	1.C. Total Switching Trains 0	1.D. Total Transit Trains 0	1.E. Check if Less Than One Movement Per Day <input type="checkbox"/> How many trains per week? _____
2. Year of Train Count Data (YYYY) 2016		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 40 3.B. Typical Speed Range Over Crossing (mph) From 20 to 40		
4. Type and Count of Tracks Main <u>1</u> Siding <u>0</u> Yard <u>0</u> Transit <u>0</u> Industry <u>0</u>				
5. Train Detection (Main Track only) <input type="checkbox"/> Constant Warning Time <input type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input checked="" type="checkbox"/> Other <input type="checkbox"/> None				
6. Is Track Signaled? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		7.A. Event Recorder <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.B. Remote Health Monitoring <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 07/24/2018	PAGE 2	D. Crossing Inventory Number (7 char.) 415638X
---	--------	---

Part III: Highway or Pathway Traffic Control Device Information

1. Are there Signs or Signals? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2. Types of Passive Traffic Control Devices associated with the Crossing						
2.A. Crossbuck Assemblies (count) 0		2.B. STOP Signs (R1-1) (count) 0		2.C. YIELD Signs (R1-2) (count)		2.D. Advance Warning Signs (Check all that apply; include count) <input type="checkbox"/> None <input checked="" type="checkbox"/> W10-1 <input type="checkbox"/> W10-3 <input type="checkbox"/> W10-11 <input type="checkbox"/> W10-2 <input type="checkbox"/> W10-4 <input type="checkbox"/> W10-12		
2.E. Low Ground Clearance Sign (W10-5) <input type="checkbox"/> Yes (count 0) <input checked="" type="checkbox"/> No		2.F. Pavement Markings <input checked="" type="checkbox"/> Stop Lines <input type="checkbox"/> Dynamic Envelope <input checked="" type="checkbox"/> RR Xing Symbols <input type="checkbox"/> None		2.G. Channelization Devices/Medians <input type="checkbox"/> All Approaches <input type="checkbox"/> Median <input type="checkbox"/> One Approach <input checked="" type="checkbox"/> None		2.H. EXEMPT Sign (R15-3) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2.I. ENS Sign (I-13) Displayed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2.J. Other MUTCD Signs <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Specify Type _____ Count 0 Specify Type _____ Count 0 Specify Type _____ Count _____				2.K. Private Crossing Signs (if private) <input type="checkbox"/> Yes <input type="checkbox"/> No		2.L. LED Enhanced Signs (List types)		
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)								
3.A. Gate Arms (count) Roadway 0 Pedestrian _____		3.B. Gate Configuration <input type="checkbox"/> 2 Quad <input type="checkbox"/> Full (Barrier) Resistance <input type="checkbox"/> 3 Quad <input type="checkbox"/> Median Gates <input type="checkbox"/> 4 Quad		3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane 2 <input type="checkbox"/> Incandescent Not Over Traffic Lane 0 <input type="checkbox"/> LED		3.D. Mast Mounted Flashing Lights (count of masts) 0 <input type="checkbox"/> Incandescent <input type="checkbox"/> LED <input type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included		3.E. Total Count of Flashing Light Pairs 0
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) _____/_____/_____ <input checked="" type="checkbox"/> Not Required			3.G. Wayside Horn <input type="checkbox"/> Yes Installed on (MM/YYYY) ____/____/_____ <input checked="" type="checkbox"/> No			3.H. Highway Traffic Signals Controlling Crossing <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		3.I. Bells (count) 2
3.J. Non-Train Active Warning <input type="checkbox"/> Flagging/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input type="checkbox"/> None					3.K. Other Flashing Lights or Warning Devices Count 0 Specify type _____			
4.A. Does nearby Hwy Intersection have Traffic Signals? <input type="checkbox"/> Yes <input type="checkbox"/> No		4.B. Hwy Traffic Signal Interconnection <input type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs		4.C. Hwy Traffic Signal Preemption <input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance		5. Highway Traffic Pre-Signals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____		6. Highway Monitoring Devices (Check all that apply) <input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input type="checkbox"/> None

Part IV: Physical Characteristics

1. Traffic Lanes Crossing Railroad Number of Lanes 2 <input type="checkbox"/> One-way Traffic <input checked="" type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic		2. Is Roadway/Pathway Paved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		3. Does Track Run Down a Street? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/_____ <input checked="" type="checkbox"/> 1 Timber <input type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____							
6. Intersecting Roadway within 500 feet? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Approximate Distance (feet) _____				7. Smallest Crossing Angle <input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input checked="" type="checkbox"/> 60° - 90°		8. Is Commercial Power Available? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

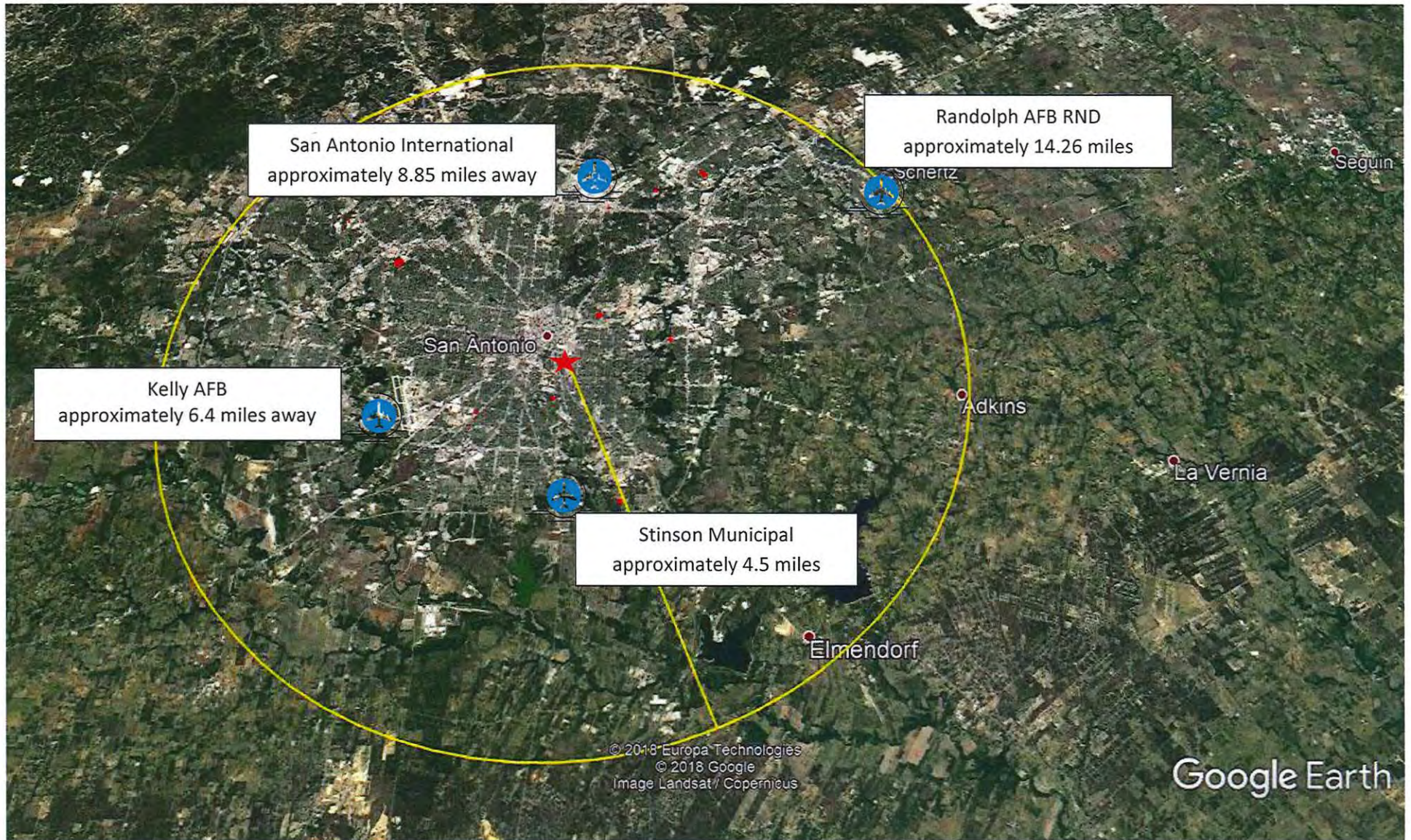
Part V: Public Highway Information

1. Highway System <input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input checked="" type="checkbox"/> (03) Federal AID, Not NHS <input type="checkbox"/> (08) Non-Federal Aid		2. Functional Classification of Road at Crossing <input type="checkbox"/> (0) Rural <input checked="" type="checkbox"/> (1) Urban <input type="checkbox"/> (1) Interstate <input checked="" type="checkbox"/> (5) Major Collector <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input type="checkbox"/> (7) Local		3. Is Crossing on State Highway System? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Highway Speed Limit 30 MPH <input checked="" type="checkbox"/> Posted <input type="checkbox"/> Statutory	
				5. Linear Referencing System (LRS Route ID) *		6. LRS Milepost *	
7. Annual Average Daily Traffic (AADT) Year 2010 AADT 1510		8. Estimated Percent Trucks 03 %		9. Regularly Used by School Buses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Average Number per Day 0		10. Emergency Services Route <input type="checkbox"/> Yes <input type="checkbox"/> No	

Submission Information - This information is used for administrative purposes and is not available on the public website.

Submitted by _____ Organization _____ Phone _____ Date _____

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.



There are 4 airports within 15 miles of the target property, 1510 Hoefgen. The target property does not lie within the noise contours of any of the four airports.

Site ID	1510 Hoefgen
Record Date	10/5/2018
User's Name	EC 2018

Road # 1 Name:	IH 37
-----------------------	-------

Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	673	673	673
Distance to Stop Sign			
Average Speed	65	65	65
Average Daily Trips (ADT)	121580	2652	1326
Night Fraction of ADT	15	15	15
Road Gradient (%)			0
Vehicle DNL	63.5973	56.9845	59.8742
Calculate Road #1 DNL	65.7946	Reset	

Railroad #1 Track Identifier:	Union Pacific
--------------------------------------	---------------

Rail # 1

Effective Distance

132

Average Train Speed

30

Engines per Train

2

Railway cars per Train

50

Average Train Operations (ATO)

18

Night Fraction of ATO

50

Railway whistles or horns?

Yes: No:

Yes: No:

Bolted Tracks?

Yes: No:

Yes: No:

Train DNL

69.6896

Calculate Rail #1 DNL

69.6896

Reset

Add Road Source

Add Rail Source

Airport Noise Level

Loud Impulse Sounds?

Yes No

Combined DNL for all Road and Rail sources

71.2211

Combined DNL including Airport

N/A

Site ID	1510 Hoefgen
Record Date	10/5/2018
User's Name	EC 2028

Road # 1 Name:	IH 37
-----------------------	-------

Road #1

Vehicle Type	Cars <input checked="" type="checkbox"/>	Medium Trucks <input checked="" type="checkbox"/>	Heavy Trucks <input checked="" type="checkbox"/>
Effective Distance	673	673	673
Distance to Stop Sign			
Average Speed	65	65	65
Average Daily Trips (ADT)	143862	3138	1569
Night Fraction of ADT	15	15	15
Road Gradient (%)			0
Vehicle DNL	64.3282	57.7152	60.6049
Calculate Road #1 DNL	66.5254	Reset	

Railroad #1 Track Identifier:	Union Pacific
--------------------------------------	---------------

Rail # 1

Effective Distance

132

Average Train Speed

30

Engines per Train

2

Railway cars per Train

50

Average Train Operations
(ATO)

18

Night Fraction of ATO

50

Railway whistles or horns?

Yes: No:

Yes: No:

Bolted Tracks?

Yes: No:

Yes: No:

Train DNL

69.6896

Calculate Rail #1 DNL

69.6896

Reset

Add Road Source

Add Rail Source

Airport Noise Level

Loud Impulse Sounds?

Yes No

Combined DNL for all
Road and Rail sources

71.4403

Combined DNL including Airport

N/A

19139

Hamilton Wolfe Lofts



February 28, 2019

Ms. Marni Holloway
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Request for Eligibility Under 10 TAC § 10.101(a)(2)(E) related to Undesirable Site Features

Dear Ms. Holloway:

I am writing on behalf of the Applicant, Hamilton Wolfe Lofts, LP, for Application # 19139 Hamilton Wolfe Lofts, proposed to be located in San Antonio, Texas, Urban Region 9. The Applicant has submitted a pre-application and a final application for 2019 Housing Tax Credits for the construction of 74 new affordable units and as such must adhere to 10 TAC § 11.101(a)(2) of the Multifamily Rules relating to Undesirable Site Features. The Applicant seeks a determination of eligibility for its Development Site, as permitted by the rule.

The rule § 11.101(a)(2) begins “Development Sites within the applicable distance of any of the undesirable features identified in subparagraphs (A) - (K) of this paragraph will be considered ineligible unless it is determined by the Board that information regarding mitigation of the applicable undesirable site feature(s) is sufficient and supports Site eligibility.”

Subsection (D) of the above referenced Section prohibits “*Development Sites in which any of the buildings or designated recreational areas (including pools) are to be located within 100 feet of the nearest line or structural element of any overhead high voltage transmission line, support structures for high voltage transmission lines, or other similar structures. This does not apply to local service electric lines and poles;*”

The site for Hamilton Wolfe Lofts is located in San Antonio, Texas at the intersection of Hamilton Wolfe Road and Princeton Place. The site is 5.597 acre, with an irregular “z” shape. There are overhead high-power electric transmission lines along the southern boundary that also traverse the north-central portion of the site.

The line along the southern boundary, all residential buildings and the outdoor community assets such as the pool and playground, are beyond 100 feet from the electric line. The only structure within 100 feet is the Community Center, which is approximately 60 feet from the southern line at its closest point, with the bulk of the building being beyond 100 feet from the electric line. The line running through the north-central portion of the site is approximately 80 feet away from the Building B that is located in the center of the site at its closest point. Please reference Exhibit B to see the Site Plan

The City of San Antonio has buffer requirements between different land uses as mandated by Section 35-510 in the [Unified Development Code](#) (UDC excerpt can be found in Exhibit D). The requirements range from designations A – F. Using the buffer requirement for designation “E” that applies between Multi-Family and Industrial, the landscape buffer required is 30 feet. The structures on the development site are at least 60 feet from the overhead utility easement – twice the distance required by the City. An overhead utility easement is not technically an industrial land use, but it is a reasonable comparison. See Exhibit C for an excerpt from the UDC. Additionally, based on our engineer’s conversations with CPS Energy and their policies on developing near overhead utility easements (see Exhibit E), additional easement width, beyond what has already been allocated in the Development Site Plan, will not be required for the existing transmission lines.

In light of the proximity to the high voltage transmission line, we have designed the site so that all buildings are at least 30 feet from overhead utility, per City of San Antonio Code and in accordance with CPS’s standards for multifamily development near overhead easements, as is evident in Exhibit A and Exhibit E. Moreover, per the recommendations of the engineer, we will engage CPS Energy to analyze the existing electric transmission lines (see Exhibit C).

I am requesting that the Development Site for Hamilton Wolfe Lofts be found eligible for two reasons, 1) local code and CPS Energy allow for development within the distances laid out on the site plan for the proposed development. We are exceeding local requirements established by the City of San Antonio for a buffer twice as wide the City’s requirements for our buffer designations; and 2) we are following the guidelines of the National Electrical Safety Code in terms of the minimum horizontal clearance from the overhead utility easements.

There are limited affordable housing options in San Antonio and none in the Census Tract for Hamilton Wolfe Lofts or any of the Development’s adjacent census tracts. We believe that granting this request will further the purposes and policies as stated in Texas Government Code, §§2306.001(2), 2306.002(1), 2306.002(2), and 2306.6701 and is consistent with the mitigation provisions in the Rule.

We appreciate your time and consideration.

Sincerely,



Sarah H. Andre

Exhibit A: Aerial map of the site

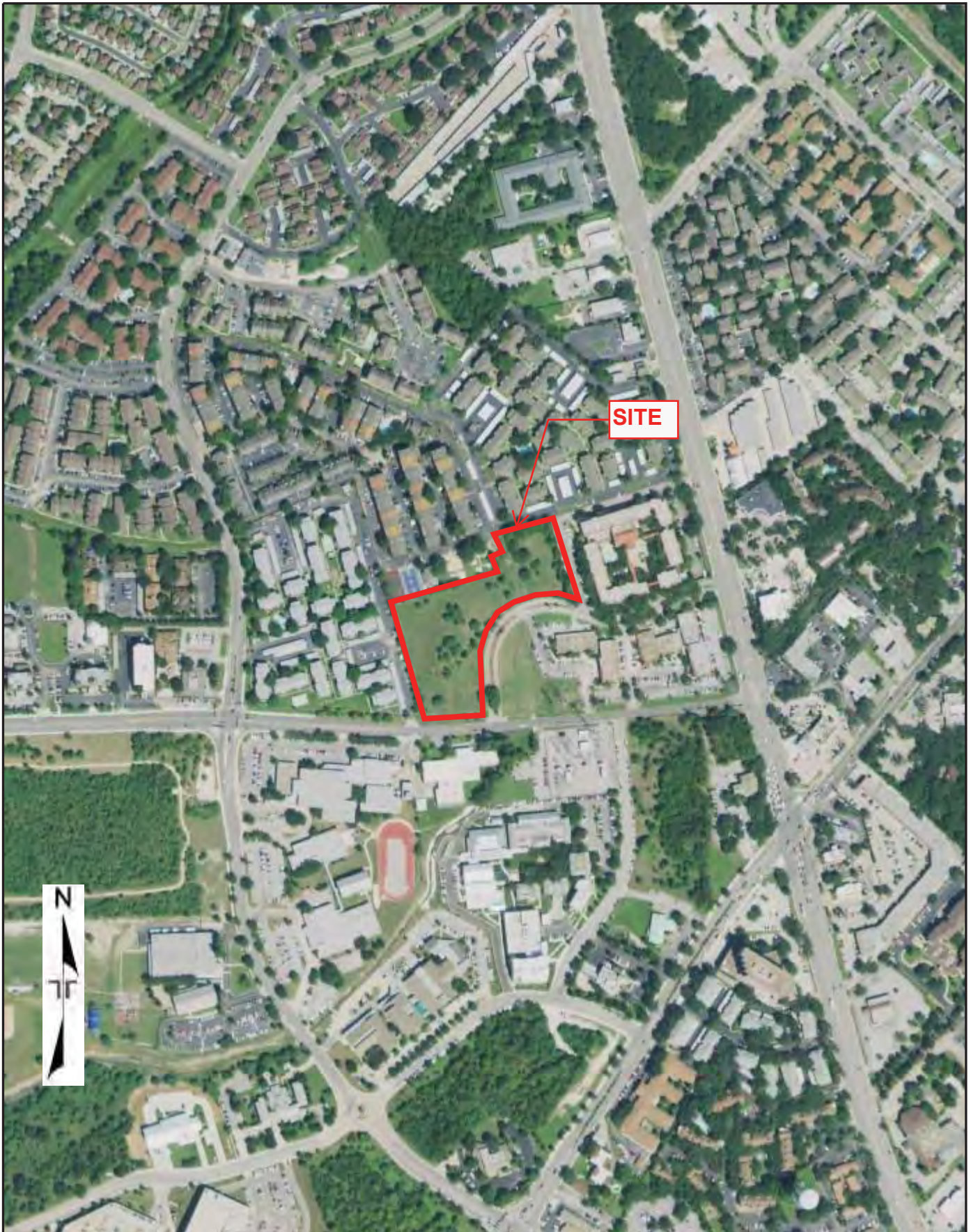
Exhibit B: Development Site Plan showing location of transmission line and proposed buildings.

Exhibit C: Excerpt from the Feasibility Report for Hamilton Wolfe Lofts

Exhibit D: Excerpt from San Antonio’s Unified Development Code

Exhibit E: Letter from CPS Energy regarding overhead easements

Exhibit A



Project Manager: ANC	Project No: 90197066
Drawn by: ANC	Scale: 1" = 500'
Checked by: DMM	File Name: USDA
Approved by: DMM	Date: 2016

Terracon
6911 Blanco Road
San Antonio, Texas 78216

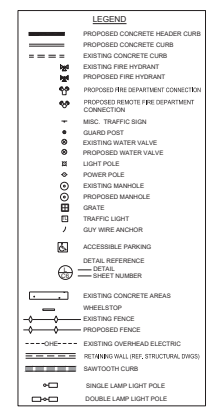
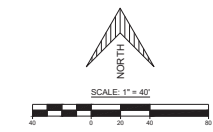
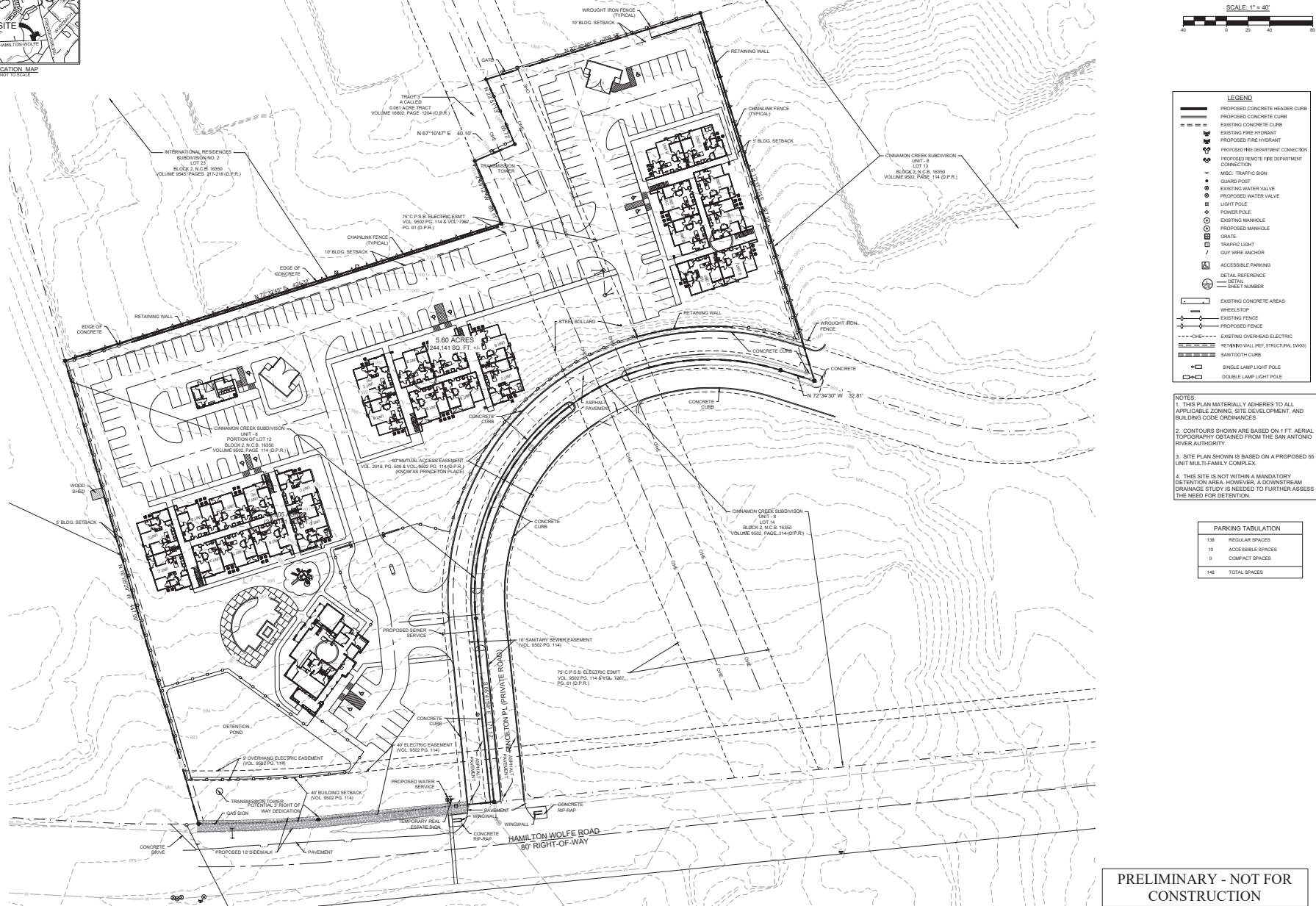
AERIAL PHOTOGRAPH
Hamilton Wolfe Lofts
NWC of Hamilton Wolfe Road and Princeton Place
San Antonio, Bexar County, Texas

Appendix C

Exhibit B

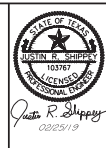


Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	111.59	1362.40	4°34'18"	S 88°10'22" W	111.07'
C2	431.94	216.58	11°13'32"	S 53°51'43" W	384.90'



- NOTES:
1. THIS PLAN MATERIALLY ADHERES TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODE ORDINANCES
 2. CONTOURS SHOWN ARE BASED ON 1 FT. AERIAL TOPOGRAPHY OBTAINED FROM THE SAN ANTONIO RIVER AUTHORITY.
 3. SITE PLAN SHOWN IS BASED ON A PROPOSED 55 UNIT MULTI-FAMILY COMPLEX.
 4. THIS SITE IS NOT WITHIN A MANDATORY DETENTION AREA. HOWEVER, A DOWNSTREAM DRAINAGE STUDY IS NEEDED TO FURTHER ASSESS THE NEED FOR DETENTION.

PARKING TABULATION	
138	REGULAR SPACES
10	ACCESSIBLE SPACES
0	COMPACT SPACES
148	TOTAL SPACES



PRIME CONTACT
JUSTIN SHIPLEY

MACINA • BOSE • COPELAND & ASSOC., INC.
CONSULTING ENGINEERS AND LAND SURVEYORS
1305 Central Parkway W.P. San Antonio, Texas 78202
(210) 545-1522 Fax (210) 545-9000 www.mcbosco.com
FIRM REGISTRATION NUMBER: T&E F.744 A. T.B.P.L.S. 1001100



HAMILTON WOLFE LOFTS
SAN ANTONIO, TEXAS
PRELIMINARY SITE PLAN EXHIBIT

NO.	REVISIONS	DATE

PLANNING DESIGN DATE: 02-22-19

DRAWN: [Signature]
CHECKED: [Signature]
DATE: 02-22-19

PRELIMINARY - NOT FOR CONSTRUCTION

JOB NO:
32299-1073

EX-01

EASEMENTS:

Our firm has prepared a survey of this site which includes a title company review. The survey is provided as an attachment to this report. There is an existing 75 foot electric easement traversing north to south along the western portion of the property, a 40-foot building setback and electric easement along Hamilton Wolfe Road, a 9 foot wide overhang easement adjacent to this electric easement in which no structure taller than 9 feet shall be built or placed, a 60-foot wide mutual access easement located along the south/east property line and a 16-foot sanitary sewer easement located in the median of the Princeton Pl. Additionally there is a Perpetual Mutual Access Easement and Maintenance agreement for Princeton Pl. Due to the current condition of this private street, it is recommended to coordinate with the seller and adjacent landowners concerning potential maintenance costs and responsibilities.

The existing electric transmission lines will need to be analyzed by CPS Energy to determine the “blow-out” of the lines in windy conditions. Based on discussions with CPS, additional easement width will not be required for the existing transmission lines. An indemnity agreement will be required for any improvements within the easement. This is a lengthy process and should be submitted to CPS as soon as possible during the design process. While parking and driveways are permitted within this easement, CPS generally does not permit extensive grading, walls or anything that would impede access through the easement.

TREES/LANDSCAPING:

The proposed development will be required to comply with the City of San Antonio’s 2010 Tree Preservation Ordinance, unless vesting is obtained. A full tree survey has not been conducted but there appears to be few protected trees scattered throughout the property. Protected trees are defined as trees with diameters greater than 6” measured at breast height (for most species). Heritage trees have diameters greater than or equal to 24”. Mitigation equates to \$200 per caliper inch for protected trees and \$600 per inch for heritage trees. A minimum of 20% of the existing caliper inches, in each category, must be preserved. The remaining percentage may be mitigated by planting new trees or paying a fee to the City. Tree warranties and planting trees in lieu of paying the mitigation amounts are permitted. Additionally, the project will need to comply with the Final Tree Canopy requirement and must provide a tree canopy cover of 25% of the lot acreage. It is recommended to consult a landscape architect early so careful consideration can be given to tree and landscaping requirements. We have provided a link to the tree ordinance which goes into more detail:

https://library.municode.com/tx/san_antonio/codes/unified_development_code?nodeId=ARTVD_EST_DIV5NAREPR_S35-523TRPR

PARKLAND DEDICATION:

Multi-family projects are required to dedicate 1 acre of parkland for every 114 units. The site plan we have been supplied with indicates there will be 74 units. The required dedication for this number of units is 0.7 acres. Due to the low density of the proposed site plan, and amenities such as a pool and playground, on-site dedication is a viable option. If all parkland dedication

STATEMENT OF PURPOSE

The intent of buffering is to implement Policy 3c of the Neighborhoods Element of the Master Plan to provide landscaped separation between residential and nonresidential uses and to screen from view certain land uses that may create visual clutter and distraction. The standards of this section provide for increases in the width and the opacity of the bufferyard as the land use intensity of the new or expanded development increases.

(a) **Applicability.**

- (1) **Activities Subject to Buffer Regulations.** This section shall apply to any of the following, except where exempted pursuant to subsection (2), below.
 - A. The construction or erection of any new occupiable building or structure for which a building permit is required.
 - B. Any enlargement exceeding one thousand (1,000) square feet or ten (10) percent in area, whichever is greater, of the exterior dimensions of an existing building for which a building permit is required. When a building or parking lot is enlarged to the extent that a buffer of at least one hundred (100) feet in lineal footage is required, the requirements of this section shall be applied incrementally such that buffers shall be required only in proportion to the enlarged building area or off-street parking area to the existing development. For example, a ten (10) percent increase requires ten (10) percent of the required buffering that would otherwise be required for the entire development. No buffer is required if the incremental footage imposed by this section is less than one hundred (100) lineal feet.
 - C. Any construction of a new parking lot regardless of size.
 - D. Expansion of an existing parking lot by more than two thousand (2,000) square feet or ten (10) percent in area whichever is greater.
- (2) **Exemptions.** This section shall not apply to the following situations:
 - A. Residential uses adjoining residential uses within any residential zoning district.
 - B. Agricultural uses.
 - C. Nonresidential uses adjoining other nonresidential uses of the same zoning classification.
 - D. The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, windstorm or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided.
 - E. Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the street yard or in an enlargement of the exterior dimensions of an existing building.
 - F. Any use, building or structure for which only a change of use is requested, and which use does not increase the existing building square footage.
 - G. Single-family dwellings.
 - H. Contiguous commercial parcels or land areas under common ownership.

Commentary: Subsection H addresses situations where a parcel is rezoned with several different zoning districts, and one of the districts acts as a "buffer" for the other. For example, a landowner rezones part of a parcel to "L," with a strip adjoining a residential area zoned "O-1." A type "E" buffer is normally required between the "L" and "O-1" districts. No buffer is required between the portion of the parcel zoned "L" and "O-1" internal to the property in this situation.
 - I. Accessory structures less than two hundred (200) square feet in size such as decks, sheds, playhouses, gazebos, security guard huts and non-mobile food vending stands.
 - J. Non-occupiable buildings that provide only maintenance access to the interior of the structure such as ice and water vending machines, DVD kiosks and automated teller machines.
 - K. Non-occupiable buildings or structures regardless of size that serve a utility or infrastructure purpose such as flagpoles, retaining walls, above-ground backflow preventers, sign monuments and sign support structures, cellular and communication equipment and utility systems.
- (3) **Buildings Within Street Yard of Another Building.** A building located within the street yard of another building shall be considered as a separate building site unless it has previously been included within an approved landscape plan.
- (4) **Reduction in Required Bufferyards.** Table 510-2 indicates net minimum bufferyard widths. Such minimum widths shall be provided in a linear fashion along abutting properties where applicable. The width of the bufferyard at any point along its length may be greater or less than the minimum required by Table 510-2 provided that the total calculated area of the bufferyard must remain the same and further provided that the minimum width of the buffer yard at any point is not less than fifty (50) percent of the minimum width indicated by Table 510-2. The net bufferyard area for a property to be developed shall be reduced by no more than fifty (50) percent where:
 - A. A bufferyard exists on an abutting property, and the net bufferyard satisfies the minimum bufferyard requirements of this section; or
 - B. The adjoining property owners have provided a written agreement restricting the use of an established or proposed use triggering the bufferyard requirement to the uses provided for in the current zoning district. Should the property that was subject to the bufferyard requirement be rezoned after the date of the written agreement, the adjoining property owner's written agreement shall be null and void and the applicable bufferyard shall be required.
 - C. The required bufferyard area may be reduced in width up to twenty (20) percent where a natural area is provided in accordance with

Table 510-2 (Type N).

(b) **Landscape Plan.** Landscape materials for bufferyards shall be consistent with Appendix "E" to this chapter. A registered landscape architect, where required by this subsection, shall develop a plan that utilizes xeric landscaping and native plants to the extent practicable. Activities subject to this section which exceed four thousand three hundred (4,300) square feet of impervious surface shall include materials installed in conformance with an approved landscape plan bearing the seal of a registered landscape architect. The landscaping plan shall be approved as provided in section 35-476 of this chapter.

(c) **Types of Bufferyards Required.**

(1) Table 510-1 shows when a bufferyard shall be required to buffer an adjoining zoning district. Uses in the "adjoining zoning district" are not required to provide the bufferyard. The applicant shall install the type of bufferyard as indicated in the table.

Commentary: For example, if the proposed development is located in an "I-1" zoning district (see row (10) of the table), and the "adjoining zoning district" is zoned "RE" (see the column (2) under adjoining zoning district), then the applicant shall install a type E buffer. In addition, if the development adjoins a street classified as a "major arterial" (see column (12) under the adjoining street classification), then the applicant shall install a type C bufferyard where the front yard adjoins the street right-of-way line. However, a proposed development zoned "RE" (see row (2) of the table) which adjoins an "I-1" district (see column (10) of the table) is not required to provide a bufferyard.

(2) In order to encourage the preservation of natural vegetation, the applicant may substitute a type "N" buffer consistent with subsection (d), Table 510-2 for any category of required.

(3) Utility companies shall provide a plant buffer within the street yard of electrical substations, water pumping/storage sites, and wastewater treatment plants. The buffer shall comply with the requirements for a type "E" buffer, below.

**Table 510-1
Required Bufferyards**

Zoning District	Adjoining Zoning District											Adjoining Street Classification		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
	RP**	RE, R-20, NP-15, NP-10, NP-8**	R-6, R-5, R-4, R-3, RM-6, RM-5, RM-4, DR**	MF-18, MF-25, MF-33**	MF-40, MF-50, MF-65	NC	O-1, O-1.5, C-1, C-2, C-2P	O-2, C-3, BP, MXD, MPCD	D	L, I-1	I-2	Major Arterial	Minor Arterial	Collector
(1) RP	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(2) RE, R-20, NP-15, NP-10, NP-8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(3) R-6, R-5, R-4, R-3, RM-6, RM-5, RM-4, DR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(4) MF-18, MF-25, MF-33	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	F	A	N/A	N/A
(5) MF-40, MF-50, MF-65	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	A	N/A	N/A
(6) NC	C	C	B	N/A	N/A	N/A	N/A	N/A	N/A	E	E	B	A	A

(7) O-1, O-1.5, C-1, C-2, C-2P	C	C*	B	N/A	N/A	A	N/A	N/A	N/A	E	E	B	A	A
(8) O-2, C-3, BP, MXD, MPCD	C	C*	C	C	N/A	A	N/A	N/A	N/A	N/A	D	B	B	A
(9) D	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
(10) L, I-1	E	E	D	E	E	E	E	N/A	N/A	N/A	N/A	C	C	B
(11) I-2	F	F	F	F	F	E	E	D	N/A	N/A	N/A	C	C	B

Notes: ;hg;A, B, C, D, E, F: Bufferyard Type Designations as shown in Table 510-2 below.

N/A: Not applicable—Bufferyard not required.

* Where a use zoned "O-1," "C-1," "C-2" adjoins an existing platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter, a type "D" buffer shall be applied. Where a use zoned "BP," "O-2" or "C-3" adjoins an existing platted subdivision zoned "RE" or "R-20" as of the effective date of this chapter, a type "F" buffer shall be applied.

** Where a nonresidential use is located in a single-family or multi-family district as indicated in Table 510-1 the required buffer is equivalent to that required of an O-1, C-1, C-2 use (column 7).

(d) **Buffer Types.**

- (1) There are seven (7) types of bufferyards. Table 510-2 shows the minimum width and number of trees and/or plants required for each one hundred (100) lineal feet for each bufferyard. Figure 510-1 illustrates a typical bufferyard for each type. Each bufferyard type provides several plant material options. The applicant may either plant new trees or plants, or preserve existing trees or plants, within the required buffer which meet the requirements of this subsection.

Table 510-2
Minimum Plant Materials Required for Each Bufferyard Type

Bufferyard Type	Minimum Width (in feet)	Trees ¹		Shrubs ³			Fence (F), Berm (B) or Wall (W) ⁷
		Canopy	Understory ²	Large ³	Medium ⁵	Small ⁶	
A	10	2	2	-	-	16	-
Option	10	2	2	-	8	-	-
B	15	2	2	8	12	-	-
Option	15	2	2	6	8	6	-
C	15	2	4	9	8	-	F or W
Option	15	2	3	10	10	-	F or W
D	25	2	4	9	8	-	F or W
Option	25	2	3	10	10	-	B
E	30	2	4	14	4	4	F or W
Option	30	2	3	12	8	4	B
F	40	2	4	9	5	-	B & W
Option	40	1	4	6	8	8	B

N ⁸	20% reduction with minimum of 10 feet	Any combination of trees or shrubs is acceptable where: (1) the existing vegetation provides at least the number of equivalent planting units required by the required by Table 510-1 (see subsection (d)(2), below), or (2) the existing vegetation provides complete visual screening from the adjoining property.	-
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¹ Canopy trees required for bufferyard types D, E, and F shall be a minimum of medium/large, shade trees that reach a mature height of 30+ feet minimum. See Appendix "E." Where existing or proposed overhead electric lines conflict with tree canopies, small to medium trees may substitute for canopy trees.

² An understory tree is a small to medium deciduous tree, with a mature height of 15 to 25 feet.

³ At a minimum, 50 percent of the shrubs for bufferyard types D, E and F shall be evergreen.

⁴ A large shrub is no more than 25 feet in height at maturity and may be either deciduous or evergreen.

⁵ A medium shrub is between 5 and 10 feet in height at maturity and may be deciduous or evergreen.

⁶ A small shrub is no more than 5 feet in height at maturity and may be either deciduous or evergreen.

⁷ A fence or wall a minimum height of six (6) foot high and two (2) one-half (½) inches thick shall be required where the land use abuts a residential district. The fence, wall or berm is required in addition to the trees and shrubs required by Table 510-2.

⁸ Natural area with native vegetation may be used to meet any of the above bufferyards requirements if the criteria of Table 510-2 are met. The width of a bufferyard shall be reduced by twenty (20) percent when the criteria of Table 510-2 provided that the minimum width shall not be less than ten (10) feet. Irrigation requirements may be waived if no additional planting is required to meet this criteria.

35-510(d) continued

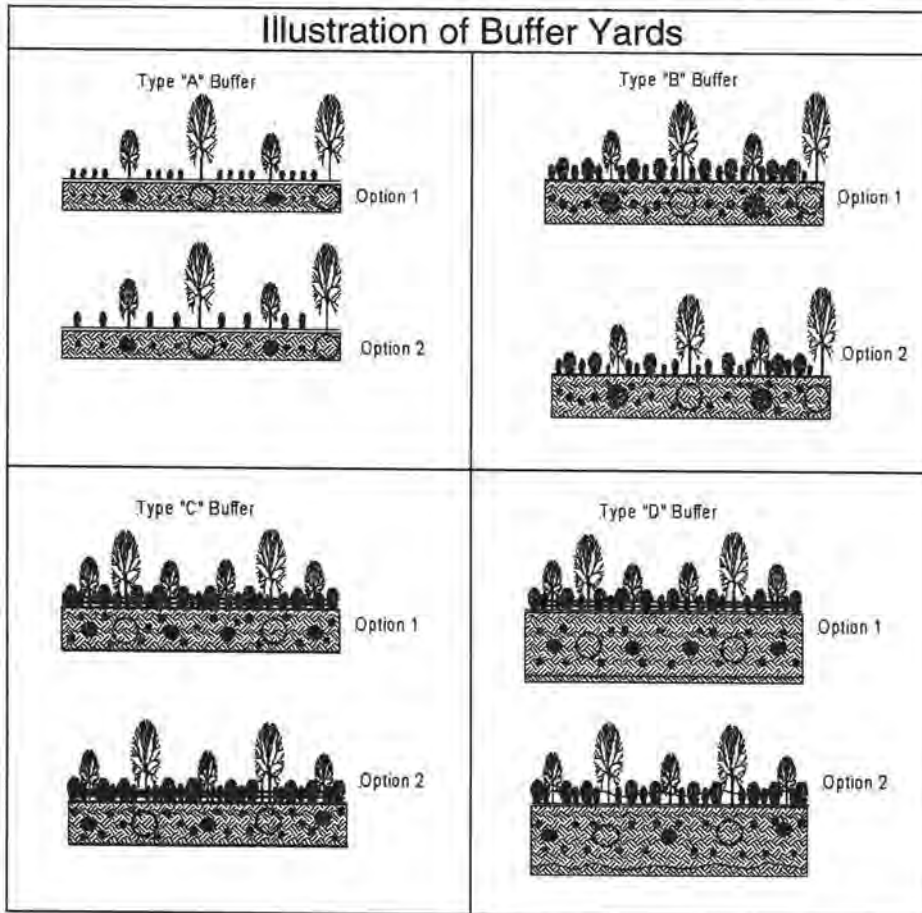


Exhibit E



October 26, 2017

RE: Property Located at 4843 Lord Rd, San Antonio, TX 78220

Teresa Morales
TDHCA
221 E 11th St
Austin, TX 78701

Mrs. Morales,

The NRP Group is developing a 324 Unit Multifamily project located on 15.81 acres at 4843 Lord Rd, San Antonio, Texas 78220. Generally running north and south across the site is a 50' wide Electrical Transmission and Distribution Line Easement (See attached Exhibit). Within the easement area an overhead transmission line runs down the center, and there are no CPS Energy owned transmission structures on the subject property. The developer's proposed site plan, as depicted in the attached exhibit, has been designed to ensure the vertical improvements are clearly outside of the 50' easement area. The nearest building is approximately 38' at its closest point, and 60' at its furthest point from the overhead line, which is acceptable to CPS Energy and meets CPS Energy standards for distance and safety requirements.

Feel free to contact me for further information regarding this matter

Sincerely,

A handwritten signature in blue ink that reads "Antulio Garcia".

Antulio Garcia, P.E.
Manager | Transmission Engineering



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AND ASSOCIATES**
ARCHITECTS
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WILSONS DEL. 610.399.7878
4522 345-8477
www.leeandassociates.com

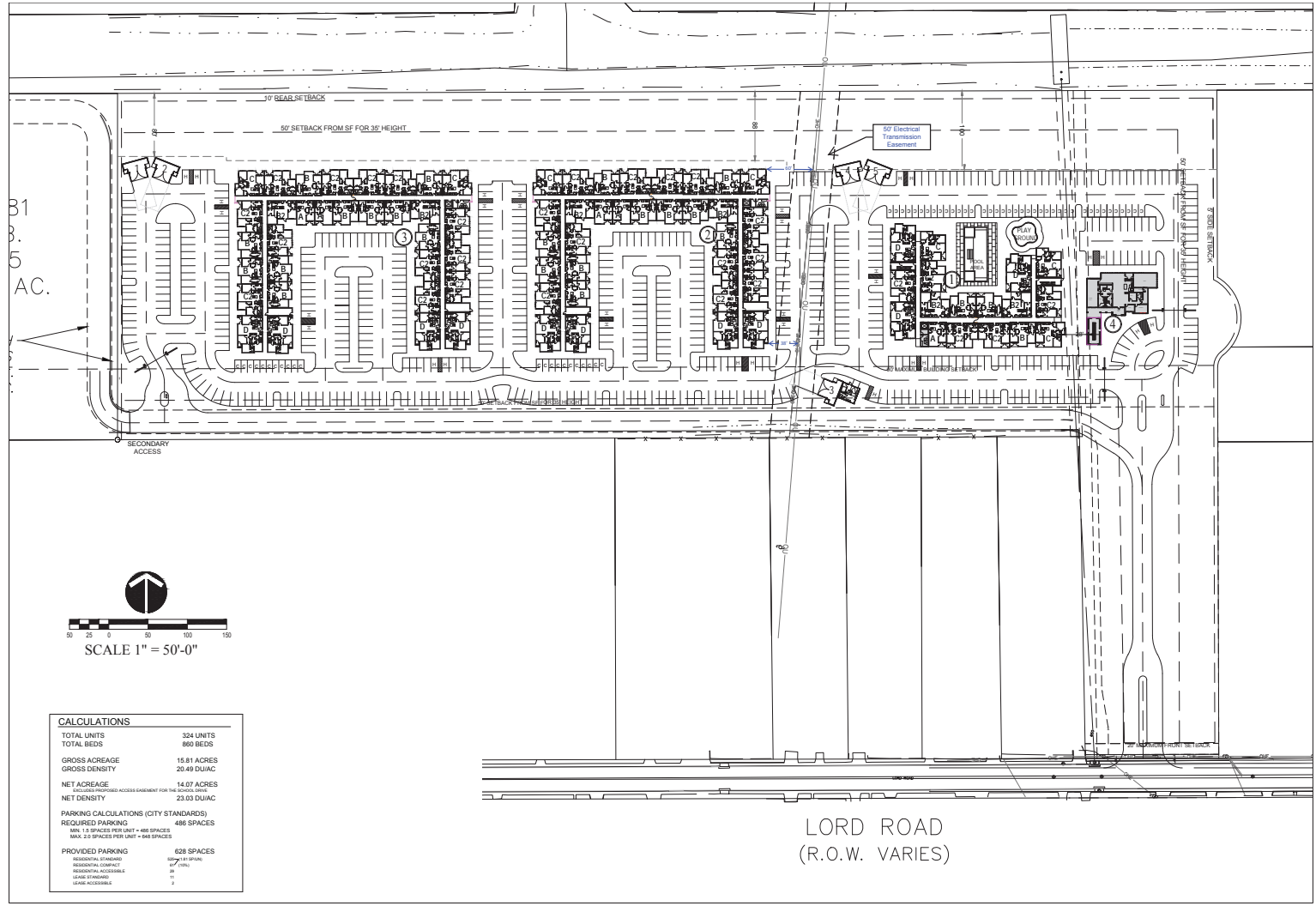


Revision Block	Comments

DATE	05-2017
PROJ. NO.	1706
FILE NAME	1706_RASER
STATE	TX
SHEET	

LORD ROAD TRACT
SAN ANTONIO, TEXAS
CONCEPTUAL SITE PLAN

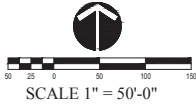
THIS DRAWING IS NOT FOR REGULATORY APPROVAL OR CONSTRUCTION



LORD ROAD
(R.O.W. VARIES)

CALCULATIONS

TOTAL UNITS	324 UNITS
TOTAL BEDS	860 BEDS
GROSS ACREAGE	15.81 ACRES
GROSS DENSITY	20.49 DU/AC
NET ACREAGE	14.07 ACRES
* EXCLUDES PROVIDED ACCESS EASEMENT FOR THE SCHOOL DRIVE	
NET DENSITY	23.03 DU/AC
PARKING CALCULATIONS (CITY STANDARDS)	
REQUIRED PARKING	488 SPACES
MIN. 1.5 SPACES PER UNIT = 486 SPACES	
MAX. 2.0 SPACES PER UNIT = 648 SPACES	
PROVIDED PARKING	628 SPACES
RESIDENTIAL STANDARD 400' x 141' SPACES	
RESIDENTIAL COMPACT 400' x 100'	
RESIDENTIAL ACCESSIBLE	20
GRADE SEPARATED	11
GRADE ACCESSIBLE	2



B1
5.5
AC.

19214

Lakeridge Villas

Application #19214 Lakeridge Villas

Undesirable Site Features Report

Lakeridge Villas (the “**Apartment Development**”) is a proposed Elderly Limitation development that is located at 2404-2406 West Ennis Ave., Ennis, Texas 75119 (the “**Development Site**”). Pursuant to §11.101(a)(2) of the Multifamily Rules, Lakeridge Villas 19 LP (the “**Applicant**”) is disclosing the following Undesirable Site Features:

(H) Development Sites in which the buildings are located within the accident potential zones or the runway clear zones of any airport;

1. Site Proximity to Ennis Municipal Airport

The Development Site is within 2,500 feet of Ennis Municipal Airport, thus requiring further investigation as to whether the Development site sits in a Runway Protection Zone (“RPZ”). **(See Site Aerial with Airport Attached- Exhibit 1)** The City of Ennis has RPZ maps available that show the Development site does not fall within an RPZ and therefore there is no undesirable site feature. **(See RPZ Diagram Attached- Exhibit 2)**

Exhibit 1: Site Aerial with Ennis Municipal Airport

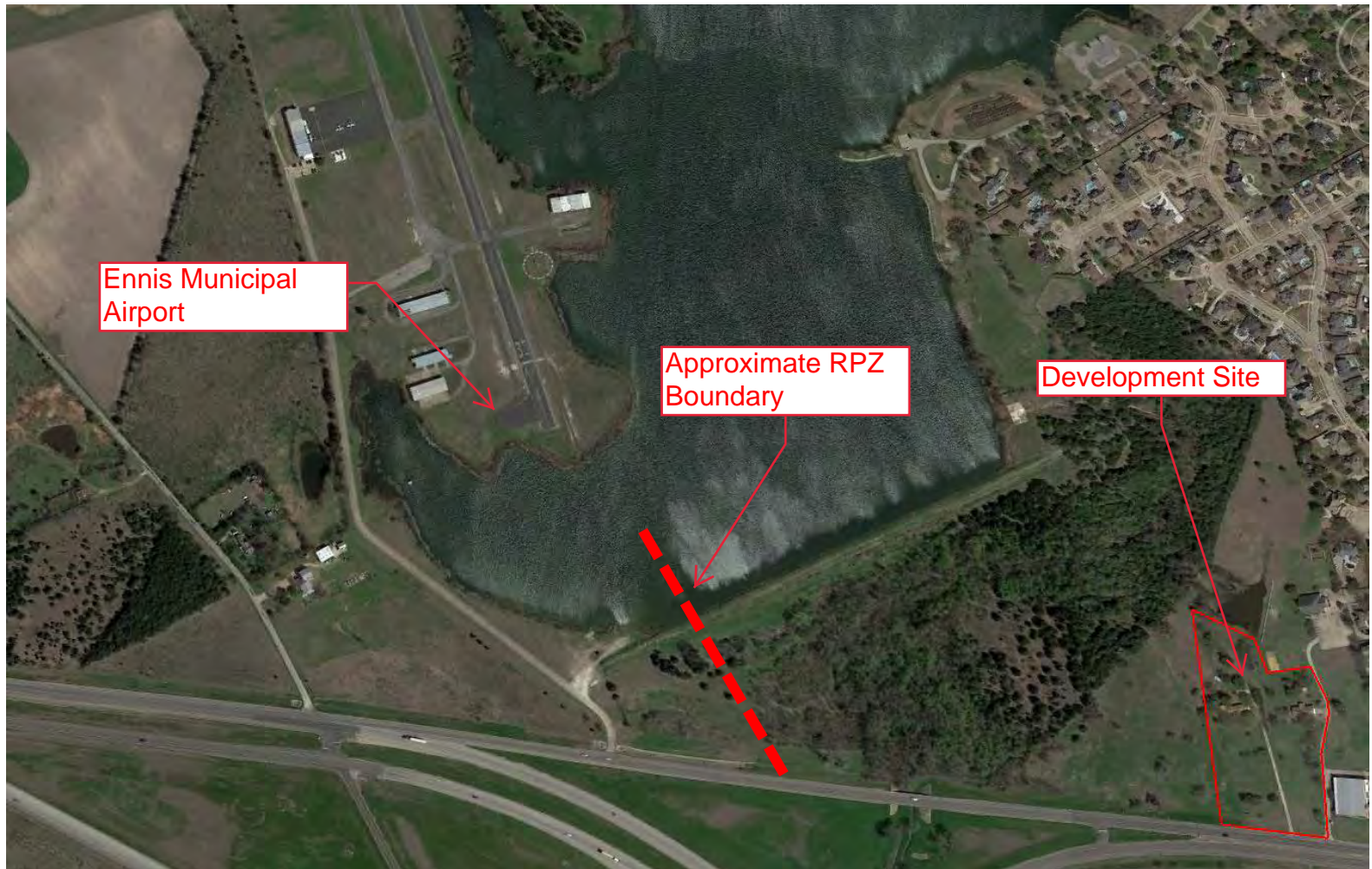


Exhibit 2: Runway Protection Zone Diagram

Airport Deficiencies



19239

Talavera Lofts

Undesirable Site Feature

Pursuant to §11.101 (a)(2)(E) of the 2019 Uniform Multi-Family Rules, the Talavera Lofts site is located within 500 feet from an active railroad track (measured from the closest rail to the boundary of the Development Site); however, the site is within a Railroad Quiet Zone and the railroad in question is commuter rail only. Evidence that the city/community has adopted a Railroad Quiet Zone is attached.

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 01 / 25 / 2017	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input checked="" type="checkbox"/> Change in Data <input type="checkbox"/> Re-Open <input type="checkbox"/> New Crossing <input type="checkbox"/> Date Change Only <input type="checkbox"/> Closed <input type="checkbox"/> Change in Primary Operating RR <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Quiet Zone Update <input type="checkbox"/> Admin. Correction	D. DOT Crossing Inventory Number 765744V
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Part I: Location and Classification Information

1. Primary Operating Railroad Capital Metropolitan Transportation Authority [CMTY]		2. State TEXAS		3. County TRAVIS	
4. City / Municipality <input checked="" type="checkbox"/> In <input type="checkbox"/> Near AUSTIN		5. Street/Road Name & Block Number NAVASOTA ST (Street/Road Name) * (Block Number)		6. Highway Type & No. ST 0000	
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			8. Do Other Railroads Operate Over Your Track at Crossing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Specify RR AWRR, ATCX		
9. Railroad Division or Region <input type="checkbox"/> None CMTA		10. Railroad Subdivision or District <input type="checkbox"/> None CENTRAL		11. Branch or Line Name <input type="checkbox"/> None BR-DOWNTOWN	
12. RR Milepost 0055.85 (prefix) (nnnn.nnn) (suffix)		13. Line Segment * TAB11408		14. Nearest RR Timetable Station * Plaza Saltillo	
15. Parent RR (if applicable) <input type="checkbox"/> N/A CMTY		16. Crossing Owner (if applicable) <input type="checkbox"/> N/A CMTY		17. Crossing Type <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	
18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.		19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over		20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. Type of Train <input checked="" type="checkbox"/> Freight <input type="checkbox"/> Intercity Passenger <input checked="" type="checkbox"/> Commuter <input type="checkbox"/> Transit <input type="checkbox"/> Shared Use Transit <input checked="" type="checkbox"/> Tourist/Other		22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input checked="" type="checkbox"/> Number Per Day 36		23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard	
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Provide Crossing Number			25. Quiet Zone (FRA provided) <input type="checkbox"/> No <input checked="" type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established 2/10/2009 12:00:0		
26. HSR Corridor ID <input checked="" type="checkbox"/> N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 30.2626317		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -97.7290303	
29. Lat/Long Source <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated					

30.A. Railroad Use *		31.A. State Use *			
30.B. Railroad Use *		31.B. State Use *			
30.C. Railroad Use *		31.C. State Use * State Phone# updated - date updated: 2018-08-16			
30.D. Railroad Use *		31.D. State Use *			
32.A. Narrative (Railroad Use) *		32.B. Narrative (State Use) *			
33. Emergency Notification Telephone No. (posted) 844-592-8046		34. Railroad Contact (Telephone No.) 512-334-4000		35. State Contact (Telephone No.) 512-416-2635	

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 34	1.B. Total Night Thru Trains (6 PM to 6 AM) 6	1.C. Total Switching Trains 0	1.D. Total Transit Trains 0	1.E. Check if Less Than One Movement Per Day <input type="checkbox"/> How many trains per week? _____
2. Year of Train Count Data (YYYY) 2016		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 30 3.B. Typical Speed Range Over Crossing (mph) From 30 to 30		
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0				
5. Train Detection (Main Track only) <input checked="" type="checkbox"/> Constant Warning Time <input type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input type="checkbox"/> None				
6. Is Track Signaled? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		7.A. Event Recorder <input type="checkbox"/> Yes <input type="checkbox"/> No		7.B. Remote Health Monitoring <input type="checkbox"/> Yes <input type="checkbox"/> No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 01/25/2017		PAGE 2		D. Crossing Inventory Number (7 char.) 765744V	
Part III: Highway or Pathway Traffic Control Device Information					
1. Are there Signs or Signals? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2. Types of Passive Traffic Control Devices associated with the Crossing			
2.A. Crossbuck Assemblies (count) 8		2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count)	2.D. Advance Warning Signs (Check all that apply; include count) <input type="checkbox"/> None <input checked="" type="checkbox"/> W10-1 2 <input type="checkbox"/> W10-3 <input type="checkbox"/> W10-11 <input type="checkbox"/> W10-2 <input type="checkbox"/> W10-4 <input type="checkbox"/> W10-12	
2.E. Low Ground Clearance Sign (W10-5) <input type="checkbox"/> Yes (count _____) <input checked="" type="checkbox"/> No		2.F. Pavement Markings <input checked="" type="checkbox"/> Stop Lines <input type="checkbox"/> Dynamic Envelope <input checked="" type="checkbox"/> RR Xing Symbols <input type="checkbox"/> None		2.G. Channelization Devices/Medians <input type="checkbox"/> All Approaches <input type="checkbox"/> Median <input type="checkbox"/> One Approach <input type="checkbox"/> None	2.H. EXEMPT Sign (R15-3) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.I. ENS Sign (I-13) Displayed <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2.J. Other MUTCD Signs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Specify Type W10-9P Count 2 Specify Type _____ Count _____ Specify Type _____ Count _____		2.K. Private Crossing Signs (if private) <input type="checkbox"/> Yes <input type="checkbox"/> No	
2.L. LED Enhanced Signs (List types)		3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)			
3.A. Gate Arms (count) Roadway 4 Pedestrian _____	3.B. Gate Configuration <input type="checkbox"/> 2 Quad <input type="checkbox"/> Full (Barrier) Resistance <input checked="" type="checkbox"/> 4 Quad <input type="checkbox"/> Median Gates	3.C. Cantilevered (or Bridged) Flashing Light Structures (count) Over Traffic Lane 0 <input type="checkbox"/> Incandescent Not Over Traffic Lane 0 <input type="checkbox"/> LED		3.D. Mast Mounted Flashing Lights (count of masts) 4 <input type="checkbox"/> Incandescent <input checked="" type="checkbox"/> LED <input type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included	3.E. Total Count of Flashing Light Pairs 8
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) 05 / 2007 <input type="checkbox"/> Not Required		3.G. Wayside Horn <input type="checkbox"/> Yes Installed on (MM/YYYY) ____/____ <input checked="" type="checkbox"/> No		3.H. Highway Traffic Signals Controlling Crossing <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3.I. Bells (count) 4
3.J. Non-Train Active Warning <input type="checkbox"/> Flagging/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input checked="" type="checkbox"/> None				3.K. Other Flashing Lights or Warning Devices Count 0 Specify type _____	
4.A. Does nearby Hwy Intersection have Traffic Signals? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4.B. Hwy Traffic Signal Interconnection <input checked="" type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs	4.C. Hwy Traffic Signal Preemption <input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance	5. Highway Traffic Pre-Signals <input type="checkbox"/> Yes <input type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____	6. Highway Monitoring Devices (Check all that apply) <input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input type="checkbox"/> None	
Part IV: Physical Characteristics					
1. Traffic Lanes Crossing Railroad Number of Lanes 2 <input type="checkbox"/> One-way Traffic <input checked="" type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic		2. Is Roadway/Pathway Paved? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	3. Does Track Run Down a Street? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____ Width * _____ Length * _____ <input type="checkbox"/> 1 Timber <input type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input checked="" type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____					
6. Intersecting Roadway within 500 feet? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Approximate Distance (feet) 200			7. Smallest Crossing Angle <input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input checked="" type="checkbox"/> 60° - 90°		8. Is Commercial Power Available? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Part V: Public Highway Information					
1. Highway System <input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input type="checkbox"/> (03) Federal AID, Not NHS <input checked="" type="checkbox"/> (08) Non-Federal Aid		2. Functional Classification of Road at Crossing <input type="checkbox"/> (0) Rural <input checked="" type="checkbox"/> (1) Urban <input type="checkbox"/> (1) Interstate <input type="checkbox"/> (5) Major Collector <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input checked="" type="checkbox"/> (7) Local		3. Is Crossing on State Highway System? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Highway Speed Limit System 30 _____ MPH <input checked="" type="checkbox"/> Posted <input type="checkbox"/> Statutory
5. Linear Referencing System (LRS Route ID) *					
6. LRS Milepost *					
7. Annual Average Daily Traffic (AADT) Year 2013 AADT 000400		8. Estimated Percent Trucks 03 _____ %	9. Regularly Used by School Buses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Average Number per Day _____		10. Emergency Services Route <input type="checkbox"/> Yes <input type="checkbox"/> No
Submission Information - This information is used for administrative purposes and is not available on the public website.					
Submitted by _____ Organization _____ Phone _____ Date _____					
Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.					

Appendix A: Crossing Inventory Record – Full Data Description

This supplement document provides a full text description for some fields where the values may not be fully displayed from within the actual U. S. DOT CROSSING INVENTORY FORM. This is not the official OMB approved form.

Part I: Location and Classification Information

1. Primary Operating Railroad: Capital Metropolitan Transportation Authority [CMTY]
2. State: TEXAS
3. County: TRAVIS
4. City/Municipality: AUSTIN
5. Street/Road Name & Block #: NAVASOTA ST
6. Highway Type & No.: ST 0000
9. Railroad Division or Region: CMTA
10. Railroad Subdivision or District: CENTRAL
11. Branch or Line Name: BR-DOWNTOWN
13. Line Segment: TAB11408
14. Nearest RR Timetable Station: Plaza Saltillo
15. Parent RR: CMTY
16. Crossing Owner: CMTY
30. A. Railroad Use:

30. B. Railroad Use:

30. C. Railroad Use:

30. D. Railroad Use:

31. A. State Use:

31. B. State Use:

31. C. State Use:

31. D. State Use:

32. A. Narrative (*Railroad Use*):

32. B. Narrative (*State Use*):

Part III: Highway or Pathway Traffic Control Device Information

- 2.J. Other MUTCD Signs (Type): W10-9P Count: 2
- 2.J. Other MUTCD Signs (Type): Count:
- 2.J. Other MUTCD Signs (Type): Count:
- 2.L. LED Enhanced Signs:
- 3.K. Other Flashing Lights or Warning Devices: Count: 0 Type:

Part IV: Physical Characteristics

- 5. Crossing Surface: Other (specify):

Part V: Public Highway Information

- 5. Linear Referencing System (LRS Route ID):
- 6. LRS Milepost:

Nicole Mwei

From: Sharon Gamble <sharon.gamble@tdhca.state.tx.us>
Sent: Friday, February 15, 2019 2:16 PM
To: Nicole Mwei
Cc: Janine Sisak
Subject: RE: Neighborhood Risk Factor - New Application

Hi Nicole:

You are correct in your reading. If they are all MS for 2018, you don't need to look back. And yes, we are only looking at the overall rating.

Regards,

Sharon D. Gamble MSW, PMP
Competitive Housing Tax Credit Program Administrator
Texas Department of Housing and Community Affairs
(512) 936-7834

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §10.2(a)).

About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit www.tdhca.state.tx.us

From: Nicole Mwei <NicoleM@dmacompanies.com>
Sent: Friday, February 15, 2019 10:07 AM
To: Sharon Gamble <sharon.gamble@mail.tdhca.state.tx.us>
Cc: Janine Sisak <janines@dmacompanies.com>
Subject: Neighborhood Risk Factor - New Application

Hi Sharon:

We submitted a Neighborhood Risk Factors Report Packet with our pre-application for Talavera Lofts, TDHCA #19239, to disclose schools – specifically Martin Middle School, which was rated as “Improvement Required” in 2017, but achieved an overall “Met Standard Rating” in 2016 and 2018.

If I'm reading the QAP correctly though, it's my understanding that schools are not actually an issue for us this year, since all of our zoned schools achieved a 2018 overall Met Standard rating and prior year performance is not considered. If this is the case, we should not need to submit the rest of our Neighborhood Risk Factors Report Packet with our full application – *can you please confirm this?*

Can you also please confirm on the attached that the overall “Met Standard” rating is what matters, and an “Improvement Required” rating on Student Achievement does not trigger the need for a NRF Report?

Thanks,

Nicole Mwei | Development Coordinator
DMA Development Company, LLC
4101 Parkstone Heights Drive, Suite 310, Austin, TX 78746
p. 512 328 3232 x. 4531 | e. NicoleM@dmacompanies.com



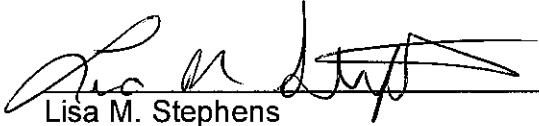
19285
Everly Plaza

Everly Plaza
Undesirable Site Features

This Development is located within 500 ft of an active railroad track. In accordance with the 2019 QAP, please find the following certification that certifies that the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.

Everly Plaza

The Development Site is located within 500 feet of active railroad tracks. Per Section 11.101(a)(2)(E)(ii), the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development.



Lisa M. Stephens

2-28-19

Date

19296

McKee City Living

February 26, 2019

Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78701
Attn: Marni Holloway
Director of Multifamily Finance

Re: TDHCA Application No. 19296: McKee City Living
Undesirable Site Features: Response & Documentation

Dear Ms. Holloway:

McKee City Living LP ("Applicant") is proposing to develop McKee City Living, an affordable rental housing development for individuals and families that will be located in the 600 block of McKee Street, Houston, Harris County, TX 77002 ("Development Site"). The Applicant is requesting the Board's consideration of the following information regarding mitigation of the applicable undesirable site feature to support site eligibility:

§11.101. (2) Undesirable Site Features:

(E) Development Sites located within 500 feet of active railroad tracks, measured from the closest rail to the boundary of the Development Site, unless:

- (i) the Applicant provides evidence that the city/community has adopted a Railroad Quiet Zone; or
- (ii) the Applicant has engaged a qualified Third Party to perform a noise assessment and the Applicant commits to perform sound mitigation in accordance with HUD standards as if they were directly applicable to the Development; or
- (iii) the railroad in question is commuter or light rail;

As referenced in the Phase I Environmental Site Assessment (included with the application, excerpts attached), there are railroad tracks adjacent to the northern boundary of the McKee City Living site. The survey is also attached. The Applicant proposes several factors to mitigate this undesirable site feature, deeming the site eligible for consideration:

- *Railroad Quiet Zone:* The site is currently being converted into a privately-funded Railroad Quiet Zone, where train horns will no longer be sounded. The Quiet Zone is currently under final review with the City of Houston's Chief Engineer and it is expected that construction will be completed by Summer 2019. Please see attached letter from 12.3 Buffalo Bayou, LP (land seller & owner of adjacent property) for details.
- *Third-Party Noise Assessment:* The Applicant has engaged CSTI Acoustics (a qualified third-party) to perform a Noise Assessment that meets HUD standards. Please see attached executed Proposal for this work.
- *Sound Mitigation Design Features:* The Development will be designed to provide sufficient isolation for railroad noise according to HUD procedures and according to a more-detailed analysis looking at the sound frequencies produced by trains. Several key factors in sound mitigation will be evaluated:
 - o The development will be oriented towards the south (toward Buffalo Bayou, away from the Railroad) with a courtyard shielded by the building from railroad noise.

- Locating less-sensitive rooms along the north wall if possible.
- Building the northern wall out of materials that provide excellent sound isolation using treatments (as necessary) such as a heavy exterior veneer, thick insulation, extra layers of gypsum board, etc.
- Using windows that provide much better sound isolation than typical double-pane windows.
- Eliminating doors and patios facing the railroad tracks.

Furthermore, the Houston City Council approved a resolution on February 20, 2019 to support the McKee City Living development, despite its proximity to active railroad tracks. Please see attached Resolution #HCD 19-22.

Additionally, it is our understanding that there are possible future plans (TXDOT, Central Houston Inc., Union Pacific) to reroute the railroad tracks to another neighborhood as an integral component of the US-45 Relocation Project. Should these plans be enacted, the undesirable site feature would be eliminated. We look forward to working with TDHCA on a successful development.

Sincerely,

McKee City Living, LP

By: McKee City Living GP, LLC
Name: General Partner

By: Covenant Neighborhoods, Inc.
Title: Managing Member

By: 
Name: Stephan Fairfield
Title: CEO

Attachments: Phase I Environmental Site Assessment – Excerpt (dated February 14, 2019)
Survey (dated February 21, 2019)
12.3 Buffalo Bayou, LP Letter Re: Railroad Quiet Zone (dated February 20, 2019)
CSTI Acoustics Proposal (executed February 26, 2019)
Houston City Council Resolution #HCD 19-22.

Material was deposited on the subject property and east adjoining property in the 1980s and determined to have contained hazardous substances. Petroleum product and methane vapors were identified at the subject property during LPST and VCP investigations that required post closure monitoring, evaluation and engineering controls.

Based on resources reviewed, it is the opinion of Phase Engineering, Inc. there is evidence of a VEC that included presence or likely presence of COC vapors in the subsurface of the target property caused by a release of vapors from contaminated soil or groundwater or both either on or near the target property (TP) as identified by the Tier 1 VES procedures. Additional Vapor Encroachment Screening procedures are warranted at this time.

14.10 Noise Study

Phase Engineering, Inc. has conducted a noise survey for the subject property in accordance with the Noise Assessment Guidelines provided by the U.S. Department of Housing and Urban Development (HUD). Noise Assessment Locations (NALs) were selected on the property based on proximity to the noise sources and identified on the Noise Sources Map provided in the Appendix.

The noise sources within the prescribed distances include the following:

Identified Noise Sources	
Source Name	
Major Road(s)	
Major roads were identified within 1,000 feet from the subject property: Elysium Road and Interstate Highway 69	
Railroad(s)	
Railroads were identified within 3,000 feet from the subject property: Three Union Pacific Freight Railroads	
Airport(s)	
Two major civil or military airports were identified within 15 miles from the subject property: George Bush Intercontinental and Wililam Hobby	

The combined projected Day/Night Noise Level (DNL) for each NAL was calculated based on the effective distance from each of the noise sources and provided in the below table. The 10-year projected DNL is provided based on a 4% annual growth in traffic counts.

Description of Noise Assessment Location (NAL)	Projected DNL (dB)
NAL #1 - 25' inside Northwest Corner	86.5
NAL #2 - 25' within the southeast corner	71.2

One or more of the calculated noise values exceeds 75 dB, and considered "Unacceptable" based on the HUD guidelines. The results of the assessment found the greatest contributor of noise to the subject property is the north adjoining railroad and US Interstate 69, located to the southeast. Noise mitigation will be required to establish a noise environment below 65 dB in proposed noise sensitive locations of the new development.

Various types of noise mitigation can be utilized in order to decrease the noise environment, especially in

the more noise sensitive locations such as interior spaces and outdoor recreational areas. Most notable examples include when practicable, modifying the building configuration, moving the buildings farther away from the noise source, and incorporating noise attenuation in the building materials. Additionally, due to the proximity of an active at-grade railroad crossing, the implementation of a quiet zone may significantly improve the day-night noise level by at least 10 dB.

See Noise Study Results in the Appendix.

14.11 Explosive and Flammable Hazards

Under Section 2 of the Housing Act of 1949 (42 U.S.C. 1441) and the subsequent Housing and Community Development Acts of 1968, 1969, and 1974, the Department of Housing and Urban Development is mandated to assure the goal of a “decent home and a suitable (safe and healthy) living environment.” The Regulation, “Siting of HUD-Assisted Projects Near Hazardous Operations Handling Petroleum Products or Chemicals of an Explosive or Flammable Nature” (24 CFR Part 51 Subpart C) and the Guidebook represent another step by the Department toward the objective. Although the Regulation and Guidebook apply specifically to all HUD-assisted projects, the application of these standards can be used by anyone concerned with the safe siting of new residential development.

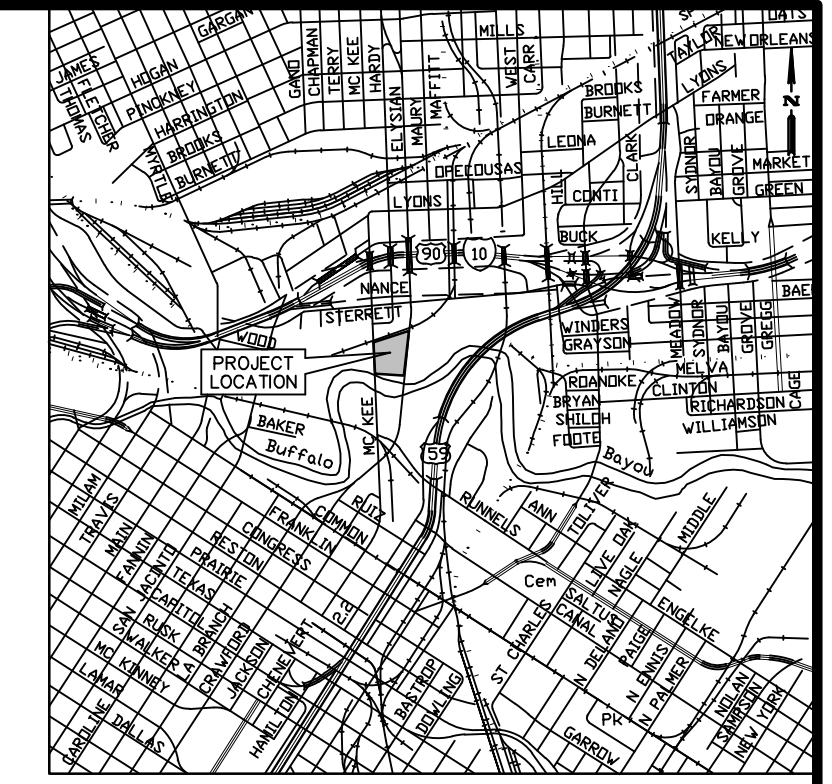
Per 24 CFR Part 51, a hazard is defined as any stationary container which stores, handles or processes hazardous substances of an explosive or fire prone nature. The term “hazard” does not include pipelines for the transmission of hazardous substances, if such pipelines are located underground or comply with applicable Federal, State and local safety standards. Also excepted are: (1) Containers with a capacity of 100 gallons or less when they contain common liquid industrial fuels, such as gasoline, fuel oil, kerosene and crude oil since they generally would pose no danger in terms of thermal radiation of blast overpressure to a project; and (2) facilities which are shielded from a proposed HUD-assisted project by the topography, because these topographic features effectively provide a mitigating measure already in place.

No oil, gas or chemical pipelines, processing facilities, storage facilities or other potentially hazardous explosive activities on-site or in the general area of the site that could potentially adversely impact the subject property were noted on historical information reviewed, interviews or during the site visit.

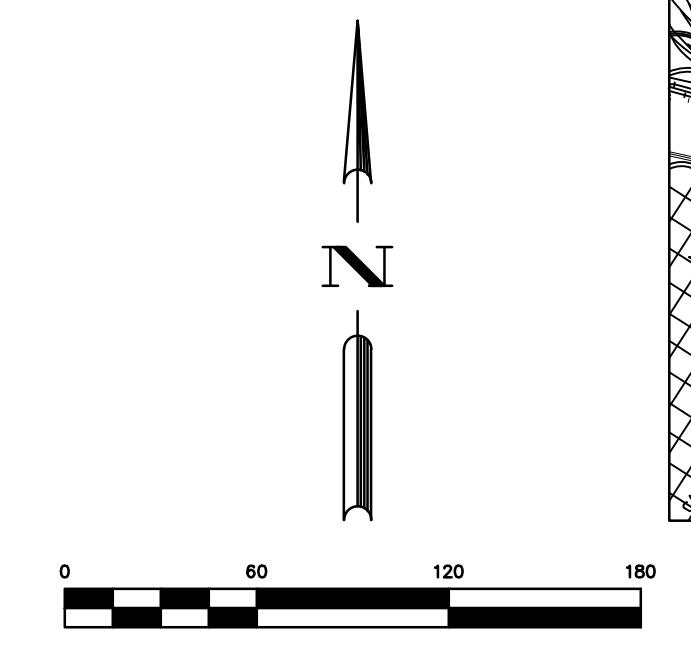
14.12 Farmland Designation

The intent of the Farmland Protection Policy Act (FPPA) is to minimize the impact of federal programs on the conversion of farmland to non-agricultural uses. Farmland as defined by the FPPA, includes prime farmland, unique farmland, and land of statewide or local importance. The FPPA does not apply to properties already committed to urban development as indicated by the US Census Bureau.

Based on our review of the USDA Natural Resource Conservation Service's (NRCS) Web Soil Survey interactive map, The subject property does not include prime farmland.



- LEGEND**
- B.L. BUILDING LINE
 - C.O. CLEAN OUT
 - ELEC. ELECTRIC
 - ESMT. EASEMENT
 - FND. FOUND
 - H.C.C.F. HARRIS COUNTY CLERK'S FILE
 - H.C.D.R. HARRIS COUNTY DEED RECORDS
 - NO. NUMBER
 - P.C. PAGE
 - P.B. POINT OF BEGINNING
 - P.C. POINT OF COMMENCING
 - R.W. RIGHT-OF-WAY
 - SAN. SANITARY
 - S.E. SEWER EASEMENT
 - SQ. FT. SQUARE FEET
 - STM. STORM
 - TEL. TELEPHONE
 - U.E. UTILITY EASEMENT
 - VOL. VOLUME
 - W.L.E. WATER LINE EASEMENT
 - (X) FOUND 5/8" IRON ROD WITH ALUMINUM TXDOT CAP



DESCRIPTION OF A 2.096 ACRE TRACT OF LAND SITUATED IN THE JOHN AUSTIN SURVEY, ABSTRACT NO. 1 CITY OF HOUSTON, HARRIS COUNTY, TEXAS

BEING a 2.096 acre (91,288 square foot) tract of land situated in the John Austin Survey, Abstract No. 1, City of Houston, Harris County, Texas and being a portion of a called 12.279 acre tract of land as described in a deed to 12.3 BUFFALO BAYOU LP, recorded under Harris County Clerk's File Number (H.C.C.F. No.) 1460071, and being a portion of Blocks 7 and 8 of S.F. NOBLES' ADDITION, a subdivision recorded in Volume 5, Page 69 of the Harris County Deed Records (H.C.D.R.) also being a portion of Hardy Street and First Street, all being 60 foot wide right-of-ways vacated by the City of Houston recorded in Volume 596, Page 19 of the H.C.D.R., said 2.096 acre tract of land described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found for the northwest corner of said 12.279 acre tract, lying on the east right-of-way line of McKee Street (60 foot wide right-of-way) as dedicated by the said S.F. NOBLES' ADDITION and being the southwest corner of Union Pacific Railroad right-of-way (100 foot right-of-way), said railroad right-of-way being the remainder of those certain tracts of land described in deeds to Houston and Texas Central Railway Company recorded in Volume 98, Page 556 and Volume 573, Page 262, both of the H.C.D.R.;

THENCE, N 70°51'33" E, a distance of 374.67 feet along and with the northerly line of said 12.279 acres same being the southerly line of said 100 foot wide Railroad right-of-way to a 5/8-inch iron rod with aluminum TxDOT cap found for the northwest corner of Parcel Number 112 described in a deed to TxDOT executed on May 21, 2015 (no recording information found) same being the west right-of-way line of Elysian Street (width varies) and the northeast corner of the herein described tract;

THENCE, S 03°48'10" W, along and with said west right-of-way line, at a distance of 21.72 feet pass a 5/8-inch iron rod found for the southeast corner of a 20 foot right-of-way easement to the State of Texas recorded under H.C.C.F. No. 20150263262, then continuing for a total distance of 167.17 feet to an angle point;

THENCE, S 05°32'33" W, continuing along and with said west right-of-way line, a distance of 186.24 feet to an "X" scribed in concrete for the southeast corner of the herein described tract;

THENCE, over and across said 12.279 acre tract, the following courses and distances:

N 84°37'55" W, a distance of 127.08 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for an angle point in the south line of the herein described tract;

N 80°44'31" W, a distance of 193.77 feet to a 1/2-inch iron pipe with cap stamped "BGE INC" set for the southwest corner of the herein described tract, lying on the east right-of-way line of said McKee Street, same being the west line of said 12.279 acre tract;

THENCE, N 02°11'15" W, along and with said east right-of-way line and said west line, a distance of 186.39 feet to the POINT OF BEGINNING and containing 2.096 acres (91,288 square feet) of land.

NOTES:

1. BEARING ORIENTATION IS BASED ON THE TEXAS COORDINATE SYSTEM SOUTH CENTRAL ZONE 4204, NAD83. SCALE FACTOR = 0.9998902
2. THE PROPERTY LIES IN UNSHADED ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND SHADED ZONE "X" (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1-FOOT OR WITH THREATENED AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD), AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NUMBER 4820100800 M REVISED JUNE 9, 2014. ALL FLOODPLAIN BOUNDARIES SHOWN HEREON ARE APPROXIMATE AND ARE NOT DEPICTED AS A RESULT OF AN ON THE GROUND SURVEY.
3. THE SQUARE FOOTAGE VALUE SHOWN HEREON IS A MATHEMATICAL VALUE CALCULATED FROM THE BOUNDARY DATA SHOWN HEREON. THIS VALUE IN NO WAY REPRESENTS THE PRECISION OF CLOSURE OF THIS SURVEY OR THE ACCURACY OF CORNER MONUMENTS FOUND OR PLACED.
4. THE PROPERTY ADJOINS MAJOR THOROUGHFARE ROAD ELYSIAN STREET AS PER THE "2018 MAJOR THOROUGHFARE AND FREEWAY PLAN" APPROVED BY THE HOUSTON PLANNING COMMISSION ON NOVEMBER 8, 2018 AND ADOPTED BY THE HOUSTON CITY COUNCIL ON DECEMBER 18, 2018.
5. THE PROPERTY IS SUBJECT TO THE TERMS, CONDITIONS, PROVISIONS AND STIPULATIONS OF CITY OF HOUSTON ORDINANCE #1999-262 (CHAPTER 42 AS AMENDED), PERTAINING TO THE PLATTING AND REPLATTING OF REAL PROPERTY AND THE ESTABLISHMENT OF BUILDING SET BACK LINES ALONG MAJOR THOROUGHFARES WITHIN SUCH BOUNDARIES.
6. THIS SURVEY WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY UNDER FILE NUMBER 18000330037, DATED EFFECTIVE FEBRUARY 04, 2019 AND ISSUED ON FEBRUARY 15, 2019.
7. THE METES AND BOUNDS DESCRIPTION SHOWN HEREON IS BEING ISSUED UNDER SEPARATE COVER OF EVEN DATE.
8. THE PROPERTY IS SUBJECT TO LICENSE TO CONSTRUCT AND MAINTAIN AN OVERHEAD ROADWAY AS SET FORTH AND RECORDED UNDER VOL. 2953, PG. 321 OF THE H.C.D.R..
9. THE PROPERTY IS SUBJECT TO A VOLUNTARY CLEANUP PROGRAM AS SET FORTH AND RECORDED UNDER H.C.C.F. NO. V933259.
10. SURVEYOR OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK.
11. THE FOLLOWING ITEMS LISTED IN THE TITLE COMMITMENT LISTED IN NOTE 6 ABOVE ARE NOT LOCATED WITHIN NOR ABUTTING THIS SUBJECT TRACT.
 - A) ITEM 10B- CLERK'S FILE NO. K-253137
 - B) ITEM 10F- CLERK'S FILE NO. 20070403090



ALAN C. BENTLEY RPLS NO. 2055
 BGE, INC.
 10777 WESTHEIMER, SUITE 400
 HOUSTON, TEXAS 77042
 TELEPHONE: (281) 558-8700

REVISED 02/21/19: UPDATED TITLE COMMITMENT

BGE, Inc.
 10777 Westheimer, Suite 400, Houston, TX 77042
 Tel: 281-558-8700 • www.bgeinc.com
 TBPLS Licensed Surveying Firm No. 10106500

LAND TITLE SURVEY OF 2.096 ACRES SITUATED IN THE JOHN AUSTIN SURVEY ABSTRACT NO. 1 CITY OF HOUSTON HARRIS COUNTY, TEXAS

PARTY CHIEF: D.D./J.P.	ISSUE DATE: FEBRUARY 22, 2018	SHEET 1
TECHNICIAN: K.B./C.J.	SCALE: 1" = 60'	OF 1
R.P.L.S.: N.V./A.B.	JOB NUMBER: 4452-00	
FIELD BOOK NAME:	MISC 443	
BASE FILE:	X:\12_3 Buffalo Bayou\4452-00\McKee_Tract\06_Survey\01_Color\GRID_BASE.dwg	

C:\Users\alant\OneDrive\Documents\2019\02\21\19\1111.dwg, 2/22/2019, 1:11 PM, Bentley

12.3 Buffalo Bayou, LP
P.O. Box 270161
Houston, Texas 77277-0161
(Tel) 832-428-1141
alanjatkinson1@gmail.com

Alan J. Atkinson
General Partner

February 20, 2019

To whom it may concern:

Re: 2.1 Acres at McKee St, Houston, Texas 77002

The referenced Property is under consideration for multifamily housing development. A comprehensive site assessment identified the proximity of such Property to a railroad crossing subject to locomotive horns. Although long term plans (by TXDOT, Central Houston Inc and Union Pacific) will eventually relocate such rail service to another neighborhood as an integral component of the US 45 Relocation Project, the Property Owner has proactively initiated the implementation of a Railroad Quiet Zone to permanently silence the locomotive horns.

I personally supervised the successful development of Houston's first privately developed RR Quiet Zone and have demonstrated success in coordinating the efforts of Houston City and Union Pacific toward such goal.

We believe a RR Quiet Zone eliminating all locomotive horn noise at the Property will be in effect within four months. The City of Houston has completed the required public comment period without opposition. Construction plans for necessary improvements in Houston City right of way have been approved at all staff levels and await final signature by Houston's Chief Engineer. Following receipt of such signature, construction (privately funded by the Property Owner) will be completed within three weeks. To remove even the slightest possibility of traffic control issues, we have also commissioned the relocation of a neighboring driveway ramp and will be funding the relocation of such ramp.

Immediately upon the completion of the construction improvements, the City of Houston will send a letter to Union Pacific instructing it to permanently cease locomotive horn operation proximate to the Property.

Very truly yours,





26 February 2019

Ms. Anna Labadie
Gulf Coast Houston Partnership
1610A Oretha Castle Haley Blvd.
New Orleans, LA 70113

Sent via email to: labadie@gchp.net
Subject: McKee HUD Noise Study
CSTI Proposal No. 3103-2

Dear Ms. Labadie:

Thank you for the opportunity to submit this proposal for a noise study of a housing project planned for a site on the 600 block of McKee Street in Houston, TX.

In this proposal, we present our proposed tasks, qualifications, schedules, and estimated costs.

1. Scope of Work

The following are our proposed tasks for the project.

Task 1: HUD Calculations

Using the HUD methodology, we will calculate the Day-Night Noise Level (DNL or L_{dn}) of the road, rail, and aircraft noise at the site. This task will include gathering data on current and future levels of traffic. We will also review the previous Phase Engineering HUD noise study. We understand that a Quiet Zone is currently planned for the adjacent rail crossing.

Task 2: Determine Recommendations for Outdoor Areas

We will provide recommendations on the arrangements of the building, courtyard, patios, decks, etc. to allow these outdoor areas to meet the HUD noise requirements. The main issues will be using the building to shield outdoor areas from railroad noise to the north and traffic noise from Highway 69 to the east.

Task 3: Determine Recommendations for Indoor Areas

Based on the expected sound levels at the different facades of the building, we will determine necessary wall and window details for rooms on these facades. The most stringent design will be along the north façade adjacent to the railroad tracks. The next most important will be for the east façade facing Highway 69. Standard construction materials may be acceptable for facades facing south and west. Recommendations will include wall construction, window construction, and window size. Through-wall HVAC units cannot be used in walls where high levels of sound isolation are required. The HUD STraCAT online calculator will be used. For railroad noise, we will also conduct a more detailed analysis using sound frequency analysis of railroad noise and building isolation.

Task 4: Present Results of Study in Report

We will prepare a report presenting the noise criteria, summarizing our noise measurements, presenting the noise modeling results, and discussing our recommended treatments as necessary.

2. Schedule

We can begin work within a week of receiving authorization to proceed. We will submit our report about three work weeks after authorization to proceed.

3. Costs

We typically work in accordance with the attached Standard Terms and Conditions. Our hourly rates range from \$125 to \$205/hour. The total cost for the above tasks including all expenses is \$4,300.

4. Qualifications

CSTI has been offering acoustical services in Houston, Texas since 1987 from our offices at 16155 Park Row, Suite 150, in the Park Ten Office Park. During these years we have worked on about 1400 projects ranging in size from a few hundred dollars to one-half million dollars.

CSTI has experience in following the HUD noise guidelines for evaluating residential facilities. We regularly measure sound levels for comparison with criteria. We are also experienced at providing recommendations to reduce sound transmission into buildings. Information on our qualifications and experience are on our website at www.cstiacooustics.com.

Resumes for Arno Bommer, Adam Young, and Isaac Harwell are attached.

Thanks again for the opportunity to submit this proposal. If you have any questions or comments, please give us a call.

Sincerely,

COLLABORATION IN SCIENCE AND TECHNOLOGY INC.

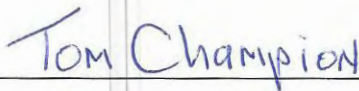


Arno S. Bommer

arno@cstiacooustics.com

Encl. Resumes and CSTI Standard Terms and Conditions

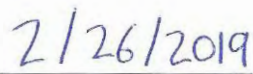
You can authorize this work by signing below. Then, scan and email back to arno@cstiacooustics.com.



Printed Name



Signature SVP



Date

ARNO S. BOMMER - PRINCIPAL CONSULTANT

Birth Date: 25 February 1960 **Birth Place:** Salem, MA **Citizenship:** U.S.

PROFESSIONAL REGISTRATION

Board Certified by the Institute of Noise Control Engineering (INCE)

EDUCATION

Massachusetts Institute of Technology, B.S., Architectural Design, 1982

PROFESSIONAL EXPERIENCE

MIT Energy Lab, Programmer/Researcher, 1978-1980

MIT Dept. of Architecture, Renovator, 1981

Hoover Keith & Bruce Inc., Consultant, 1982-1987

Collaboration in Science and Technology Inc., Supervisory Consultant, 1987-Present

HONORS AND SOCIETIES

Former President, MIT Alumni Club of South Texas

Member, Acoustical Society of America

Former Board Member, Institute of Noise Control Engineering

Past Chairman, Houston Chapter of Acoustical Society of America

PROFESSIONAL RESPONSIBILITIES AND PROJECTS

At Collaboration in Science and Technology Inc. (CSTI), Mr. Bommer has worked on a variety of acoustical projects, from equipment noise tests to micro-chip manufacturing plant vibration studies.

In the field of industrial noise and vibration control, Mr. Bommer has worked in power plants, petrochemical plants, materials-processing plants, electronics manufacturing plants, offshore platforms, and aircraft manufacturing facilities. He has worked on existing facilities and facilities in the design stage.

Mr. Bommer has conducted noise modeling and made noise and vibration measurements. He has designed treatments to reduce in-plant and community noise by reducing the sound power of the sound source, limiting the effectiveness of the sound transmission path, and isolating the sound receiver.

On legal cases, Mr. Bommer has made sound measurements, conducted modeling and acoustical calculations, and provided expert-witness testimony.

CHAPTERS IN BOOKS

A House Call from Space, Booklet for Children of Parents With End Stage Renal Disease, with R. Smith, R.D. Bruce, and L.M. Bruce, 1986.

"Noise, Vibration, and Ultrasound," Chapter 20, The Occupational Environment: Its Evaluation and Control, with R.D. Bruce and C.T. Moritz, Salvatore R. DiNardi (ed.), AIHA, Fairfax, VA, 1997.

"Noise, Vibration, and Ultrasound," Chapter 20, The Occupational Environment: Its Evaluation and Control 2nd Edition, with R.D. Bruce and C.T. Moritz, Salvatore R. DiNardi (ed.), AIHA, Fairfax, VA, 2003.

"Sound Power Level Predictions for Industrial Machinery," Chapter, Handbook of Noise and Vibration, with R.D. Bruce and C.T. Moritz, Malcolm Crocker (ed.), John Wiley & Sons, Inc., New York, NY, 2005.

OTHER PUBLICATIONS

"Cogeneration noise sources and control," with R.D. Bruce, *The Journal of the Acoustical Society of America*, Vol. 90, No. 4, Pt. 2, October 1991, p. 2242.

"Long-Term Ambient Sound Monitoring in National Parks," Sound and Vibration, with R.D. Bruce, February 1992, pp. 16-18.

"Special Concerns of Noise Control on Offshore Platforms," J. Acoust. Soc. Am. , with R.D. Bruce, Vol. 92, No. 4, Pt. 2, October 1992, p. 2381.

"Cogeneration Plant Noise Analysis and Control," with R.D. Bruce and G.R. Hepler, presented at the Power-Gen Americas '93, Dallas, TX, November 1993.

"Sound isolation of an audiometric test room," with C.T. Moritz, *The Journal of the Acoustical Society of America*, Vol. 96, No. 5, Pt. 2, November 1994, p. 3267.

"The Occupational Noise Book," with Robert D. Bruce, NIOSH, (in review) 2004.

"The presence of infrasound in our everyday life," with R.D. Bruce and K.A. Lefkowitz, *The Journal of the Acoustical Society of America*, Vol. 124, No. 4, Pt. 2, October 2008, p. 2450.

"A New Approach to Noise Control in the Workplace," with R.D. Bruce, K.A. Lefkowitz, and B. Levesque, *Inter-Noise 2009*, Ottawa, ON, CA, Aug. 2009.

"Ultrasound in the Home and Workplace," with R.D. Bruce and K. Lefkowitz, *Inter-Noise 2009*, Ottawa, ON, CA, Aug. 2009

"Making shop noise tests under difficult circumstances," with R.D. Bruce, *Inter-Noise 2009*, Ottawa, ON, CA, Aug. 2009

"Safe Lifetime Occupational Noise Exposure—1 LONE," Sound and Vibration, with R.D. Bruce, N. W. Hart, and K.A. Riegel, June 2011, pp. 8-11

"Solving AIV problems in the design stage" with R.D. Bruce and T.E. LePage, *Inter-Noise 2012*, New York City, NY, Aug. 2012

ADAM S. YOUNG—CONSULTANT

EDUCATION

Texas State University, Bachelor of Music, 2005

PROFESSIONAL EXPERIENCE

Pro/Sound, Lead Audio Technician, 2005 - 2012
Collaboration in Science and Technology Inc., October 2012 - Present

CERTIFICATIONS

CAOHC Noise Measurement and Assessment
HASC Basic Plus Safety Course
"Two-day course," SoundPLAN Training Seminar

PROFESSIONAL RESPONSIBILITIES AND PROJECTS

For years, Mr. Young has been involved in the design, installation, and tuning of permanent sound system projects including churches, auditoria, and large venue settings.

At CSTI, he assists in managing overall workflow.

He has worked on a variety of projects involving industrial and community noise surveys, noise studies, sound and vibration measurements for factory acceptance tests, and noise control.

Mr. Young excels at utilizing SoundPLAN to predict sound levels from various processes and noise sources at different industrial and residential sites. He is well-versed in analyzing vendor and measurement sound level data and performing detailed calculations to arrive at sound power levels.

HONORS AND SOCIETIES

Member, Acoustical Society of America
Member, Institute of Noise Control Engineering

ISAAC D. HARWELL - CONSULTANT

EDUCATION

Cinco Ranch High School, HS Diploma, 2009

University of Houston, presently

PROFESSIONAL EXPERIENCE

Cofounder and Researcher, Harwell Asturias Labs, 2010 - 2012

Software Developer, Tunnelvision Labs, 2012-2013

Software Developer and Project Lead, Pixel Mine Games, May - August 2008

Consultant, Collaboration in Science and Technology Inc., 2007 - Present

AWARDS AND MEMBERSHIPS

Conrad Spirit of Innovation Award in Renewable Energy, 1st place, 2009

Sigma Xi, honorary member

CERTIFICATIONS

CAOHC Noise Measurement and Assessment

HASC Basic Plus Safety Course

"Two-day course," SoundPLAN Training Seminar

PATENTS

Patent No. 8499563, "System for generating and transporting electric power from hydrothermal vents"

PROFESSIONAL RESPONSIBILITIES AND PROJECTS

Isaac Harwell is a consultant at CSTI acoustics and his professional responsibilities include:

- Research and development of data acquisition and processing systems,
- Conducting AIIC and ASTC tests
- Conducting community noise measurements,
- Performing noise and vibration tests on mechanical equipment,
- Analyzing noise and vibration data,
- Managing information systems.

**STANDARD TERMS AND CONDITIONS
GOVERNING PROFESSIONAL SERVICES PROVIDED BY
COLLABORATION IN SCIENCE AND TECHNOLOGY INC.
16155 PARK ROW, SUITE 150, HOUSTON, TX 77084-6971, 281.492.2784**

Collaboration in Science and Technology Inc. (CSTI) performs services in accordance with the following standard terms and conditions:

1. CSTI will utilize our best efforts to complete the statement of work in an orderly and efficient manner.
2. **Charges:**
 - a. Labor: The range of charge-outs for our employees is as follows:

Classification	Range of hourly rates
Principal	\$185 to \$250
Supervisory Consultant	\$150 to \$200
Senior Consultant	\$125 to \$175
Consultant	\$100 to \$150
Support Personnel	\$70 to \$125
 - b. Instrumentation and Computer Use Charges: nominal charges are made for the use of CSTI equipment and computer software. These charges reflect the cost, calibration, and maintenance of the equipment and programs.
 - c. Other direct costs incurred by CSTI for travel, subsistence, telephone, printing, illustration, supplies, and services are invoiced at CSTI's cost plus a 10% administrative charge.
 - d. Invoices are rendered monthly and payable in U.S. Dollars within 30 days.
 - e. Invoices that are over 30 days past due will be subjected to a collection fee equal to 25% of the total amount of the contract/agreement.
3. **Title** to CSTI's work products shall be retained by CSTI; however, a royalty-free nonexclusive, nontransferable license is granted to the Client.
4. **Taxes** related to this project shall be paid by the Client, including all sales and use taxes, custom duties, fees for permits, and similar charges.
5. **Insurance** is carried by CSTI for workers' compensation, employer's liability, comprehensive general liability, and automobile liability insurance. No warranties, express or implied, are made by CSTI.
6. CSTI shall not be in default of its responsibilities to the extent that its performance is prevented or delayed due to causes beyond its control including but not limited to acts of God, delays in delivery by suppliers, and strikes.
7. Prior written approval by CSTI is required in order for CSTI's name to be used in any announcements concerning the project for which CSTI's services are performed, for promotional or advertising purposes, or in litigation with third parties.
8. Either party may terminate this agreement in whole or in part at any time by written notice to the other. Such notice is effective upon receipt. In the event of such termination, CSTI shall be paid in accordance with the agreement for the services rendered and expenses incurred or committed to prior to the effective date of notice or termination.
9. This agreement in agreement constitutes the entire agreement between the parties with respect to the subject matter hereof. This agreement may be modified only by written agreement of Client and CSTI. Interpretation, construction, and enforcement of this agreement shall be pursuant to the laws, statutes, and regulations of the State of Texas.

A RESOLUTION CONFIRMING THE CITY'S SUPPORT FOR A PROPOSED DEVELOPMENT OF AFFORDABLE RENTAL HOUSING, LOCATED IN THE CITY OF HOUSTON, TEXAS, DESPITE ITS PROXIMITY TO ACTIVE RAILROAD TRACKS; AND MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

* * *

WHEREAS, the City Council (the "City Council") of the City of Houston (the "City") has passed and approved a resolution confirming support for the proposed development of the community listed below ("Community"), as affordable rental housing and the submittal for the project of an application ("Application") for 2019 Competitive 9% Housing Tax Credits ("Tax Credits") of to the Texas Department of Housing and Community Affairs ("TDHCA"):

Community Name: McKee City Living,
Development Site: 600 Block of McKee Street
Tax Credit Applicant: McKee City Living, LP

WHEREAS, the City Council finds that, as provided 10 Texas Administrative Code § 11.101(a)(2), a community within 500 feet of active railroad tracks, measured from the closest rail to the boundary of its Development Site, is deemed to have an undesirable feature and is ineligible for tax credits unless the tax credit applicant satisfies at least one of several alternative requirements, which include providing evidence that a local ordinance that regulates the proximity of such undesirable feature to a multifamily development has smaller distances than the distance specified by the TDHCA; and

WHEREAS, the City Council finds that the Tax Credit Applicant has advised the City's Housing and Community Development Department ("HCDD") that the Development Site for each of the Community is within 500 feet of active railroad tracks, measured from the closest rail to the boundary of its Development Site; and

WHEREAS, the City Council finds that, based on the noise mitigation to be undertaken by the Tax Credit Applicant if its Community is awarded Tax Credits and the City's need for affordable housing for families, which will be provided by the Community, HCDD recommends that the City confirm its support for the Community, despite its proximity to active railroad tracks; and

WHEREAS, the City Council finds that the City's land development regulations would not require a multifamily development to be a minimum distance from an active railroad track, so that the proposed construction of the Community on its Development Site would be not be prohibited based solely on its proximity to an active railroad track;

and

WHEREAS, the City Council, as the governing body of the City, continues to support the Community and the submittal of the Application related thereto despite its proximity to an active railroad track; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON:

Section 1. That the findings contained in the preamble of this Resolution are determined to be true and correct and are hereby adopted as a part of this Resolution.

Section 2. That the City Council hereby confirms that it supports the Community and the submittal of the Tax Credit Application related thereto, despite the proximity of the Community to an active railroad track.

Section 3. That this Resolution shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 20th day of February, 2019.



Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Resolution is _____.

City Secretary

(Prepared by Legal Dept. _____)



Assistant City Attorney

(Requested by Tom McCasland, Director, Housing and Community Development Department)

(LD File No. 0291900114001)

CAPTION PUBLISHED IN DAILY COURT
 REVIEW **FEB 26 2019**
 DATE:

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
ABSENT		BOYKINS
		ABSENT-OUT OF
		CITY ON PERSONAL BUSINESS MARTIN
✓		LE
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		LASTER
✓		CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		EDWARDS
✓		CHRISTIE
CAPTION	ADOPTED	

19319

Bardin Apartments

February 19, 2019

RE: City of Arlington Unified Development Code proximity to
Industrial Manufacturing Zoning



To Whom It May Concern:

The City of Arlington adopted the Unified Development Code (UDC) in June 2014 in city ordinance 14-039. The ordinance history of amendments is attached. Specific sections of the UDC regarding setback requirements to properties with Industrial zoning/uses is also attached. The UDC regulates the proximity of Industrial zoning/uses adjacent to Multi-Family Residential zoning/uses within the City of Arlington.

The proposed Bardin Apartments site is adjacent to a site zoned Industrial Manufacturing located to the north. The UDC requires a 30-foot wide landscape buffer setback from the property line for residential buildings.

Article 5 of the UDC concerns Design and Development Standards and Section 5.3 concerns residential screening and buffering to ensure that less intensive development is protected from negative effects that may occur when uses that are more intensive or structures are developed on adjacent sites.

Per Table 5.3-1, a Multi-family use that is adjacent to a property with Industrial zoning/use requires Level "3" Screening and Buffering. Per Table 5.3-2, Level "3" requires a landscape buffer width of 30 feet. Within this buffer, one evergreen tree is required per every 450 square feet of buffer, as well as the installation of a screening wall constructed of 100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any other sustainable material with more than 30- year life expectancy to give a long lasting, aesthetically pleasing appearance.

To summarize, the City of Arlington's Unified Development Code has established a landscape buffer requirement for residential uses adjacent to Industrial zoning/uses. The proposed Bardin Apartments is allowed adjacent to Industrial zoning/uses with a 30-foot landscape buffer setback and appropriate screening subject to the review of a new Planned Development, with a Development Plan and recommendation and approval by the Planning and Zoning Commission and City Council.

If you have further questions or need additional information, please do not hesitate to call me. Our office hours are 8:00 am to 5:00 pm Monday through Friday, and I may be reached at (817) 459-6138.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Pruitt".

Jennifer Pruitt, AICP, LEED AP
Planning Manager
Planning and Development Services
City of Arlington
Jennifer.pruitt@arlingtontx.gov

19332

Avanti at South Bluff



600 Congress, Suite 2200
Austin, TX 78701
Telephone: 512-305-4700
Fax: 512-305-4800
www.lockelord.com

Cynthia L. Bast
Direct Telephone: 512-305-4707
Direct Fax: 512-391-4707
cbast@lockelord.com

February 28, 2019

Texas Department of Housing and
Community Affairs
221 East 11th Street
Austin, Texas 78701

Re: Avanti at South Bluff in Corpus Christi (the "**Development**")
TDHCA No. 19332

Ladies and Gentlemen:

We represent Avanti at South Bluff, LP (the "**Applicant**"), which has applied for an allocation of low-income housing tax credits for the Development referenced above. The Development Site¹ is currently occupied with a 35-unit apartment complex, which was built in 1982. The existing complex was built using HUD financing and ultimately owned by the Corpus Christi Housing Authority, with a 100% project-based Section 8 contract, which expired in 2014. The existing complex is now owned by a private party. If Tax Credits are awarded, the Applicant will demolish the existing complex and construct the Development on the site, bringing restricted affordable units back to the housing inventory in Corpus Christi.

The Development Site is located more than 1.5 miles but less than 2 miles from refineries operated by Flint Hills Resources, Celanese and CITGO. Thus, in accordance with Section 11.101(a)(2)(J) of the 2019 QAP, the purpose of this letter is to disclose the proximity of the Development Site to an undesirable site feature and to provide mitigation sufficient for TDHCA to determine that the Development Site should be eligible for a Tax Credit award.

The City of Corpus Christi stands in support of this Development, as evidenced by the resolution passed at their City Council meeting on February 12, 2019. For additional support, the Interim City Manager has provided a letter, attached as Exhibit A. This letter emphasizes that construction of the Development with the proximity to the refineries is permitted by the City. Further, the Development Site is already zoned for multifamily use and operating with an apartment complex. The existing complex was built long after the refineries were in place.

¹ Capitalized terms used but not defined in this letter shall have the meanings given them in the 2019 QAP.

Like many cities with a proximity to water, the City of Corpus Christi was developed near the bay and numerous prominent sites and facilities are located within a two-mile radius of the refineries. Construction and operation of the refineries began in the 1930s, and much has been built in the proximity of the refineries since then. The letter from the Interim City Manager notes just a few – the downtown urban core, City Hall, the Nueces County Courthouse, various tourist attractions, and many residential units. To expand upon this point, please see the following attachments:

- Exhibit B² - Map showing proximity of the Development Site and the refineries to governmental facilities
- Exhibit C - Map showing proximity of the Development Site and the refineries to medical facilities
- Exhibit D - Map showing proximity of the Development Site and the refineries to schools and childcare facilities
- Exhibit E - Map showing proximity of the Development Site and the refineries to museums and tourist attractions
- Exhibit F - Map showing proximity of the Development Site and the refineries to other Tax Credit properties³

It is clear that the City of Corpus Christi has permitted numerous facilities within 2 miles of the refineries and feels there are sufficient regulations and mitigations in place for people to be safe in those areas. Notably a new luxury apartment complex, The Cosmopolitan, was built within this two-mile radius and opened in late 2017.

Moreover, TDHCA's rules prioritize development in the urban core. The map attached as Exhibit G shows that the Flint Hills Resources refinery, itself, is in the urban core of Corpus Christi. Implementing a two-mile radius for this city means that the downtown area is essentially excluded from receiving a Tax Credit award. This supports the argument for mitigation that location in the urban core, within a reasonable distance from the refinery, is desirable.

Finally, for considerations such as this, the opinion of a professional with technical knowledge is beneficial. The Applicant specifically asked its environmental consultant, Aspen Environmental, Inc., about the proximity to the refineries. The consultant confirmed that the proximity to the refineries would not be addressed in the environmental assessment because ASTM

² For Exhibits B-F, the red circle shows a two-mile radius around the CITGO refinery and the yellow circle shows a two-mile radius around the Flint Hills refinery. Note that the Celanese refinery is not included in the maps because it produces less than 100,000 barrels per day.

³ This map shows all Tax Credit properties within 2 miles of a refinery with production that exceeds 100,000 barrels per day and includes the Valero refinery. The Valero refinery is not included in any other maps because the Development Site is further than 2 miles away from the Valero refinery.

standards dictate consideration of a refinery if it is within a one-mile radius of the subject property. Because the CITGO and Flint Hills Resources refineries are not within a one-mile radius of the Development Site, the environmental assessment does not consider them to be a hazard that mandates disclosure or action. Specifically, the environmental assessment says:

3.12 OIL AND GAS PIPELINES, WELLS OR FACILITIES

Our regulatory review and reconnaissance activities did not identify oil, gas or chemical pipelines, processing facilities, storage facilities or other potentially hazardous explosive activities on-site or in the general area of the site that could potentially adversely impact the proposed development.

The Applicant further took the initiative to hire ATC Group Services LLC to calculate the acceptable separation distance ("**ASD**") for each of the refineries, using HUD standards. Based upon the consultant's initial assessment, the Applicant has been advised that the Development Site is outside all applicable ASDs.

With this tremendous support from the City of Corpus Christi and other factors noted in this letter, the Applicant asks TDHCA to find the Development Site eligible for a Tax Credit award. The Applicant believes that eligibility of this Development will further TDHCA's priorities for promoting affordable housing in the urban core, giving residents access to amenities and opportunities that are not available in other areas.

We are happy to address any further questions you might have. Thank you.

Sincerely,



Cynthia L. Bast

CLB/bsh

- Exhibit A - Letter from City of Corpus Christi
- Exhibit B - Map showing proximity of the Development Site and the refineries to governmental facilities
- Exhibit C - Map showing proximity of the Development Site and the refineries to medical facilities
- Exhibit D - Map showing proximity of the Development Site and the refineries to schools and childcare facilities
- Exhibit E - Map showing proximity of the Development Site and the refineries to museums and tourist attractions
- Exhibit F - Map showing proximity of the Development Site and the refineries to other Tax Credit properties
- Exhibit G - Map showing urban core

Exhibit A

Letter from City of Corpus Christi



February 21, 2019

KEITH SELMAN
Interim City Manager

PO Box 9277
Corpus Christi
Texas 78469-9277
Phone 361-826-3220
Fax 361-826-3839
KeithSe@cctexas.com
www.cctexas.com

Mr. David Cervantes
Acting Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Re: Avanti at South Bluff, TDHCA # 19332
Corpus Christi, TX

Dear Mr. Cervantes:

The City of Corpus Christi City Council formally supported the development of Avanti at South Bluff, at 509 South Carancahua Street at their meeting held on February 12, 2019. The City is aware of TDHCA's rule that a development site that is within 2 miles of a refinery may be considered undesirable and may be ineligible for the receipt of tax credits.

Avanti at South Bluff (the "Development") is located over 1.5 miles but within 2 miles of Refinery Row that includes facilities owned by Flint Hills Resources, Celanese and CITGO. However, the development of a residential community that is that distance from the refineries is permitted in our City. In fact, the proposed development site is zoned for multifamily use and is currently being used as a 35-unit apartment community. In addition, the City does not have any ordinances in place that would restrict the development of the proposed apartment community.

Please note that many prominent areas in Corpus Christi are within two miles of a refinery, including existing residential developments, our downtown urban core, City Hall, the Nueces County Courthouse and major tourist attractions such as the Bayfront Arts and Science Park, the Corpus Christi Museum of Science and History, U.S.S. Lexington Museum and the Texas State Aquarium.

Because our City does not prohibit this Development to be constructed on this site, we respectfully request that you not consider the proximity to the refineries to be an undesirable site feature and that you permit this application to proceed.

Thank you for your consideration.

Regards,

Samuel "Keith" Selman
Interim City Manager









Exhibit B

Map showing proximity of the Development Site
and the refineries to governmental facilities

Government Buildings within 2 Mile Radius of Refineries

City Hall, County Courthouse, Fire Stations, Police Station, Post Offices, and City buildings within 2 mile radius of Flint Hills Refinery and Citgo Refinery

Legend

-  19332 Avanti at South Bluff Marker
-  Citgo 2 mile radius
-  Citgo Refinery
-  Corpus Christi Fire
-  Feature 1
-  Flint Hills 2 mile radius
-  Flint Hills Refinery
-  US Post Office

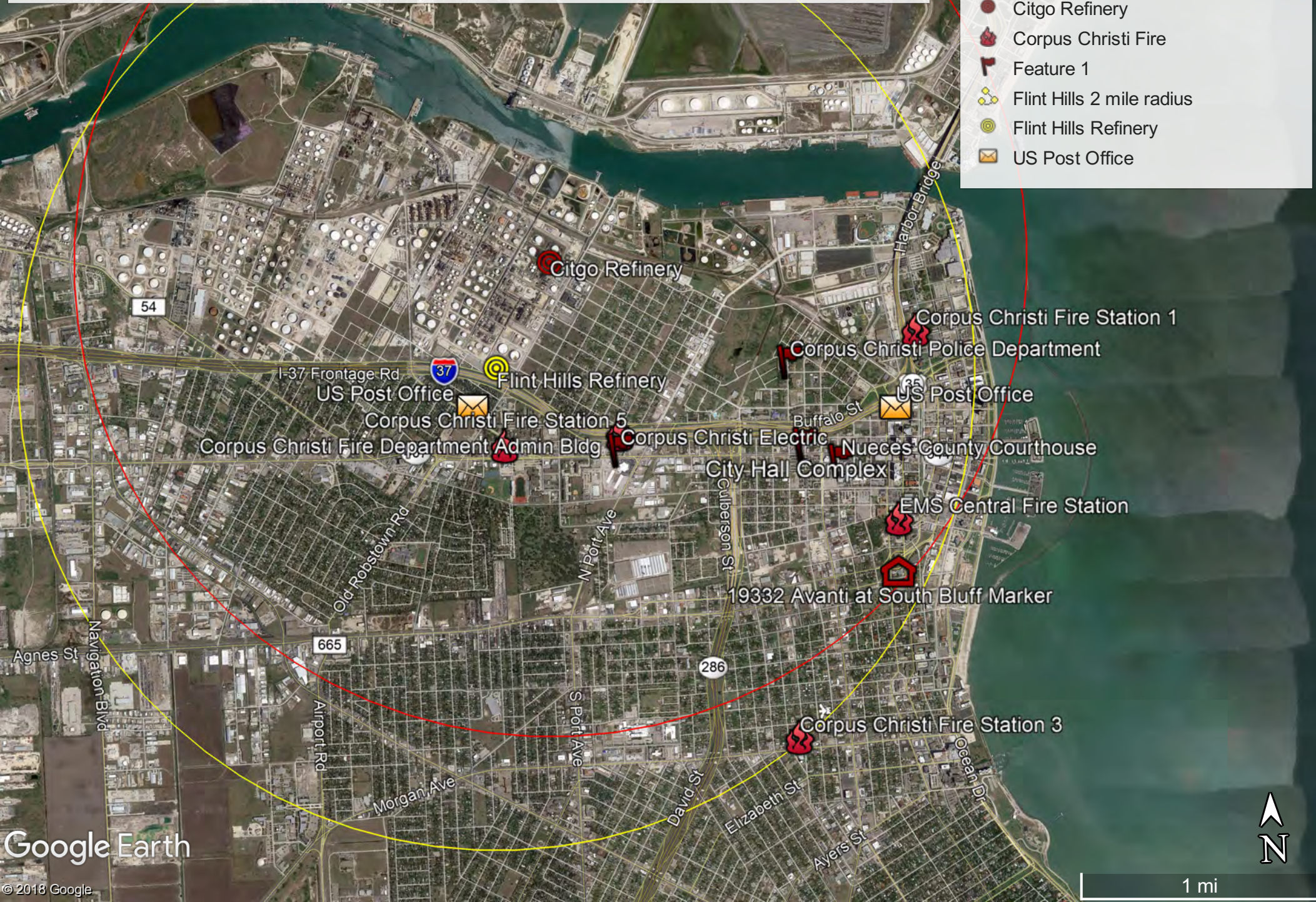


Exhibit C

Map showing proximity of the Development Site
and the refineries to medical facilities

Medical Facilities within 2 Mile Radius of Refineries

Hospitals and Medical Clinics within 2 mile radius of Flint Hills Refinery and Citgo Refinery

Legend

- 19332 Avanti at South Bluff Marker
- Citgo 2 mile radius
- Citgo Refinery
- Feature 1
- Flint Hills 2 mile radius
- Flint Hills Refinery

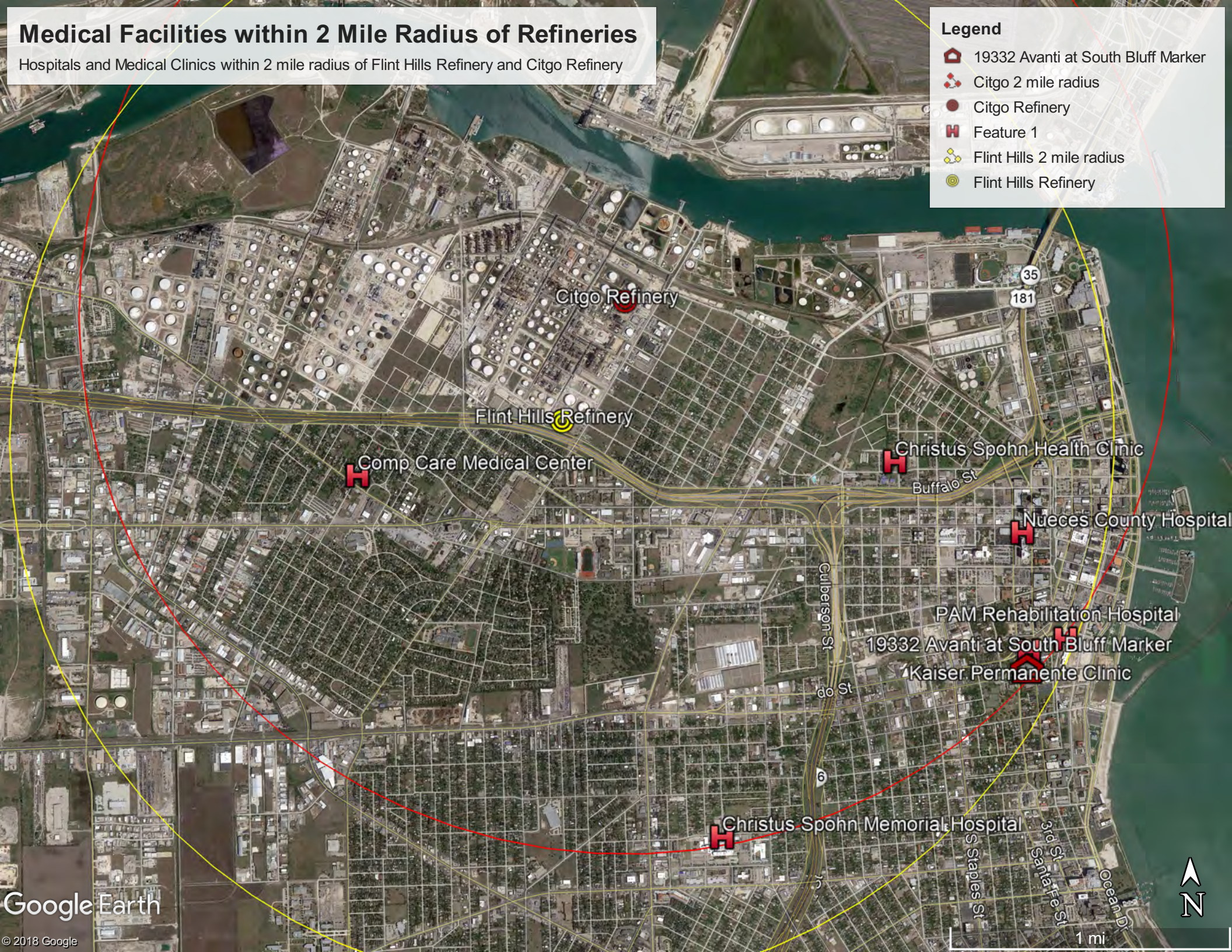


Exhibit D

Map showing proximity of the Development Site and the
refineries to schools and childcare facilities

Schools and Childcare Facilities within 2 Mile Radius of Refineries

CCISD schools and childcare facilities within 2 mile radius of Flint Hills Refinery and Citgo Refinery

Legend

- 19332 Avanti at South Bluff Marker
- Citgo 2 mile radius
- Citgo Refinery
- Corpus Christi ISD Admin Office
- Feature 1
- Feature 2
- Flint Hills 2 mile radius
- Flint Hills Refinery
- School

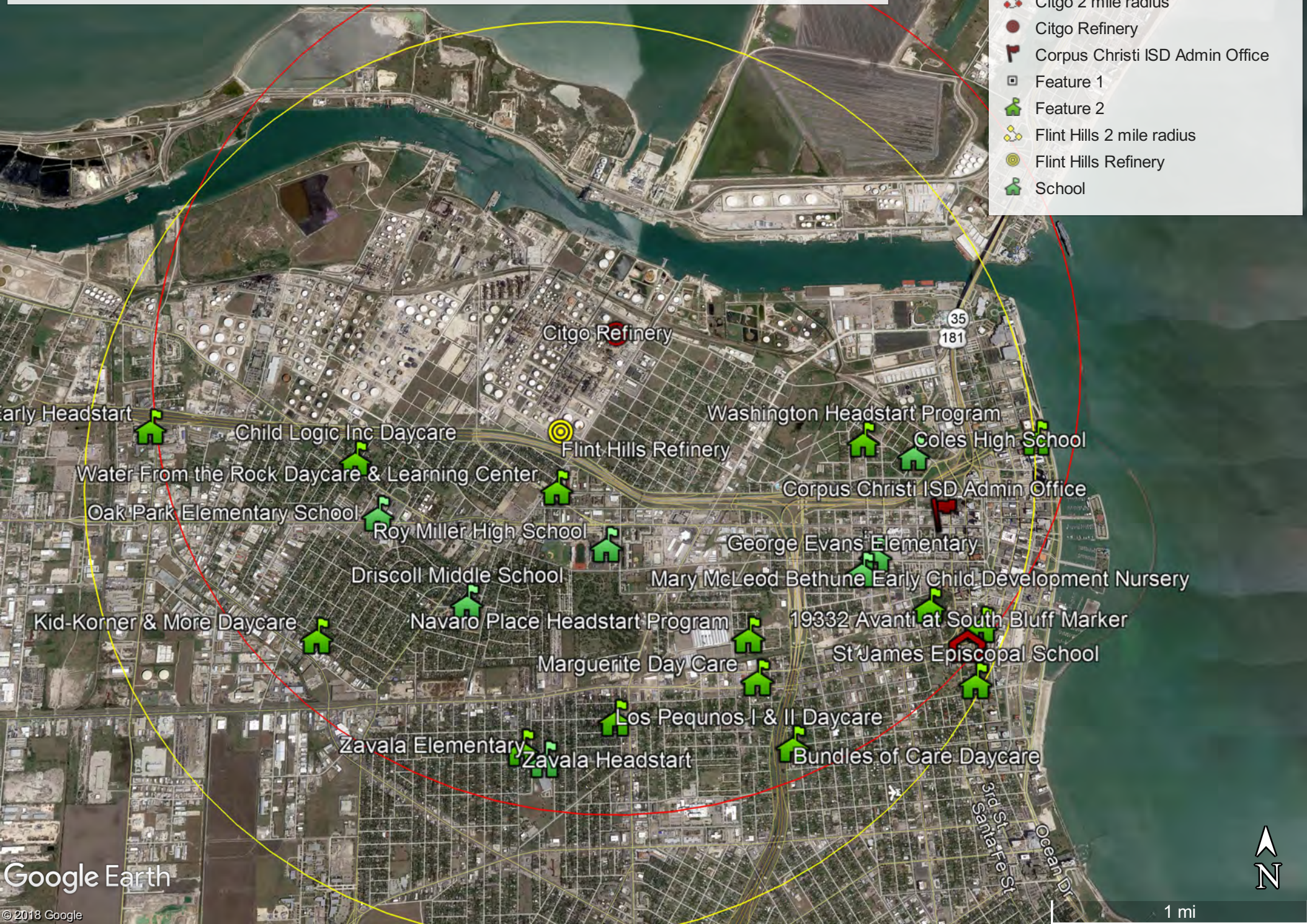








Exhibit E

Map showing proximity of the Development Site and the
refineries to museums and tourist attractions

Museums and Attractions within 2 Mile Radius of Refineries

USS Lexington, Texas State Aquarium, Corpus Christi Hooks Baseball Stadium, Hurricane Alley, The Art Museum of South Texas, Corpus Christi Museum of Science and History, Texas State Museum of Asian Cultures and Education, Harbor Playhouse and American Bank Center Auditorium, Convention Center and Arena within 2 mile radius of Flint Hills Refinery and Citgo Refinery

Legend

-  19332 Avanti at South Bluff Marker
-  Citgo 2 mile radius
-  Citgo Refinery
-  Feature 1
-  Flint Hills 2 mile radius
-  Flint Hills Refinery

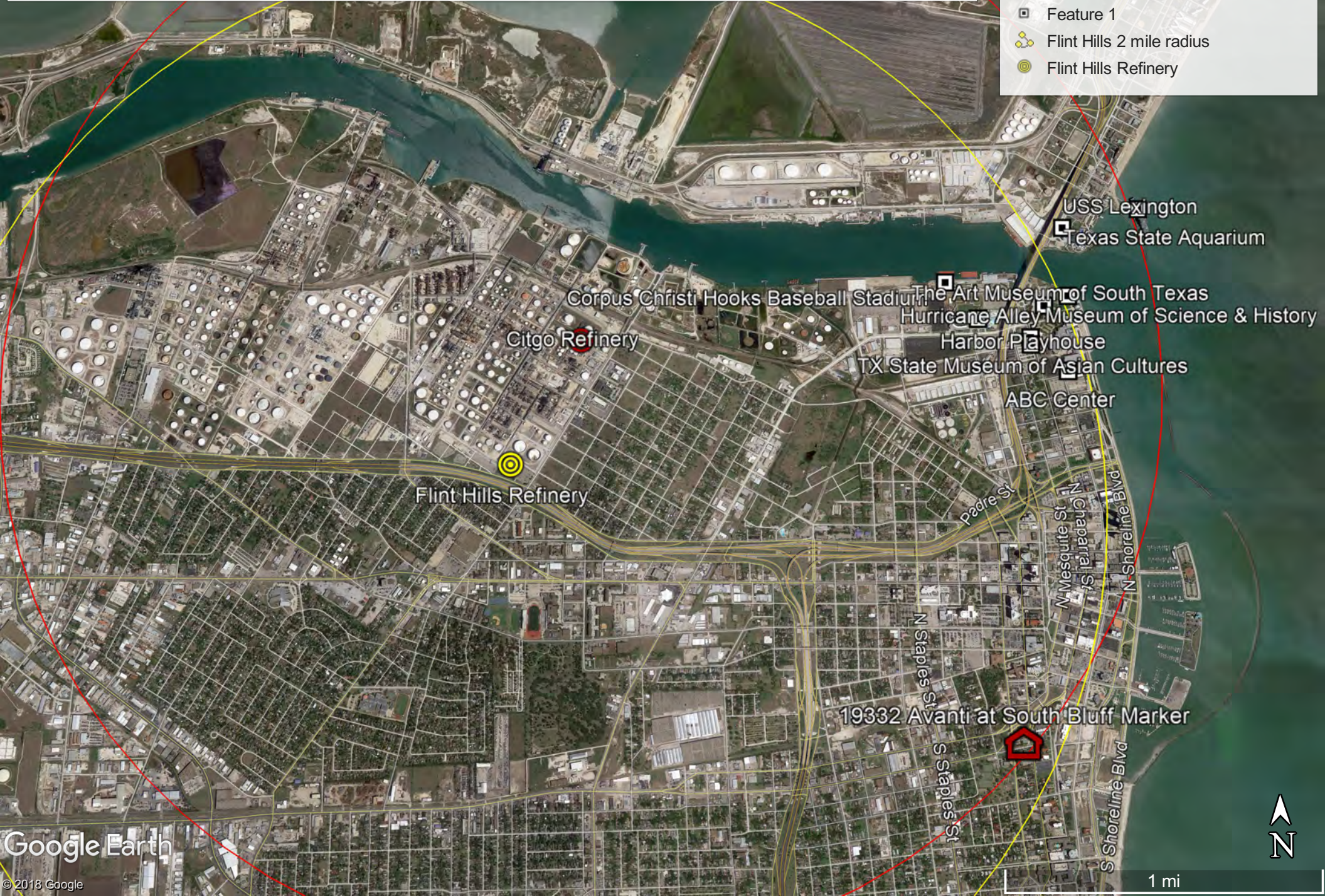


Exhibit F

Map showing proximity of the Development Site and the
refineries to other Tax Credit Properties

TDHCA Deals Within 2 Mile Radius of Refineries

(12254) The Palms at Leopard, (60405) Sea Breeze Senior Apartments, (5433) The Villas at Costa Tarragona I, & (10125) Costa Tarragona II are within 2 miles of Corpus Christi area refineries

Legend

-  Citgo/Flint Hills - 2 Mile Radius
-  Citgo/Flint Hills Refineries
-  Valero - 2 Mile Radius
-  Valero Energy Corporation

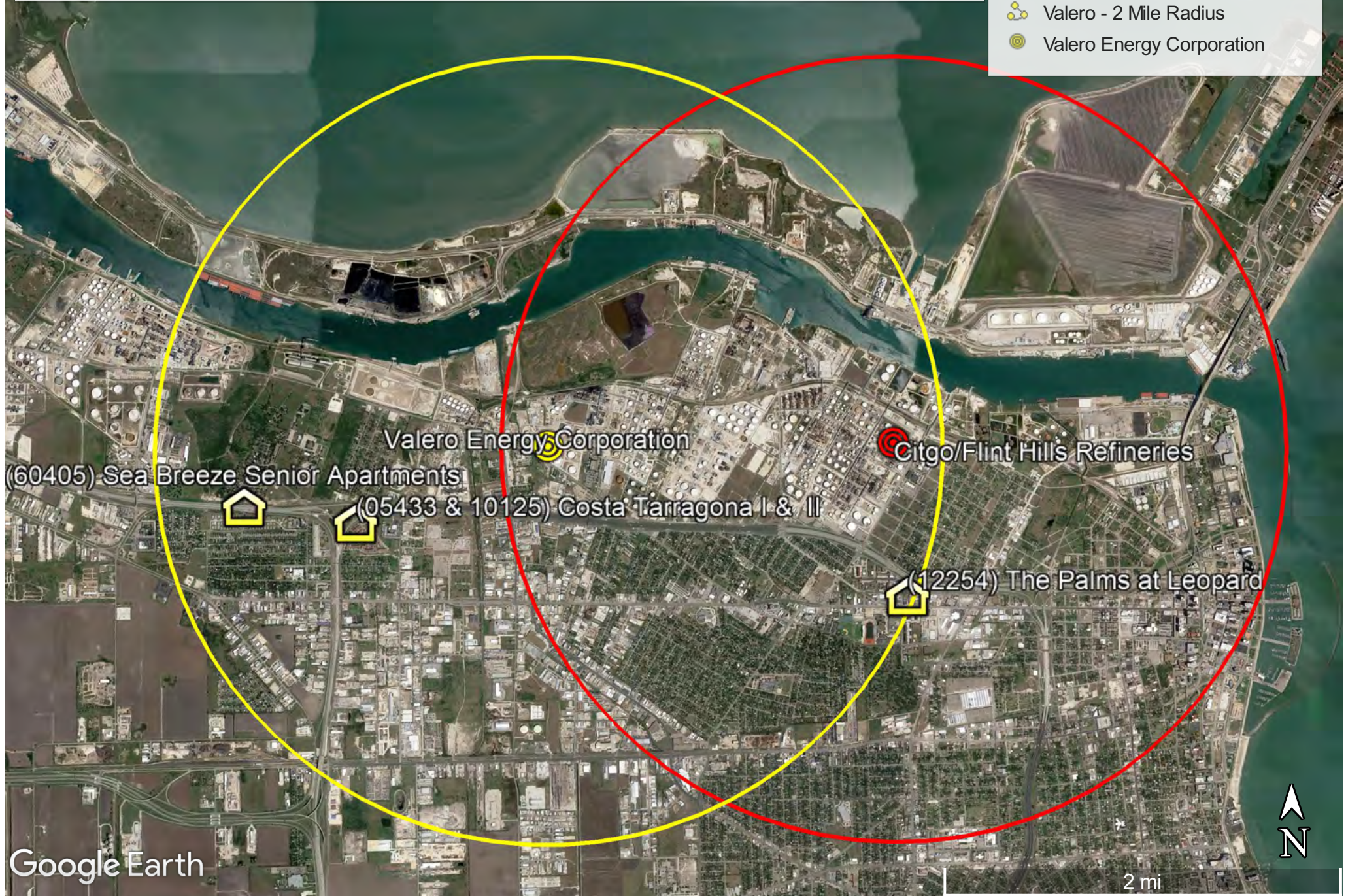






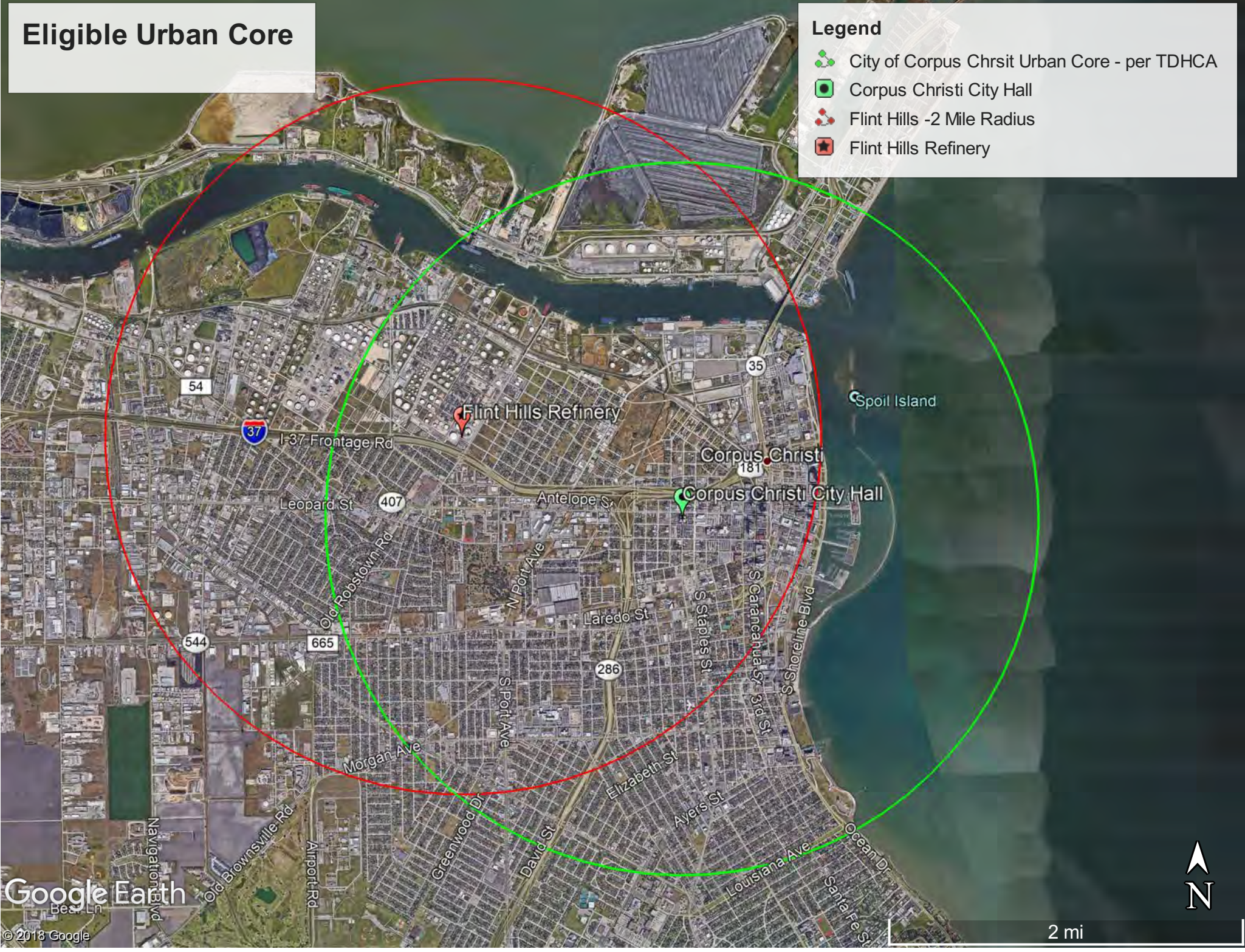
Exhibit G

Map showing urban core

Eligible Urban Core

Legend

-  City of Corpus Christi Urban Core - per TDHCA
-  Corpus Christi City Hall
-  Flint Hills -2 Mile Radius
-  Flint Hills Refinery



1g

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion and possible action on staff determinations regarding Neighborhood Risk Factors

19040 Vista East	Houston
19047 Parkway Meadows	Houston
19085 Gala at MacGregor	Houston
19088 Metro Tower Lofts	Lubbock
19132 Village at Boyer	San Antonio
19134 Village at Nogalitos	San Antonio
19136 Luna Flats	San Antonio
19159 Mid Tule Village Apartments	Tulia
19202 Heritage Heights at Big Spring	Big Spring

RECOMMENDED ACTION

WHEREAS, pursuant to 10 TAC §11.101(a)(3) of the 2019 Qualified Allocation Plan (QAP) related to Neighborhood Risk Factors, if a Development Site has any of the characteristics described in subparagraph B of the subsection, the Applicant must disclose the presence of each such characteristic to the Department at the time the Application is submitted to the Department;

WHEREAS, Applicants have disclosed the presence of Neighborhood Risk Factors and staff has conducted a further review of the proposed sites and the surrounding neighborhoods pursuant to 10 TAC §11.101(a)(3) and prepared a summary for the Board; and

WHEREAS, pursuant to 10 TAC §11.101(a)(3), acceptable mitigation for such neighborhood risk factors, in accordance with the rule, was submitted for the Applications noted;

NOW, therefore, it is hereby,

RESOLVED, that the Board find the Development Sites for the Applications presented at this meeting eligible under the requirements of 10 TAC §11.101(a)(3).

BACKGROUND

Pursuant to 10 TAC §11.101(a)(3) of the 2019 QAP related to Neighborhood Risk Factors, disclosure is required if one or more of the neighborhood risk factors exists where the proposed Development Site is located. Applicants are required to provide a Neighborhood Risk Factors Report (NRFR), which includes information regarding mitigating factors and general description of the site and surrounding area.

The following tables describe the staff reviews and recommendations for 2019 Competitive Housing Tax Credit (HTC) Applications that included disclosures regarding neighborhood risk factors for which staff has completed the review and made a recommendation. Each entry identifies the HTC development/application identification number (TDHCA ID#), the name of the development, the region, the city, and the Application review status, along with staff's recommendation with respect to eligibility of the site. A brief summary of each disclosure has been included and is followed by Department staff's analysis of that disclosure for the Site and the proposed mitigation from the Applicant.

Pursuant to 10 TAC §11.101(a)(3), the Department's Governing Board has final decision making authority in making an affirmative determination of finding a Site eligible or ineligible. Should the Board make the determination that a Development Site is ineligible, the termination of the Application resulting from such Board action is not subject to appeal.

TDHCA ID#	Dev. Name	Region	City	Review Status
19040	Vista East	6	Houston	Not Priority

Application 19040, Vista East, is located at 3801 Garrow Street, approximately 1.15 miles east of downtown Houston. The Application proposes a three story wood frame design sitting on an elevated post tension slab above on grade parking. It will consist of 74 Units and will serve the General population.

Summary of Disclosure: The proposed Development Site is located in census tract 48201310400, which, according to NeighborhoodScout, has a Part I Violent Crime rate of 20.06 per 1,000 persons annually. The Development Site is also within 500 feet of census tract 48201310100, which has a crime rate of 19.14.

Mitigation Efforts: These two census tracts and one other census tract (48201310500) largely approximate the boundary of Houston Police Department (HPD) police beat 10H10. Using the most recent data from HPD for police beat 10H10 and dividing by the estimated population for the census tracts that make up this area, the Applicant notes that the crime rate was 9.49 for 2017 and 8.08 for 2018, significantly lower than the threshold of 18 per 1,000 persons. In accordance with 10 TAC §11.101(a)(3)(D)(ii), acceptable mitigation includes data and evidence that establishes that the data reported on neighborhoodscout.com does not accurately reflect

the true nature of what is occurring and what is actually occurring does not rise to the level of concern to the Board. The submitted data from HPD for the police beat supports such a conclusion in this case.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

Summary of Disclosure: The Development Site is within 1,000 feet of three structures identified by the Applicant as potentially constituting blight.

Mitigation Efforts: In accordance with 10 TAC §11.101(a)(3)(D)(iii), acceptable mitigation for blight may include new construction already underway in the area that evidences public and/or private investment. Given the public and private investment previously deployed and currently underway in the neighborhood (including the City of Houston's Harrisburg Tax Increment Reinvestment Zone #23, the Second Ward Complete Community initiative, and Greater East End Management District), and the small number of properties that may be considered blight, this Neighborhood Risk Factor is not of such a severity as to prevent site eligibility.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19047	Parkway Meadows	6	Houston	Not Priority

Application 19047, Parkway Meadows, will consist of 82 four-bedroom single family rental homes that will serve the general population. The subject site is located on a 17.7865 acre tract on the north side of the approximate 3300 block of West Gulf Bank within The Acres Homes Complete Community in Houston, Texas. The four-bedroom homes will have neo-traditional elevations with large front porches and attached garages to facilitate a clean overall appearance. A Social Service Program will be made available with an experienced nonprofit provider. The Development will serve the General population.

Summary of Disclosure: The proposed Development Site is located in the southeast corner of census tract 48201533000, which has a poverty rate of 43.8%.

Mitigation Efforts: The census tract is adjacent to two other census tracts that have poverty rates well below 40%—48201533100 has a poverty rate of 16.2% and 48201533400 has a poverty rate of 25.5%. The boundary of tract 533100, with the poverty rate of 16.2%, lies directly across W Gulf Bank Road from the proposed Development. Per 10 TAC 11.101(a)(3)(D)(i), mitigation of a high poverty rate includes "that the census tract is contiguous to a census tract with a poverty rate below 20% and there are no physical barriers between them such as highways or rivers which would be reasonably considered as separating or dividing the neighborhood containing the proposed Development from the low poverty area. . ."

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

Summary of Disclosure: According to NeighborhoodScout, the Part I violent crime rate for the census tract is 18.16 instances per 1,000 persons, which is slightly above the threshold of 18, as required by 10 TAC 11.101(a)(3)(B)(ii).

Mitigation Efforts: Possible mitigation and required evidence to support that mitigation is delineated at 10 TAC 11.101(a)(3)(D)(ii), which primarily allows two paths to mitigation: 1) a trend can be demonstrated that leads one to reasonably believe that within the next two years, the Part I violet crime rate will drop below 18/1,000; or 2) the Applicant presents local crime data for the census tract and demonstrates that, in reality, the Part I crime rate is indeed lower than 18/1,000.

As proposed mitigation, the Applicant presents the Part I violent crime rate for the census tract and the surrounding census tracts in 2016, according to NeighborhoodScout. In 2016, the Part I violent crime stood at 25.27, and it now stands at 18.16. Tract 533100 was at 16.08, and it now stands at 9.17. These snapshots for the past two years indicate a downward trend and imminent compliance with the Department's threshold requirements.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19085	Gala at MacGregor	6	Houston	Priority

Application 19085, Gala at MacGregor, is a midrise four-story single-building development for seniors in a high opportunity area of Houston. The proposed Development Site is located in census tract 48201312600, which has a median household income of \$104,141 and poverty rate of 9%. The median income is significantly higher than the State and MSA and the poverty rate is lower. It is located on the west side of South Freeway/Hwy 288 in a recreational and cultural area of Houston containing the Hermann Park Golf Course, Houston Zoo, Houston Museum of Natural Science, Houston Museum of Fine Arts, Children’s Museum of Houston, and Hermann Park.

Summary of Disclosure: According to NeighborhoodScout, the census tract in which the proposed Development Site is located (48201312600) has a Part I violent crime rate of 4.84 per 1,000 persons. A neighboring census tract (48201313000) has a Part I violent crime rate of 21.18 per 1,000 persons.

Mitigation Efforts: The border of the neighboring census tract with the crime rate of 21.18 per 1,000 persons is located approximately 400 feet from the proposed Development Site. 10 TAC 11.101(a)(3)(B)(ii) requires disclosure of a census tract with a Part I violent crime rate above 18/1,000 if the proposed Development Site is located within that census tract or within 500 feet of one. To reach the neighboring census tract, one must use either one overpass 900 feet from the site or another overpass 1,800 feet from the site. Given the high opportunity characteristics of the proposed Development Site's neighborhood and its nearby cultural amenities, and given the significant barrier between the two census tracts, staff believes that sufficient mitigation has been provided for this neighborhood risk factor.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19088	Metro Tower Lofts	1	Lubbock	Priority

Application 19088, Metro Tower Lofts, is an adaptive reuse of an existing 20-story office tower in downtown Lubbock. Currently, two floors are in use as office space for the current owner. The commercial tenant will continue to keep its offices in floors 2 through 3 of the building through a lease with the Applicant. Floors 4 through 18 will be developed as tax credit housing along with a portion of the first floor for common amenity space. The top two floors will be owned by a separate entity for commercial use. Units will be a mix of efficiencies, one and two bedroom units. All but 15 of the 89 units are reserved for households with income at or below 60% of the Median Income, and they will serve the General population.

Summary of Disclosure: The Applicant disclosed six instances of nearby property neglect or deferred maintenance that warrant disclosure to TDHCA for potential blight.

Mitigation Efforts: The Applicant notes that downtown Lubbock is currently undergoing revitalization, and shares that the downtown area, in which the proposed Development is located, has been the target of millions of dollars in investment from the City and the private sector. The Applicant further states that "these investment initiatives have been spearheaded through the Central Business District Tax Increment Financing Zone and through the Downtown Revitalization Action Plan." The proposed Development is near many civic, cultural, and business institutions, and the census tract in which the Development meets the Department's criteria of a "high opportunity area."

Each instance of blight concerns a vacant commercial property in fair to good condition. In accordance with 10 TAC §11.101(a)(3)(D)(iii), acceptable mitigation for blight may include new construction already underway in the area that evidences public and/or private investment. Given the ample evidence of large capital investments in downtown Lubbock, staff believes that sufficient mitigation of blight has been provided, and that instances of blight will be removed through continued revitalization efforts.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19132	Village at Boyer	9	San Antonio	Not Priority

Application 19132, Village at Boyer, will be a new construction, five-story, multifamily residential community consisting of 86 affordable units. The development will be located at 1510 Hoefgen

Avenue, San Antonio, TX 78210, on approximately 1.7 acres near the intersection of IH-37 (U.S. 281) and IH-10, south of West Boyer Avenue. The proposed Development will serve the General population.

Summary of Disclosure: The Applicant disclosed six instances of nearby property neglect or deferred maintenance that warrant disclosure to TDHCA for potential blight. The structures include three single family homes, one commercial business, one San Antonio Independent School District facility, and one planned mixed-use development.

Mitigation Efforts: The Applicant states that there are "many positive trends and improvements occurring in the area surrounding the proposed development site and the questionable properties referenced in this letter, were they to be considered 'blight', are likely to be mitigated or significantly improved by the time the proposed Development is placed in service."

The proposed Development Site is proximate to downtown, which is approximately 1.5 miles away. Furthermore, the Site is located within the boundaries of the 2017 San Antonio Urban Renewal Plan and the Arena District/Eastside Community Plan. The Applicant shares information on several planned capital improvement projects in the vicinity of the proposed Development, in addition to other planned private development projects. Of the two residential properties identified, one is currently undergoing rehabilitation and another was for sale; of the commercial properties identified, one is planned to be a development similar to Pearl District north of downtown San Antonio. In accordance with 10 TAC §11.101(a)(3)(D)(iii), acceptable mitigation for blight may include efforts to address the overall condition of the neighborhood. Given these developments and investments, staff believes that sufficient mitigation has been provided.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19134	Village at Nogalitos	9	San Antonio	Priority

Application 19134, Village at Nogalitos, will be a new construction, five-story, multifamily residential community consisting of 78 affordable units. The development will be located at 3727 Nogalitos St., San Antonio, TX 78211, approximately 3.5 miles southwest of downtown San Antonio. The proposed Development will serve the General population.

Summary of Disclosure: The Applicant identified five instances of potential blight within 1,000 feet of the proposed Development Site. One property is a closed restaurant, one is a single family home, one is a used car lot, one is a vacant commercial building, and another is a pile of trash on a vacant lot.

Mitigation Efforts: The Applicant stated that the first three instances of blight mentioned will soon be redeveloped into an urgent care facility, which will increase emergency healthcare access to residents of the neighborhood. The Applicant notes that the primary land use around the proposed Development Site is residential, but along the main corridor there are many small

businesses, including restaurants, auto shops, retail stores, etc. One large vacant lot owned by the City of San Antonio and near the proposed Development Site will soon be open to an RFP for developers to create a new mixed-use development.

In accordance with 10 TAC §11.101(a)(3)(D)(iii), acceptable mitigation for blight may include new construction already underway in the area that evidences public and/or private investment. Staff believes that the neighborhood is stable, and that strategic investments and revitalization are being initiated by both the private and public sectors. Staff does not believe that these instances of blight are of such a nature as to render the site ineligible.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

Summary of Disclosure: The proposed Development will fall within the attendance zone of two schools that were both rated Improvement Required in 2018, but did achieve Met Standard ratings before then, between 2015 and 2017. Miguel Carrillo Jr. Elementary School is Improvement Required, as is Dwight Middle School.

Mitigation Efforts: The Applicant includes in their Neighborhood Risk Factor packet a letter from Mr. Alexandro Flores, Superintendent of Schools for South San Antonio Independent School District (SSAISD). Regarding the elementary school, Mr. Flores shares two helpful considerations. First, because of financial and extemporaneous factors, the SSAISD Board closed a well-performing elementary school in the proposed Development Site's neighborhood that had achieved a Met Standard rating four years in a row. That elementary school, called Athens Elementary, will soon be reopened, and the school-aged residents of the proposed Development will attend this reopened elementary school. Second, for the current elementary school, Mr. Flores speaks to the existing Campus Improvement Plan and extols the efforts of a newly hired principal and additional staff hired to assist students.

Regarding Dwight Middle School, Mr. Flores recounts five strategies implemented by the District's and school's management to achieve a Met Standard rating. He notes that these five strategies have attendant "critical success factors" clearly described in the Campus Improvement Plan.

Lastly, the Applicant shared in their packet that, at the SSAISD Board meeting of February 20, 2019, Director of Teaching and Learning Amy Shields presented a Middle of the Year Report that demonstrated the District's attaining and sometimes exceeding its metrics for student progress.

Based on the evidence provided, staff believes that sufficient mitigation has been provided and that the Development Site should be found eligible.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19136	Luna Flats	9	San Antonio	Priority

Application 19136, Luna Flats, will be a new construction multifamily development located at approximately 4415 San Pedro Avenue, San Antonio, Texas. It lies approximately three miles north of downtown. The Development will consist of one building with 69 units, all of which will be designated for low income residents and will serve the General population. The unit mix will include one, two, and three bedroom units.

Summary of Disclosure: The Applicant disclosed the presence of seven instances of blight within 1,000 feet of the proposed Development Site. Five are instances of residential single family homes in need of maintenance, and two are instances of vacated commercial properties.

The Applicant notes that the census tract that contains the proposed Development Site is largely residential, with commercial zoning along the major corridor. The census tract has a relatively low crime rate and a poverty rate of 22.4% and a median household income of \$54,638. 40% of households in the census tracts have incomes that exceed the median household income for the San Antonio-New Braunfels Metro. The census track only has 55 multifamily units, most of which are duplexes. The two schools which school-aged residents would attend have achieved Met Standard ratings for the past three years, and the high school has a graduation rate of 98.1%, which exceeds the state's four-year completion rate of 89.7%.

In addition to the socio-economic considerations detailed above, the Applicant highlights the availability of home repair programs and partnerships offered by the city of San Antonio and points to revitalization efforts undertaken by the city. Based on the review of the potential blight disclosed by the Applicant, staff does not believe that there is blight of such a level as to render the site ineligible. The two commercial properties actually appear to be in good condition; they are simply vacant, which by itself does not constitute blight. Of the disclosed residences, two are indeed in poor condition, with non-residential materials occupying the lots; however, the homes are occupied.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19159	Mid Tule Village	1	Tulia	Priority

Application 19159, Mid Tule Village, is for a Development originally built in 1983 under the HUD 202 program and includes 50 units all covered by Project Based Rental Assistance from HUD. Mid Tule consists of the rehabilitation of 13 single-story apartment buildings and one community building on approximately five acres in the rural community of Tulia. Volunteers of America (VOA) originally built the property and is the parent company to the current owner. The Tax Credit

Limited Partnership will acquire Mid Tule from the current owner. The Development will serve the Elderly population.

Summary of Disclosure: The Applicant disclosed the presence of five instances of potential blight within 1,000 feet of the Development Site. Each instance of blight is a vacant and dilapidated residence.

Mitigation Efforts: As mitigation, the Applicant provided a letter from Mayor Russell Proctor of the City of Tulia that recounts a recently passed ordinance from the City Council. On January 8, 2019, the city approved its Dangerous Buildings Ordinance, which enables the city to demolish abandoned and vacant structures. According to the mayor, an annual budgetary set-aside allows for the demolition of up to 10 structures, and the city "will make best efforts to demolish dilapidated structures within 1,000 feet of Mid Tule over the next two years." In accordance with 10 TAC §11.101(a)(3)(D)(iii), in instances where blight exists but may only include a few properties, mitigation efforts could include partnerships with local agencies to engage in clean-up efforts or other efforts to address the overall condition of the neighborhood. Staff believes that such targeted efforts by the municipality to address blight in this neighborhood is conducive to finding the proposed Development Site eligible.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

TDHCA ID#	Dev. Name	Region	City	Review Status
19202	Heritage Heights	12	Big Spring	Priority

Application 19202, Heritage Heights, is a 66-unit new construction Development on 9.43 acres in Big Spring. The proposed Development will serve the Elderly population. Land uses immediately surrounding the development site include single family residential, vacant land, and commercial uses.

Summary of Disclosure: The Applicant disclosed the presence of seven instances of potential blight within 1,000 feet of the proposed Development Site. Five instances are vacant and dilapidated single family residences; and two instances are vacant and dilapidated commercial properties. Of the seven instances, six lie across West Highway 80, a four-lane parkway.

Mitigation Efforts: The Applicant included a letter from Larry McLellan, Mayor of the City of Big Spring. According to the Mayor, "in the vicinity of the development site, Code Enforcement has demolished or caused to be demolished 4 substandard/dangerous structures and has opened substandard structure cases for 6 additional properties in the last twelve 12 months." In accordance with 10 TAC §11.101(a)(3)(D)(iii), in instances where blight exists but may only include a few properties, mitigation efforts could include partnerships with local agencies to engage in clean-up efforts or other efforts to address the overall condition of the neighborhood. Staff believes that such targeted efforts by the municipality to address blight is conducive to finding the proposed Development Site eligible.

Staff Determination: Staff is recommending that the Board find the Development Site eligible.

19040

Vista East



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11. 8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # _____ Development Name _____
 Application Disclosure: Application # 19040 Development Name Vista East

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

See attached.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

See attached

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

VISTA EAST, L.P.

Neighborhood Risk Factor: Crime

The proposed development, to be known as Vista East, will be located at 3801 Garrow Street, Houston, Texas 77003, in census tract 48201310400 and within 500 feet of census tract 48201310100 (**Attachment 1**). The subject tract has a crime rate of 20.06/1,000 and the adjacent tract has a rate of 19.14/1,000 according to neighborhoodscout.com data available after October 2018 (**Attachment 2**).

Houston Police Department (HPD) does not track crime by census tract, but rather by police beats, which do not align exactly with census tract boundaries. The boundaries of tracts 48201310400 and 48201310100 most closely overlay with beat 10H10 (**Attachment 3**). According to the US Census Bureau's American Community Survey (ACS) 5-Year Estimates, the total population for beat 10H10, made up of census tracts 48201310400, 48201310500 and 161 blocks within tract 48201310100, was 12,742 in 2017 (**Attachment 4**). Based on local crime data (**Attachment 5**) and the most recent ACS population estimates available, the violent crime rate was 9.49/1,000 for 2017 and 8.08/1,000 for 2018 in beat 10H10. Local beat data indicates that not only is the violent crime rate in the neighborhood significantly below the NRF threshold of 18/1,000 persons annually, but also that it is decreasing.

Neighborhood Risk Factor: Blight

Pursuant to local priorities, Vista East will be located within one of the City of Houston's Tax Increment Reinvestment Zones (Harrisburg TIRZ aka TIRZ #23) as well as the Second Ward Complete Community. The City of Houston passed a resolution on February 20th, 2019 designating Vista East as the development contributing more than any other to the goals of the Harrisburg TIRZ. The development will provide those most affected by the Hurricane Harvey disaster with safe, quality affordable housing options.

Entities like the Greater East End Management District and the Harrisburg TIRZ have done an exemplary job of revitalizing the area around the proposed development site (**Attachment 6**). Based on ACS 5-Year Estimates (**Attachment 7**), the City of Houston's ongoing capital improvement projects such as those further described in Tab 10 of this application, relating to Concerted Revitalization Plan, have contributed to significant improvements in the census tract that encompasses the development site. Between 2014 and 2017:

1. Unemployment decreased at a higher rate in the subject CT (2.2%) than in the City of Houston overall (1.6%);
2. Median household income increased at a much higher rate in the subject CT (20.23%) than in the City of Houston overall (8.03%);
3. Percentage of people with Food Stamp/SNAP benefits decreased at a higher rate in the subject CT (5.8%) than in the City of Houston overall (0%); and
4. Percentage of families below the poverty line decreased at a higher rate in the subject CT (2%) than in the City of Houston overall (1.5%).

Despite these improvements, some vacant structures remain. Included as **Attachment 8** is information related to the structures within 1,000 feet of the proposed development site that may be considered blighted or abandoned. While the condition of these structures could be considered blighted, they are in an area where investment from both the private and public sectors is well underway.

Attachments:

1. Census tract map
2. Neighborhoodscout.com reports
3. Beat 10H10 Map
4. 2017 ACS population estimates
5. Houston Police Department crime data
6. Projects within the Greater East End Management District, Harrisburg TIRZ, Second Ward Complete Community
7. 2014 and 2017 ACS data for subject tract
8. Blight map and photos

2018 and 2019 Small DDAs & QCTs

3801 Garrow St Go Select a State Select a County Go

Map Options : Clear | Reset | Full Screen

- QCT Legend: — Tract Outline LIHTC Project 2019 Qualified Census Tracts
- SADDA Legend (%): — FMR Boundary — SADDA Boundary 2019 Small DDA

Hide the overview

The 2019 Qualified Census Tracts (QCTs) and Difficult Development Areas (DDAs) are effective January 1, 2019. The 2019 designations use data from the 2010 Decennial census and three releases of 5-year tabulations from the American Community Survey (ACS): 2010-2014; 2011-2015; and 2012-2016. The designation methodology is explained in the federal Register notice published October 22, 2018.

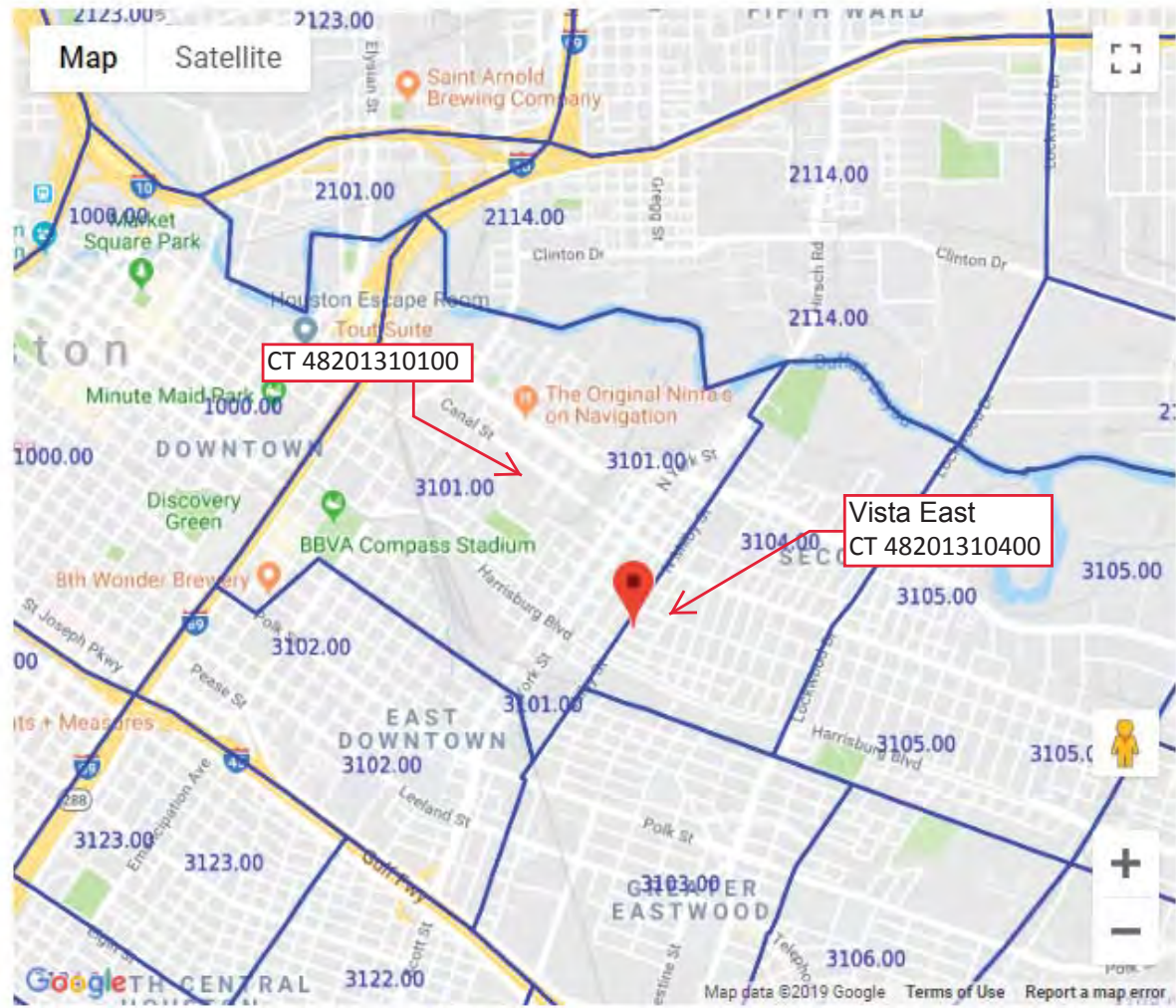
Map Options

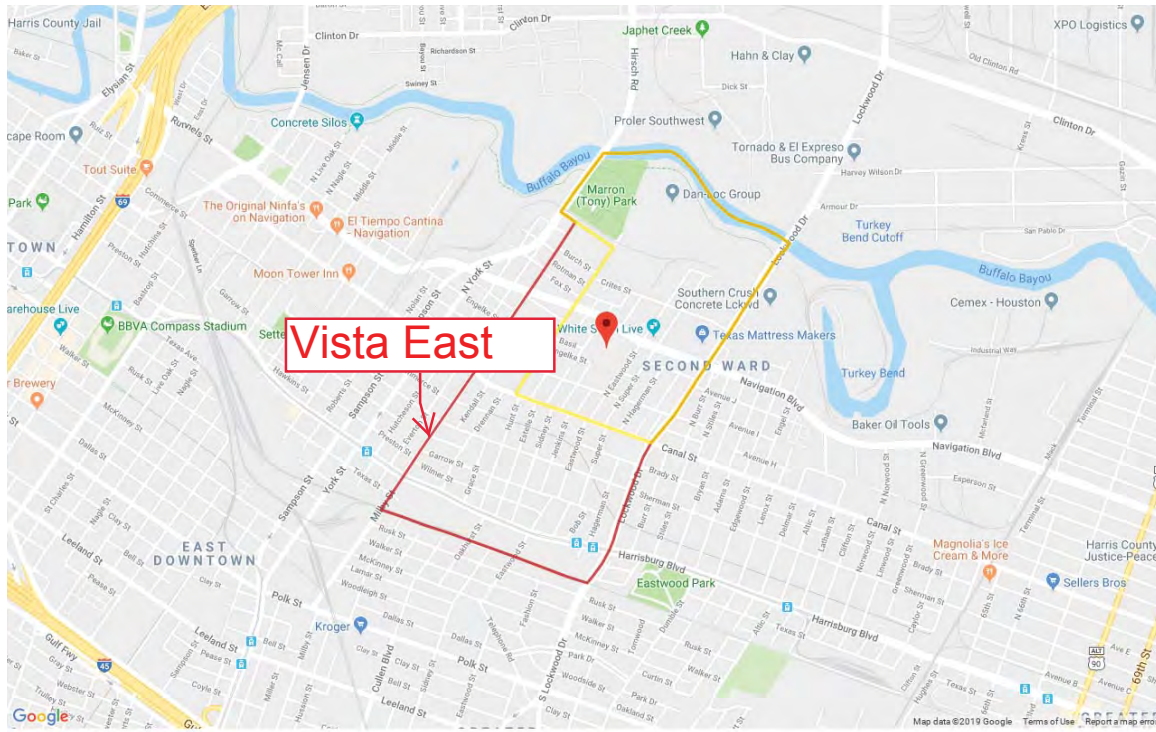
- 14 Current Zoom Level
- Show Difficult Development Areas (Zoom 7+)
- Color QCT Qualified Tracts (Zoom 7+)
- Show Tracts Outline (Zoom 11+)
- Show FMR Outlines (Zoom 4+)
- Show LIHTC Projects (Zoom 11+)

[Click here for full screen map](#)

Select Year

- 2019
- 2018





Vista East

— Neighborhood Boundary — Micro-Neighborhood Boundary

THE 4410 NAVIGATION BLVD NEIGHBORHOOD CRIME

67 Vital Statistics. 6 Condition Alerts found.

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

5

(100 is safest) ⚡

Safer than 5% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	69	205	274
Crime Rate (per 1,000 residents)	20.06	59.59	79.65

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

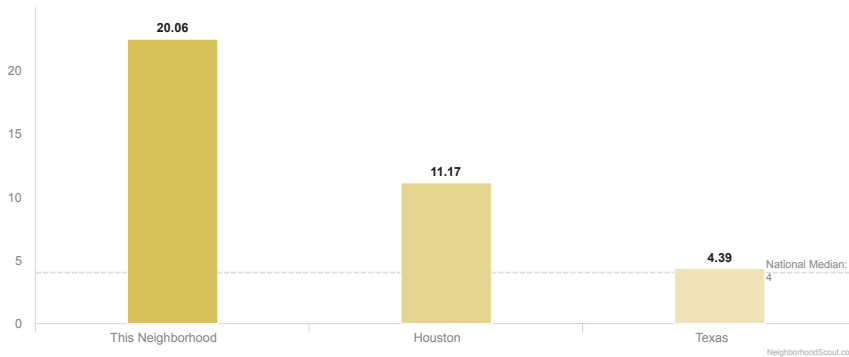
3

(100 is safest) ⚡

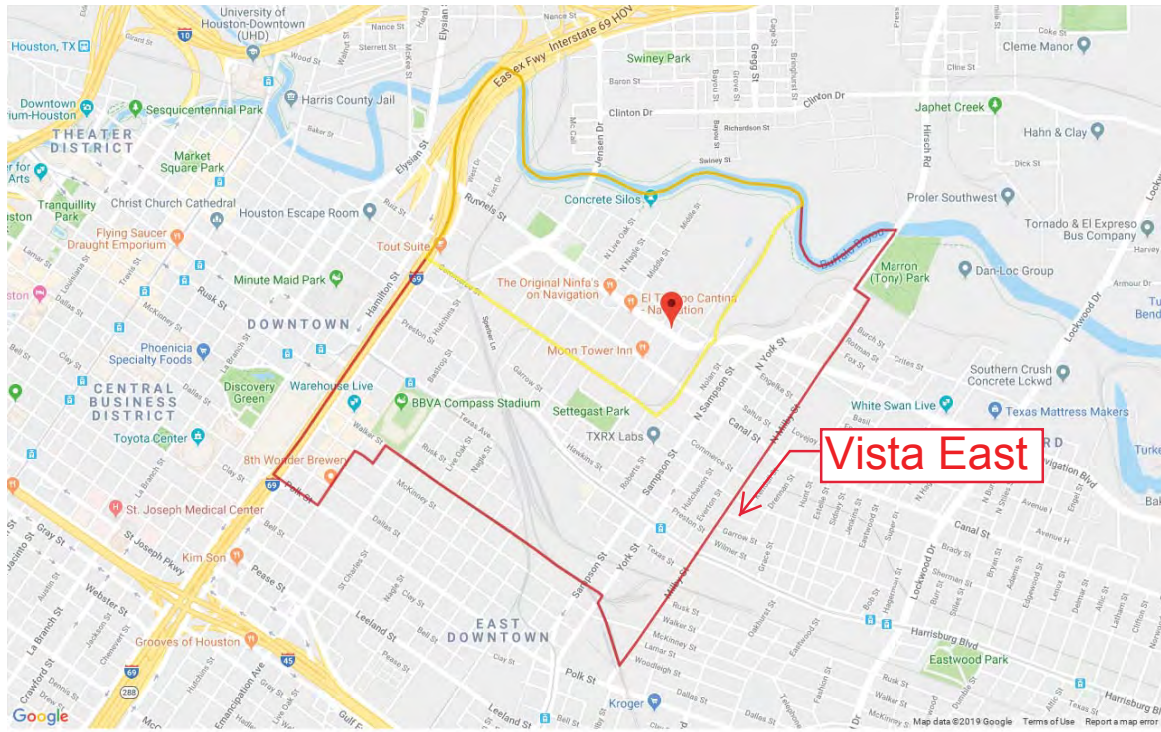
Safer than 3% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE			
MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
13	7	2	3
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME		
1 IN 50 ⚡	1 IN 89	1 IN 228
in this Neighborhood	in Houston	in Texas



— Neighborhood Boundary — Micro-Neighborhood Boundary

THE 3009 NAVIGATION BLVD NEIGHBORHOOD CRIME

67 Vital Statistics. 6 Condition Alerts found.

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

3

(100 is safest) ⚡

Safer than 3% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	95	384	479
Crime Rate (per 1,000 residents)	19.14	77.39	96.53

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

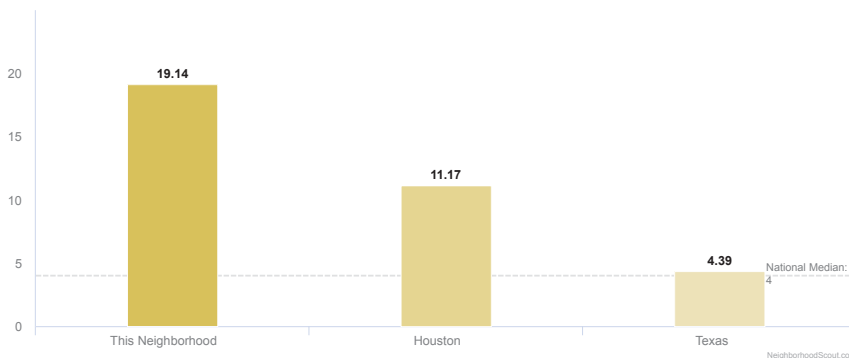
3

(100 is safest) ⚡

Safer than 3% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE			
MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
4	30	2	4
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME		
1 IN 52 ⚡	1 IN 89	1 IN 228
in this Neighborhood	in Houston	in Texas

[Solution home Frequently Asked Questions Crime Data](#)

How current is your crime data?

Modified on: Fri, 28 Dec, 2018 at 3:21 PM

NeighborhoodScout's crime data are always the most recent 'Final, Non-Preliminary' data available as classified by the FBI. It is the most up-to-date and fully-vetted data that is available, with complete national coverage. We insist on using Final, Non-Preliminary data for our analyses and analytics rather than basing our research on preliminary data that may need to be updated or have errors in it.

Because the FBI has to work through data and reporting issues, there is always an 8-10 month lag after the close of a calendar year before the data for that year can be released as Final, Non-Preliminary. **For instance, the crime analytics currently on the site represents incidences that occurred in 2017. The FBI released the 2017 raw crime data in September of 2018. Our team then re-ran our analyses, modified our models, and quality-assurance tested before launching the newly updated crime data in December 2018.**

The FBI will release the 'Final, Non-Preliminary' 2018 calendar-year crime data in the fall of 2019. Until then, what we are using is the most recent data with complete national coverage as per the FBI database.




You can find more information on Scout's crime data here: <https://www.neighborhoodscout.com/about-the-data/crime-rates> (<https://www.neighborhoodscout.com/about-the-data/crime-rates>)



Attachment 3

Houston Police Beat 10H10

Legend

-  10H10
-  Census Tracts
-  Vista East



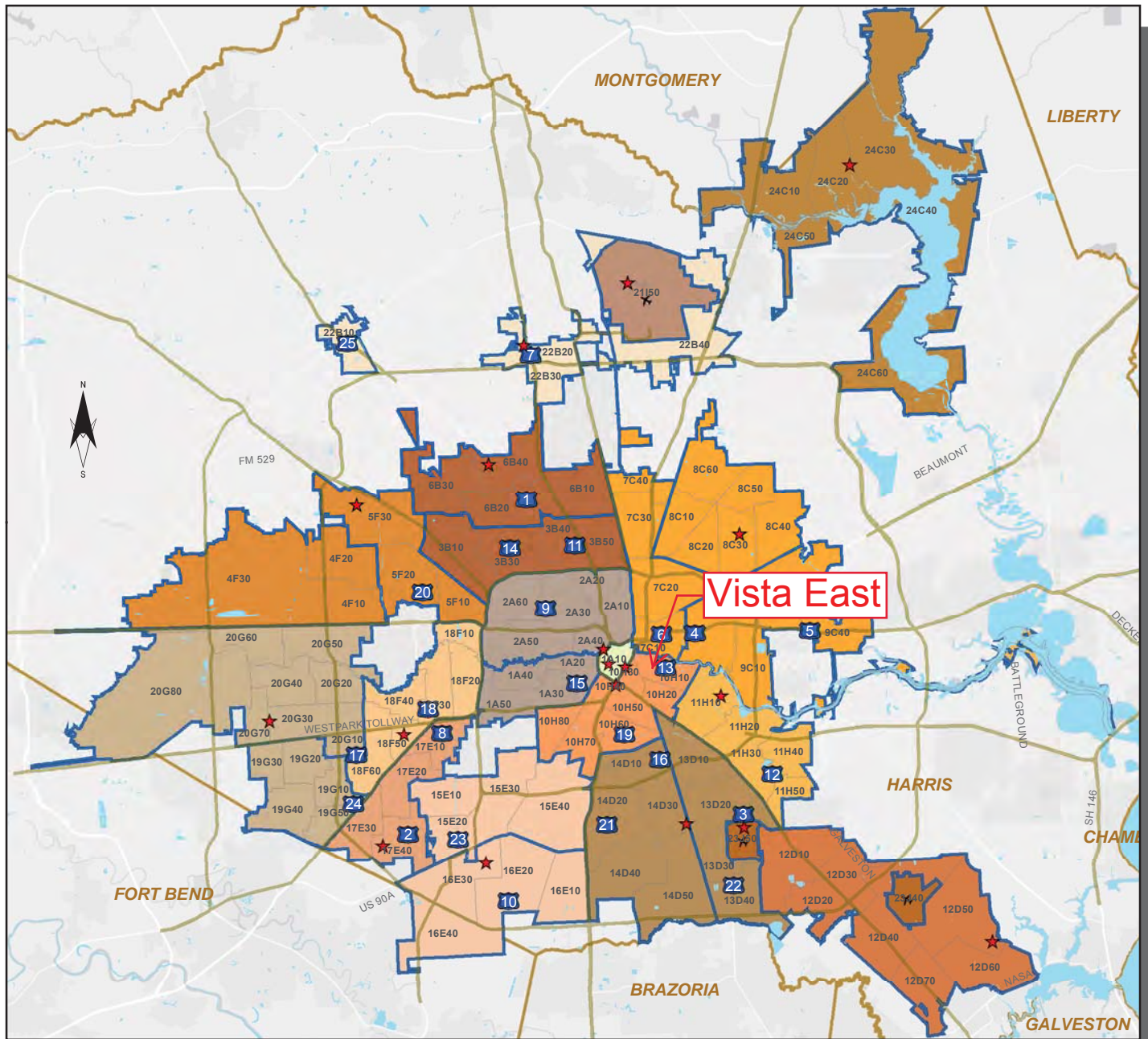


Houston Police Department
Edward A. Thomas Building
1200 Travis

Divisions:

- Airport-Hobby Division - District 23
 Hobby/Ellington
 7800 Airport Blvd.
 (713) 845-6800
- Airport-IAH Division - District 21
 Bush IAH
 3100 Terminal Rd. North
 (281) 230-6800
- Central Division - Districts 1 & 2
 61 Riesner St.
 (713) 247-4400
- Clear Lake Division - District 12
 2855 Bay Area Blvd.
 (832) 395-1777
- Downtown Division - District 1 (1A10)
 1900 Rusk St.
 (832) 394-0000
- Eastside Division - District 11
 7525 Sherman
 (832) 395-1580
- Kingwood Division - District 24
 3915 Rustic Woods Dr.
 (832) 395-1800
- Midwest Division - District 18
 7277 Regency Square Blvd.
 (832) 394-1200
- North Division - Districts 3 & 6
 9455 W. Montgomery Rd.
 (832) 394-3800
- North Belt Division - District 22
 100 Glenborough Dr.
 (832) 394-4900
- Northeast Division - Districts 7, 8, & 9
 8301 Ley Rd.
 (832) 395-1500
- Northwest Division - Districts 4 & 5
 6000 Teague Rd.
 (832) 394-5500
- South Central Division - District 10
 2202 St. Emanuel
 (832) 394-0300
- South Gessner Division - District 17
 8605 Westplace Dr.
 (832) 394-4700
- Southeast Division - Districts 13 & 14
 8300 Mykawa
 (832) 394-1600
- Southwest Division - Districts 15 & 16
 13097 Nitida St.
 (832) 394-0400
- Westside Division - Districts 19 & 20
 3203 S. Dairy Ashford
 (832) 394-5600

- ★ Stations
- Store Fronts
- Beats
- Districts



Store Fronts

- | | | | |
|---|---|--|---|
| ■ 1, Acres Homes - 6719 West Montgomery 77081 | ■ 7, Greenspoint - 105 Greenspoint Mall 77060 | ■ 14, Near North - 1335 West 43rd 77016 | ■ 21, Sunnyside - 3511 Reed Road 77051 |
| ■ 2, Braeburn - 7576 West Bellfort 77071 | ■ 8, Gulfton - 5980 Renwick #A 77081 | ■ 15, Neartown (Montrose) - 802 Westheimer 77006 | ■ 22, Telephone Road - 10201 Telephone Road 77075 |
| ■ 3, Broadway Square - 8751 Broadway 77061 | ■ 9, Heights - 1127 North Shepherd 77009 | ■ 16, Palm Center - 5330 Griggs #A-101 77021 | ■ 23, Westbury - 5600 South Willow #116 77035 |
| ■ 4, Denver Harbor - 6402 Market 77020 | ■ 10, Hiram Clarke - 4363 West Fuqua 77053 | ■ 17, Ranchester - 9160 Bellaire Boulevard # F 77036 | ■ 24, Westwood - 9700 Bissonnet #1740-W 77036 |
| ■ 5, East Freeway - 12001 East Freeway 77015 | ■ 11, Independence Heights - 803 Crosstimbers 77022 | ■ 18, Richmond - 6310 Richmond Avenue 77057 | |
| ■ 6, Fifth Ward - 4014 Market St 77020 | ■ 12, Leija - 4701 Galveston Road 77017 | ■ 19, Southmore - 3711 Southmore 77004 | |
| | ■ 13, Ripley House (Navigation) - 4410 Navigation 77011 | ■ 20, Spring Branch - 8400 Long Point #A 77055 | |

HIPD MAP



Search - Use the options on the left (topics, geographies, ...) to narrow your search results

Your Selections

Search using...
People: Basic Count/Estimate:
Population Total (+)
Block (2010)
161 selected (+)
Census Tract
Census Tract 3104, Harris County, Texas (+)
Census Tract 3105, Harris County, Texas (+)
clear all selections and start a new search
load search | save search

Search using the options below:

Topics
(age, income, year, dataset, ...)

Geographies
(states, counties, places, ...)

Race and Ethnic Groups
(race, ancestry, tribe)

Industry Codes
(NAICS industry, ...)

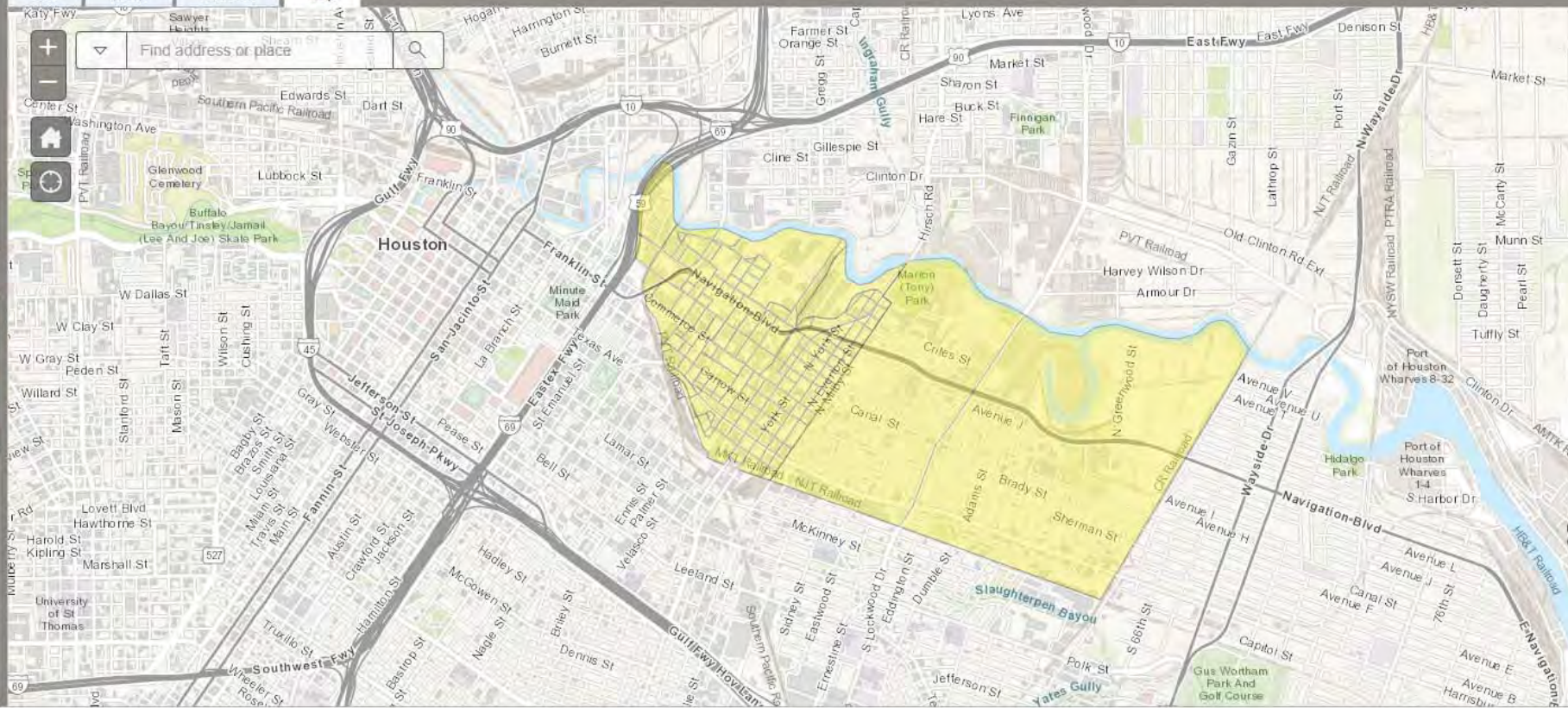
EEO Occupation Codes
(executives, analysts, ...)

Search Results: 1-25 of 45 tables and other products match 'Your Selections'

Select Geographies

List Name Address Map

Find address or place



1000000US482013101002167	Block 2167, Block Group 2, Census Tract 3101, Harris County, Texas	40
1000000US482013101002168	Block 2168, Block Group 2, Census Tract 3101, Harris County, Texas	0
1000000US482013101002169	Block 2169, Block Group 2, Census Tract 3101, Harris County, Texas	0
1000000US482013101002170	Block 2170, Block Group 2, Census Tract 3101, Harris County, Texas	18
1000000US482013101002171	Block 2171, Block Group 2, Census Tract 3101, Harris County, Texas	27
1000000US482013101002172	Block 2172, Block Group 2, Census Tract 3101, Harris County, Texas	61
1000000US482013101002173	Block 2173, Block Group 2, Census Tract 3101, Harris County, Texas	80
1000000US482013101002174	Block 2174, Block Group 2, Census Tract 3101, Harris County, Texas	0
1000000US482013101002175	Block 2175, Block Group 2, Census Tract 3101, Harris County, Texas	7
1000000US482013101002176	Block 2176, Block Group 2, Census Tract 3101, Harris County, Texas	0
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1000000US482013101002178	Block 2178, Block Group 2, Census Tract 3101, Harris County, Texas	0
1000000US482013101002179	Block 2179, Block Group 2, Census Tract 3101, Harris County, Texas	0
1000000US482013101002184	Block 2184, Block Group 2, Census Tract 3101, Harris County, Texas	31
TOTAL POPULATION FOR BEAT10H10		12,742

HOUSTON POLICE DEPARTMENT
2018 UCR/NIBRS Crime Statistics
10H10's Beat

Offense Code	10H10	
	January - May (UCR)	June - December (NIBRS)
Murder	0	1
Rape	1	
Rape		2
Sodomy		1
Robbery	9	26
Aggravated Assault	24	39
Total	34	69

Beginning June 2018, the Houston Police Department transitioned from the Uniform Crime Reporting (UCR) system to the National Incident-Based Reporting System (NIBRS) in accordance with the national shift in crime data collection and reporting methods. Instead of reporting UCR Part I and Part II offenses, NIBRS collects 62 offenses grouped into "Group A" and "Group B" categories. Under NIBRS, agencies report all offenses related to each incident, not the Hierarchy Rule as in UCR reporting. For more information about crime data reported under NIBRS, please see the FBI's National Incident-Based Reporting System User Manual.

Note: The counts are subject to change.

Year	Month	Offense Date	Hour	IncNo	Offense Code	Offense Type	Beat	Num	Name	Type	Direction	City	Zip Code	Premise	X-COORD	Y-COORD	DOW	Class
2017	3	3/29/2017	00	39063017	030 A	Robbery	10H10	96	SUPER			HOUSTON		Road, Street, or Sidewalk			4	3A
2017	3	3/20/2017	12	35066717	030 A	Robbery	10H10	5601	HARRISBUR BLVD			HOUSTON		Road, Street, or Sidewalk			2	3A
2017	3	3/9/2017	20	30457517	030 A	Robbery	10H10	309	LOCKWOOD DR	S		HOUSTON		Restaurant or Cafeteria			5	3A
2017	3	3/9/2017	23	30507217	030 A	Robbery	10H10	5001	HARRISBUR BLVD			HOUSTON		Convenience Store Parking Lot			5	3A
2017	2	2/5/2017	22	16163117	0200	Rape	10H10	315	LOCKWOOD DR	S		HOUSTON		Service or Gas Station			1	2A
2017	2	2/9/2017	17	17887617	030 H	Robbery	10H10	200	NOLAN			HOUSTON		Road, Street, or Sidewalk			5	3D
2017	2	2/3/2017	21	15229617	030 A	Robbery	10H10	300	LOCKWOOD DR	S		HOUSTON		Road, Street, or Sidewalk			6	3A
2017	2	2/28/2017	21	26481217	030 H	Robbery	10H10	100	SIDNEY			HOUSTON		Road, Street, or Sidewalk			3	3D
2017	1	1/1/2017	07	223917	0404	Aggravated Assault	10H10	2821	CANAL	ST		HOUSTON		Apartment			1	4C
2017	1	1/10/2017	15	4204017	030 H	Robbery	10H10	1919	RUNNELS			HOUSTON		Apartment Parking Lot			3	3D
2017	1	1/18/2017	19	7917517	030 A	Robbery	10H10	310	JENSEN DR	S		HOUSTON		Road, Street, or Sidewalk			4	3A
2017	1	1/27/2017	19	12030117	0404	Aggravated Assault	10H10	4410	NAVIGATION			HOUSTON		Road, Street, or Sidewalk			6	4A
2017	1	1/15/2017	00	6290417	0404	Aggravated Assault	10H10	116	KENDALL	ST	N	HOUSTON		Residence or House			1	4C
2017	1	1/14/2017	15	8232517	030 F	Robbery	10H10	2821	CANAL	ST		HOUSTON		Road, Street, or Sidewalk			7	3C
2017	1	1/15/2017	21	6650617	0404	Aggravated Assault	10H10	120	YORK	ST	N	HOUSTON		Residence or House			1	4C
2017	1	1/13/2017	12	5519617	0404	Aggravated Assault	10H10	101	KENDALL			HOUSTON		Road, Street, or Sidewalk			6	4A
2017	1	1/16/2017	16	6935317	0404	Aggravated Assault	10H10	4805	SHERMAN			HOUSTON		Residence or House			2	4C
2017	1	1/16/2017	22	7075817	030 H	Robbery	10H10	102	YORK	ST	N	HOUSTON		Residence or House			2	3D
2017	1	1/13/2017	10	5505617	030 H	Robbery	10H10	4500	HARRISBUR BLVD			HOUSTON		Light Rail (Metro Rail) Vehicle			6	3D
2017	4	4/6/2017	23	43327217	030 A	Robbery	10H10	4311	WILMER			HOUSTON	77003	Road, Street, or Sidewalk	3132096.147	13836774.92	Y	
2017	4	4/7/2017	10	43826317	0404	Aggravated Assault	10H10	2600	CE	ST		HOUSTON	77003	Other, Unknown, or Not Listed	3127909.98	13840278.63	FRIDAY	
2017	4	4/9/2017	16	44602517	0404	Aggravated Assault	10H10	1919	RUNNELS			HOUSTON	77003	Apartment	3126604.151	13842471.37	SUNDAY	
2017	4	4/14/2017	17	46710217	030 A	Robbery	10H10	224	STILES			HOUSTON	77011	Other, Unknown, or Not Listed	3134239.443	13836741.48	FRIDAY	
2017	4	4/26/2017	11	52176317	0404	Aggravated Assault	10H10	1919	RUNNELS			HOUSTON	77003	Apartment	3126604.151	13842471.37	DAY	
2017	5	5/2/2017	05	54702617	030 H	Robbery	10H10	4601	URG	BLVD		HOUSTON	77011	Light Rail Platform	3133024.969	13836230.62	TUESDAY	
2017	5	5/4/2017	23	56098517	0401 C	Aggravated Assault	10H10	307	AN			HOUSTON	77011	Residence or House	3133174.177	13836671.28	Y	
2017	5	5/6/2017	02	56606817	0404	Aggravated Assault	10H10	3200	ON			HOUSTON	77003	Road, Street, or Sidewalk	3130087.648	13840268.85	Y	
2017	5	5/7/2017	16	57285917	0404	Aggravated Assault	10H10	215	LINWOOD			HOUSTON	77011	Apartment	3137390.106	13835775.14	SUNDAY	
2017	5	5/11/2017	14	59034217	0404	Aggravated Assault	10H10	215	BURR			HOUSTON	77011	Apartment	3133936.842	13836890.43	Y	
2017	5	5/11/2017	21	59196917	030 A	Robbery	10H10	2002	RUNNELS			HOUSTON	77003	Road, Street, or Sidewalk	3126710.492	13842402.5	Y	
2017	5	5/13/2017	21	60121717	0404	Aggravated Assault	10H10	112	NAGLE			HOUSTON	77003	Residence or House	3128086.498	13840132.92	Y	
2017	5	5/14/2017	07	60386117	030 H	Robbery	10H10	114	OD	ST		HOUSTON	77003	Road, Street, or Sidewalk	3132802.621	13837680.37	SUNDAY	
2017	5	5/15/2017	10	60749817	0200 B	Rape	10H10	111	N			HOUSTON	77011	Residence or House	3138546.398	13835859.8	MONDAY	
2017	5	5/16/2017	12	61299617	030 H	Robbery	10H10	3411	ON			HOUSTON	77003	Convenience Store	3131082.512	13840313.18	TUESDAY	
2017	5	5/20/2017	21	63397417	030 A	Robbery	10H10	100	BASTROP		N	HOUSTON	77003	Road, Street, or Sidewalk			Y	
2017	5	5/28/2017	18	67083017	0404	Aggravated Assault	10H10	2100	CANAL	ST		HOUSTON	77003	Road, Street, or Sidewalk	3127220.574	13841414.74	SUNDAY	
													TOTAL	112				

Greater East End - Pedestrian and Bicyclist Transportation Enhancement

Download Map
To Your Phone



Guadalupe Plaza Park
Connection to Buffalo Bayou Trails



Navigation Esplanade



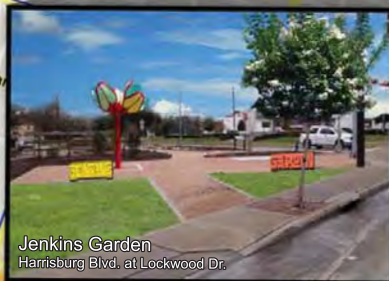
Vista East



Harrisburg and Sunset Trails
Replaced asphalt trail with 10'-wide concrete trail



Paige Pocket Park
Connection to East Downtown



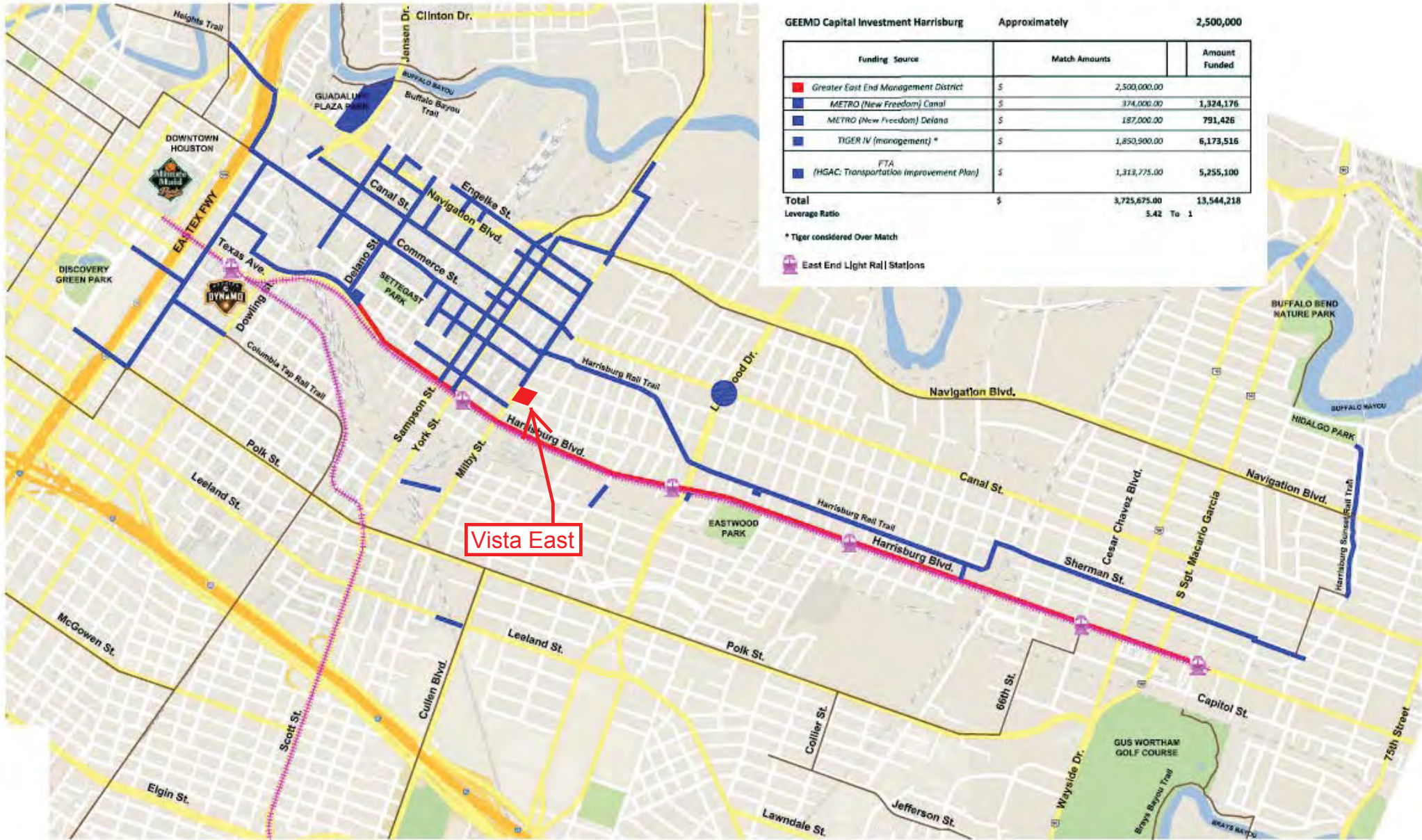
Jenkins Garden
Harrisburg Blvd. at Lockwood Dr.



Gus Wortham
Connection between light rail and Brays Bayou Trail



Greater East End Management District Capital Improvements Leveraged Funds Map



GEEMD Capital Investment Harrisburg **Approximately** **2,500,000**

Funding Source	Match Amounts	Amount Funded
Greater East End Management District	\$ 2,500,000.00	
METRO (New Freedom) Canal	\$ 374,000.00	1,324,176
METRO (New Freedom) Delans	\$ 187,000.00	791,426
TIGER IV (management) *	\$ 1,850,900.00	6,173,516
FTA (HGAC: Transportation Improvement Plan)	\$ 1,313,775.00	5,255,100
Total	\$ 3,725,675.00	13,544,218
Leverage Ratio	5.42 To 1	

* Tiger considered Over Match

East End Light Rail Stations

Existing Plans and Studies

The following is a list of plans and studies, completed by the City of Houston and other entities that affect the area.

Plan Houston - Plan Houston is Houston's first General Plan. The Plan describes a vision for Houston's future and identifies policies, plans, and programs that represent the City's long-term priorities for achieving the vision. As part of this process, twelve core strategies were developed that represent priorities the City should pursue to achieve the community's vision and goals.

Houston Bike Plan - The City of Houston is currently updating the City's Comprehensive Bikeway Plan, which was originally adopted in 1993. The Plan will clarify a vision and goals for biking in Houston and identify future projects to create a citywide bicycle network. The plan proposes a network that will serve a broader spectrum of people who bike at all skill levels, providing more transportation choices, with both on-street and off-street facilities and building on current efforts such as the recent Bayou Greenways Initiative to create a well-connected citywide bicycle system. The plan is currently in the draft stages and is expected to be completed in Spring 2016.

Buffalo Bayou and Beyond - Buffalo Bayou Partnership has been actively pursuing plans and programs for a 10-mile stretch of Buffalo Bayou from Shepherd Drive to the Port of Houston Turning Basin. In 2002 The Buffalo Bayou Partnership embarked on an historic planning effort to develop Buffalo Bayou and Beyond, the organization's visionary 20-year Master Plan. The plan's goals and planning concepts balance conservation and development and create projects that serve multiple purposes including recreation, flood management and ecosystem restoration.

Parks Master Plan - The City of Houston's 2015 Parks Master Plan is an assessment of the city by individual park sector. TIRZ 23 is included in Sector 11. The Plan identifies priorities and recommendations for the area based on a needs assessment and service area analysis.

East End Livable Centers Plan - The Greater East End Livable Centers Plan was developed in 2009 as part of the Houston-Galveston Area Council's Livable Centers strategy. The Plan addresses pedestrian/transit access, land use strategies and urban form in the area roughly bounded by US 59 on the west, Harrisburg on the south, York to the east and Clinton to the north.

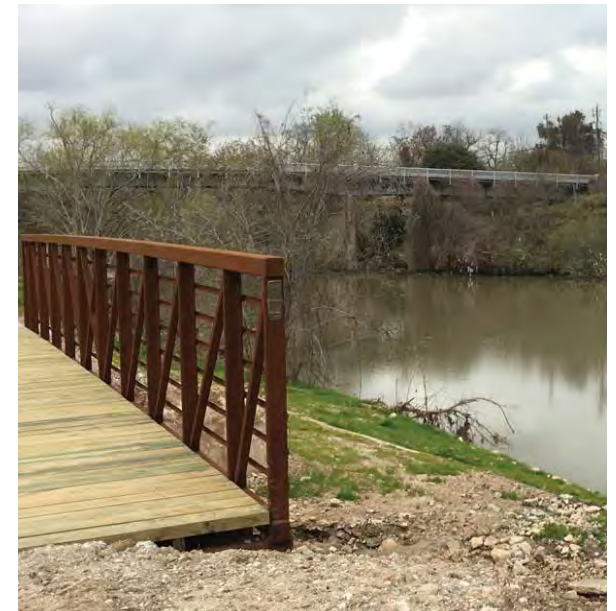
The Greater East End Livable Centers Master Plan was prepared in 2011. The plan addresses redevelopment of the Second Ward as well as a portion of the Fifth Ward just north of Buffalo Bayou. The Master Plan projects that the area will transition from an industrial/warehouse character to a mixed-use urban neighborhood with denser housing types served by retail and commercial uses. The Plan identifies Navigation Boulevard as a "main street" that would include destination uses including restaurants and museums. While the industrial area north of the Bayou would be a focus of office uses. The report identifies a number of recommendations necessary to redevelop the area, including infrastructure improvements to roadways and rail crossings, an urban circulator, connections to Buffalo Bayou and development guidelines and incentives.

The Greater East End Urban Village Development Potential Report was developed in 2012. The Plan assesses the development potential of the East End area roughly bounded by US 59 on the west, Harrisburg on the south, N Everton Street on the east, and Clinton Drive on the north. The plan identifies goals and a vision for the area, assesses existing conditions, develops a general development plan, identifies standards for the area including recommending the creation of a special purpose urban district and recommends pilot projects. Pilot projects include a Residential TND, to include 300-350 units of housing, an Urban Village Mixed-use Center, with residential and retail uses and the York Rail Transit Station TOD with residential and commercial uses.

East End Mobility Study was developed in 2012 to look at mobility improvements within the area bounded to the north by I-10, to the west by US 59, to the south by I-45 and to the east by Lockwood Drive. The study assessed conditions under two

development scenarios and identified improvement opportunities related to roadways, transit, pedestrian and bicycle, wayfinding and development.

Redeveloping the East End (Catalysts for Sustainable Transitions) is a report prepared by the Urban Land Institute Technical Assistance Panel in 2015. The report provides recommendations to assist cohesive redevelopment in the East End including housing for a range of incomes, growth of retail and other sectors, builds connections to Buffalo Bayou and focuses growth along transit corridors and underutilized post industrial property. The report recommends the creation of an area wide 380 agreement called the Harrisburg Living Initiative to spur initial residential development along the light rail line.





Planned Infrastructure Improvements

Capital Improvements

Figure 29 shows planned roadway and infrastructure improvements identified in the City of Houston's CIP.

Major roadway projects include:

Lockwood: Project provides for the design and reconstruction of a six-lane, divided, concrete roadway from Crites Street to south of Navigation Boulevard and four-lane, divided, concrete roadway from south of Navigation Boulevard to Harrisburg Boulevard and necessary utilities.

Harrisburg: Project provides for major reconstruction of existing selected railroad crossings and improvements to lighting and signal systems not included in normal street construction projects.

Rebuild Houston +5

The Rebuild Houston +5 year plan includes need areas that scored the highest in each of three categories (storm drainage, thoroughfares/collectors and local streets). These areas are put in the 6-10 year plan for pre-engineering.

There are two candidate projects within the study area:

Sampson Street, from Polk Street to Navigation Boulevard. N-2012T-0002 – The preliminary engineering report proposes York Street to be a 4-lane 2-way undivided thoroughfare with 12-foot lanes while Sampson is proposed to be converted into a 2-lane 2-way local road with parking lanes on the outside.

Magnolia Park Area M-2015-009-05 - The area was chosen for pre-engineering study because of inadequate drainage systems, inadequate water and sanitary sewer systems, and below average road conditions.

Table 19 - Capital Improvement Projects

Map #	CIP No.	Description	Cost	Status
1	S-000035-0153	Water Line Replacement in Commerce Area	\$3,799,993	Future Construction
2	S-000900-0163	Miscellaneous Large Diameter Water Line Improvements Package No. 1	\$8,000,000	Future Construction
3	S-000900-0131	72-inch Water Line from Dowling to Anita along Polk, St. Emanuel, Clay, Chenevert, Hadley, and Crawford	\$23,161,000	Future Construction
4	N-100027-0001	S Lockwood Waterline Improvements	\$8,281,000	Future Construction
	N-100027-0001	S. Lockwood Paving and Drainage: Crites Street To Harrisburg		Future Construction
5	N-000670-0003	Harrisburg Overpass: Caylor St and 66th St (at HBTRR)	\$7,000,000	Under Construction
6	N-210011-0001	Lawndale/Wayside Area Paving and Drainage	\$10,009,191	Future Construction
	N-210011-0001	Supply Row Area Waterline Improvements		
7	R-002011-0087	Neighborhood Sewer System Improvements - Basin AS074, Basin SB142, and Fuqua Lift Station Force Main Discharge	\$4,425,000	Future Construction
Rehabilitation Projects				
8	N-321038-0010	Concrete Street Multiple Panel Replacement: Polk St: Collier St To S Wayside		Under Design

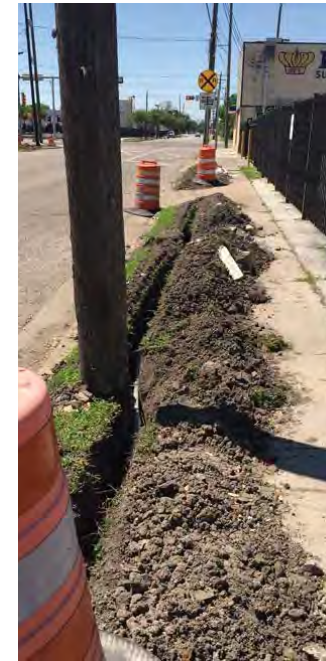
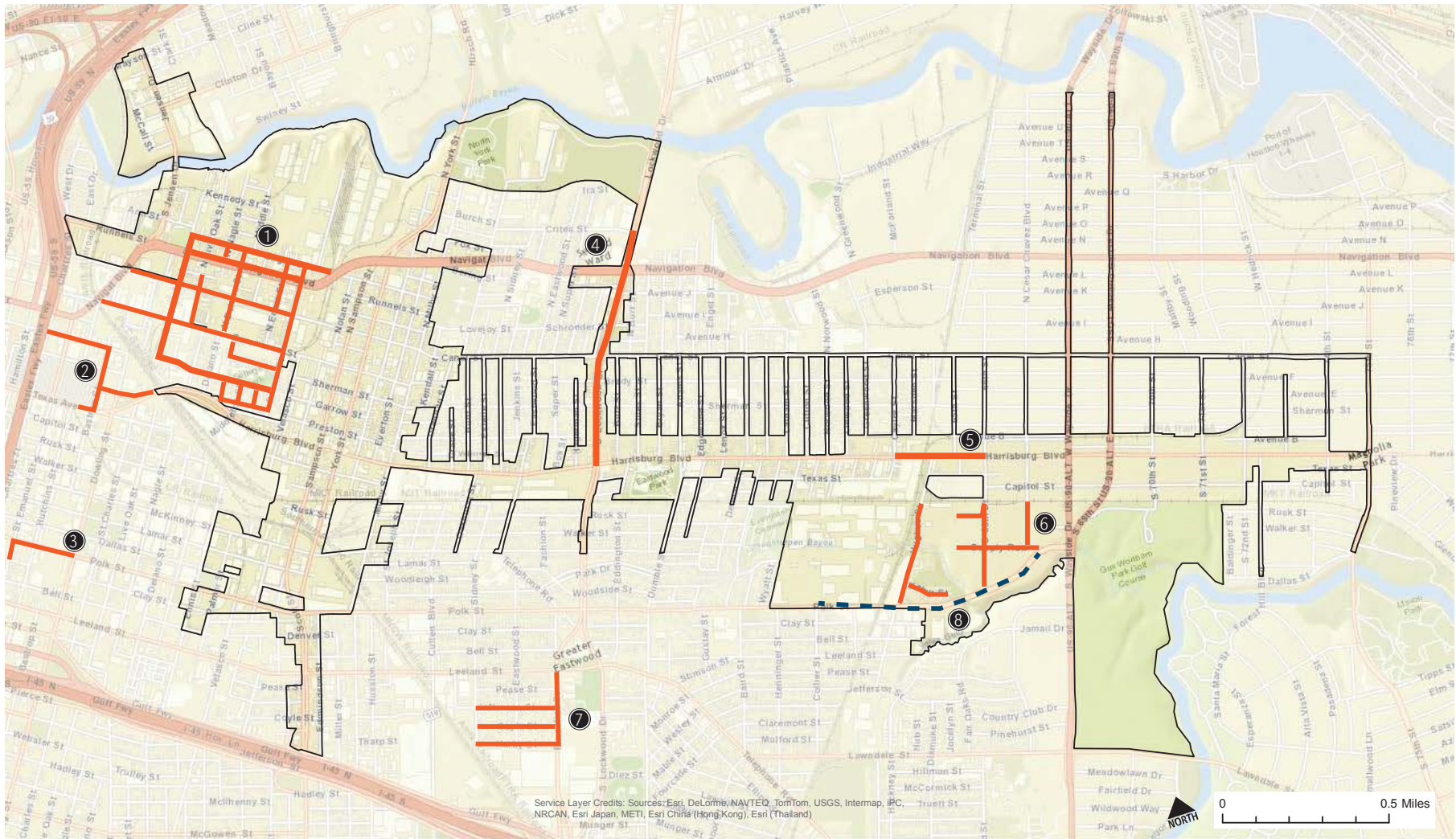


Figure 29 - CIP 2015-2020





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SELECTED ECONOMIC CHARACTERISTICS

2013-2017 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
EMPLOYMENT STATUS					
Population 16 years and over	2,651	+/-328	2,651	(X)	1,754,596
In labor force	1,717	+/-253	64.8%	+/-5.8	1,188,571
Civilian labor force	1,717	+/-253	64.8%	+/-5.8	1,188,008
Employed	1,649	+/-243	62.2%	+/-5.6	1,109,301
Unemployed	68	+/-48	2.6%	+/-1.8	78,707
Armed Forces	0	+/-13	0.0%	+/-1.5	563
Not in labor force	934	+/-198	35.2%	+/-5.8	566,025
Civilian labor force	1,717	+/-253	1,717	(X)	1,188,008
Unemployment Rate	(X)	(X)	4.0%	+/-2.7	(X)
Females 16 years and over					
In labor force	643	+/-132	50.6%	+/-7.3	524,280
Civilian labor force	643	+/-132	50.6%	+/-7.3	524,252
Employed	617	+/-121	48.6%	+/-6.9	487,996
Own children of the householder under 6 years					
All parents in family in labor force	146	+/-119	76.0%	+/-26.2	118,708
Own children of the householder 6 to 17 years					
All parents in family in labor force	377	+/-215	77.6%	+/-15.4	219,569
COMMUTING TO WORK					
Workers 16 years and over	1,633	+/-242	1,633	(X)	1,090,264
Car, truck, or van -- drove alone	1,023	+/-188	62.6%	+/-10.5	834,675
Car, truck, or van -- carpooled	359	+/-197	22.0%	+/-10.7	123,544
Public transportation (excluding taxicab)	81	+/-63	5.0%	+/-3.8	43,050
Walked	103	+/-87	6.3%	+/-5.2	23,172
Other means	19	+/-22	1.2%	+/-1.3	26,083
Worked at home	48	+/-51	2.9%	+/-3.0	39,740
Mean travel time to work (minutes)	24.0	+/-2.9	(X)	(X)	27.0

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
OCCUPATION					
Civilian employed population 16 years and over	1,649	+/-243	1,649	(X)	1,109,301
Management, business, science, and arts occupations	157	+/-124	9.5%	+/-7.3	388,625
Service occupations	420	+/-173	25.5%	+/-9.7	213,390
Sales and office occupations	412	+/-106	25.0%	+/-5.6	238,298
Natural resources, construction, and maintenance occupations	232	+/-80	14.1%	+/-4.7	132,534
Production, transportation, and material moving occupations	428	+/-141	26.0%	+/-7.3	136,454
INDUSTRY					
Civilian employed population 16 years and over	1,649	+/-243	1,649	(X)	1,109,301
Agriculture, forestry, fishing and hunting, and mining	29	+/-34	1.8%	+/-2.1	35,434
Construction	176	+/-78	10.7%	+/-4.3	115,424
Manufacturing	195	+/-101	11.8%	+/-5.3	94,132
Wholesale trade	204	+/-89	12.4%	+/-5.5	34,358
Retail trade	170	+/-96	10.3%	+/-5.6	115,222
Transportation and warehousing, and utilities	70	+/-47	4.2%	+/-2.7	63,650
Information	29	+/-37	1.8%	+/-2.3	14,291
Finance and insurance, and real estate and rental and leasing	54	+/-50	3.3%	+/-3.0	68,066
Professional, scientific, and management, and administrative and waste management services	180	+/-83	10.9%	+/-5.1	160,381
Educational services, and health care and social assistance	195	+/-88	11.8%	+/-5.3	207,762
Arts, entertainment, and recreation, and accommodation and food services	262	+/-150	15.9%	+/-8.3	108,219
Other services, except public administration	73	+/-58	4.4%	+/-3.5	65,876
Public administration	12	+/-15	0.7%	+/-0.9	26,486
CLASS OF WORKER					
Civilian employed population 16 years and over	1,649	+/-243	1,649	(X)	1,109,301
Private wage and salary workers	1,347	+/-253	81.7%	+/-7.1	931,087
Government workers	135	+/-76	8.2%	+/-4.6	101,495
Self-employed in own not incorporated business workers	158	+/-81	9.6%	+/-5.0	75,043
Unpaid family workers	9	+/-14	0.5%	+/-0.8	1,676
INCOME AND BENEFITS (IN 2017 INFLATION-ADJUSTED DOLLARS)					
Total households	1,223	+/-105	1,223	(X)	838,950
Less than \$10,000	138	+/-76	11.3%	+/-6.1	67,176
\$10,000 to \$14,999	150	+/-64	12.3%	+/-5.1	46,364
\$15,000 to \$24,999	231	+/-92	18.9%	+/-7.2	102,228
\$25,000 to \$34,999	235	+/-86	19.2%	+/-6.9	92,259
\$35,000 to \$49,999	218	+/-89	17.8%	+/-7.2	115,282
\$50,000 to \$74,999	72	+/-44	5.9%	+/-3.6	140,098
\$75,000 to \$99,999	112	+/-66	9.2%	+/-5.2	81,402
\$100,000 to \$149,999	67	+/-48	5.5%	+/-3.9	91,461
\$150,000 to \$199,999	0	+/-13	0.0%	+/-3.2	40,345
\$200,000 or more	0	+/-13	0.0%	+/-3.2	62,335
Median household income (dollars)	28,555	+/-5,899	(X)	(X)	49,399
Mean household income (dollars)	37,417	+/-4,796	(X)	(X)	79,344
With earnings					
Mean earnings (dollars)	37,119	+/-5,601	(X)	(X)	80,531
With Social Security					
Mean Social Security income (dollars)	12,923	+/-2,030	(X)	(X)	17,266
With retirement income					
Mean retirement income (dollars)	9,583	+/-3,055	(X)	(X)	24,474

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
With Supplemental Security Income	81	+/-47	6.6%	+/-3.8	38,969
Mean Supplemental Security Income (dollars)	7,395	+/-3,460	(X)	(X)	9,264
With cash public assistance income	18	+/-22	1.5%	+/-1.8	12,859
Mean cash public assistance income (dollars)	N	N	N	N	2,865
With Food Stamp/SNAP benefits in the past 12 months	229	+/-88	18.7%	+/-6.9	125,878
Families	636	+/-116	636	(X)	510,538
Less than \$10,000	45	+/-51	7.1%	+/-7.3	32,988
\$10,000 to \$14,999	39	+/-39	6.1%	+/-5.9	21,756
\$15,000 to \$24,999	124	+/-62	19.5%	+/-8.5	57,399
\$25,000 to \$34,999	137	+/-70	21.5%	+/-10.4	54,349
\$35,000 to \$49,999	70	+/-50	11.0%	+/-7.8	68,849
\$50,000 to \$74,999	64	+/-44	10.1%	+/-6.8	83,087
\$75,000 to \$99,999	112	+/-66	17.6%	+/-9.9	51,999
\$100,000 to \$149,999	45	+/-34	7.1%	+/-5.7	62,430
\$150,000 to \$199,999	0	+/-13	0.0%	+/-6.1	29,801
\$200,000 or more	0	+/-13	0.0%	+/-6.1	47,880
Median family income (dollars)	33,702	+/-5,067	(X)	(X)	54,682
Mean family income (dollars)	45,864	+/-7,800	(X)	(X)	90,209
Per capita income (dollars)	15,040	+/-2,329	(X)	(X)	30,547
Nonfamily households	587	+/-107	587	(X)	328,412
Median nonfamily income (dollars)	17,331	+/-5,114	(X)	(X)	38,795
Mean nonfamily income (dollars)	27,489	+/-7,145	(X)	(X)	59,518
Median earnings for workers (dollars)	18,410	+/-3,414	(X)	(X)	30,057
Median earnings for male full-time, year-round workers (dollars)	26,036	+/-3,402	(X)	(X)	41,585
Median earnings for female full-time, year-round workers (dollars)	16,856	+/-2,550	(X)	(X)	37,428
HEALTH INSURANCE COVERAGE					
Civilian noninstitutionalized population	3,304	+/-453	3,304	(X)	2,252,775
With health insurance coverage	2,212	+/-326	66.9%	+/-7.9	1,709,053
With private health insurance	1,161	+/-276	35.1%	+/-8.1	1,137,555
With public coverage	1,198	+/-209	36.3%	+/-5.5	702,891
No health insurance coverage	1,092	+/-338	33.1%	+/-7.9	543,722
Civilian noninstitutionalized population under 19 years	731	+/-270	731	(X)	596,727
No health insurance coverage	147	+/-121	20.1%	+/-13.0	77,183
Civilian noninstitutionalized population 19 to 64 years	2,045	+/-296	2,045	(X)	1,431,474
In labor force:	1,611	+/-235	1,611	(X)	1,117,206
Employed:	1,554	+/-225	1,554	(X)	1,045,803
With health insurance coverage	878	+/-170	56.5%	+/-12.1	738,820
With private health insurance	787	+/-165	50.6%	+/-11.5	684,007
With public coverage	116	+/-66	7.5%	+/-4.4	69,119
No health insurance coverage	676	+/-245	43.5%	+/-12.1	306,983
Unemployed:	57	+/-43	57	(X)	71,403
With health insurance coverage	23	+/-24	40.4%	+/-33.6	32,554
With private health insurance	0	+/-13	0.0%	+/-43.6	20,965
With public coverage	23	+/-24	40.4%	+/-33.6	12,843
No health insurance coverage	34	+/-33	59.6%	+/-33.6	38,849
Not in labor force:	434	+/-170	434	(X)	314,268
With health insurance coverage	227	+/-100	52.3%	+/-11.9	201,248
With private health insurance	94	+/-64	21.7%	+/-15.8	118,962

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate
With public coverage	133	+/-90	30.6%	+/-13.0	93,266
No health insurance coverage	207	+/-99	47.7%	+/-11.9	113,020
PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL					
All families	(X)	(X)	38.1%	+/-14.3	(X)
With related children of the householder under 18 years	(X)	(X)	62.7%	+/-18.8	(X)
With related children of the householder under 5 years only	(X)	(X)	78.3%	+/-35.1	(X)
Married couple families	(X)	(X)	23.0%	+/-14.0	(X)
With related children of the householder under 18 years	(X)	(X)	43.2%	+/-23.1	(X)
With related children of the householder under 5 years only	(X)	(X)	-	**	(X)
Families with female householder, no husband present	(X)	(X)	49.0%	+/-23.2	(X)
With related children of the householder under 18 years	(X)	(X)	80.0%	+/-27.4	(X)
With related children of the householder under 5 years only	(X)	(X)	69.7%	+/-43.8	(X)
All people	(X)	(X)	39.2%	+/-11.8	(X)
Under 18 years	(X)	(X)	63.2%	+/-19.5	(X)
Related children of the householder under 18 years	(X)	(X)	62.6%	+/-19.7	(X)
Related children of the householder under 5 years	(X)	(X)	76.1%	+/-25.9	(X)
Related children of the householder 5 to 17 years	(X)	(X)	57.5%	+/-21.4	(X)
18 years and over	(X)	(X)	32.8%	+/-10.3	(X)
18 to 64 years	(X)	(X)	33.9%	+/-11.4	(X)
65 years and over	(X)	(X)	28.4%	+/-14.1	(X)
People in families	(X)	(X)	41.1%	+/-14.7	(X)
Unrelated individuals 15 years and over	(X)	(X)	32.8%	+/-7.8	(X)

Subject	Houston city, Texas		
	Margin of Error	Percent	Percent Margin of Error
EMPLOYMENT STATUS			
Population 16 years and over	+/-3,770	1,754,596	(X)
In labor force	+/-5,019	67.7%	+/-0.3
Civilian labor force	+/-5,026	67.7%	+/-0.3
Employed	+/-5,098	63.2%	+/-0.3
Unemployed	+/-2,302	4.5%	+/-0.1
Armed Forces	+/-181	0.0%	+/-0.1
Not in labor force	+/-5,330	32.3%	+/-0.3
Civilian labor force	+/-5,026	1,188,008	(X)
Unemployment Rate	(X)	6.6%	+/-0.2
Females 16 years and over			
In labor force	+/-3,451	59.5%	+/-0.4
Civilian labor force	+/-3,451	59.5%	+/-0.4
Employed	+/-3,370	55.4%	+/-0.4
Own children of the householder under 6 years			
All parents in family in labor force	+/-2,468	58.7%	+/-1.0
Own children of the householder 6 to 17 years			
All parents in family in labor force	+/-4,213	64.3%	+/-0.9
COMMUTING TO WORK			
Workers 16 years and over	+/-5,129	1,090,264	(X)
Car, truck, or van -- drove alone	+/-5,714	76.6%	+/-0.4
Car, truck, or van -- carpooled	+/-3,416	11.3%	+/-0.3
Public transportation (excluding taxicab)	+/-2,282	3.9%	+/-0.2
Walked	+/-1,237	2.1%	+/-0.1
Other means	+/-1,622	2.4%	+/-0.1
Worked at home	+/-1,585	3.6%	+/-0.1
Mean travel time to work (minutes)	+/-0.2	(X)	(X)
OCCUPATION			
Civilian employed population 16 years and over	+/-5,098	1,109,301	(X)
Management, business, science, and arts occupations	+/-4,486	35.0%	+/-0.4
Service occupations	+/-4,055	19.2%	+/-0.3
Sales and office occupations	+/-3,737	21.5%	+/-0.3
Natural resources, construction, and maintenance occupations	+/-3,153	11.9%	+/-0.3
Production, transportation, and material moving occupations	+/-2,824	12.3%	+/-0.3
INDUSTRY			
Civilian employed population 16 years and over	+/-5,098	1,109,301	(X)
Agriculture, forestry, fishing and hunting, and mining	+/-1,421	3.2%	+/-0.1
Construction	+/-2,843	10.4%	+/-0.3
Manufacturing	+/-2,405	8.5%	+/-0.2
Wholesale trade	+/-1,531	3.1%	+/-0.1
Retail trade	+/-2,753	10.4%	+/-0.2
Transportation and warehousing, and utilities	+/-1,841	5.7%	+/-0.2
Information	+/-992	1.3%	+/-0.1
Finance and insurance, and real estate and rental and leasing	+/-2,214	6.1%	+/-0.2
Professional, scientific, and management, and administrative and waste management services	+/-2,943	14.5%	+/-0.3
Educational services, and health care and social assistance	+/-3,610	18.7%	+/-0.3
Arts, entertainment, and recreation, and accommodation and food services	+/-3,341	9.8%	+/-0.3

Subject	Houston city, Texas		
	Margin of Error	Percent	Percent Margin of Error
Other services, except public administration	+/-1,998	5.9%	+/-0.2
Public administration	+/-1,310	2.4%	+/-0.1
CLASS OF WORKER			
Civilian employed population 16 years and over	+/-5,098	1,109,301	(X)
Private wage and salary workers	+/-5,228	83.9%	+/-0.3
Government workers	+/-2,733	9.1%	+/-0.2
Self-employed in own not incorporated business workers	+/-2,169	6.8%	+/-0.2
Unpaid family workers	+/-375	0.2%	+/-0.1
INCOME AND BENEFITS (IN 2017 INFLATION-ADJUSTED DOLLARS)			
Total households	+/-3,579	838,950	(X)
Less than \$10,000	+/-1,956	8.0%	+/-0.2
\$10,000 to \$14,999	+/-1,577	5.5%	+/-0.2
\$15,000 to \$24,999	+/-2,140	12.2%	+/-0.2
\$25,000 to \$34,999	+/-2,180	11.0%	+/-0.3
\$35,000 to \$49,999	+/-2,585	13.7%	+/-0.3
\$50,000 to \$74,999	+/-2,802	16.7%	+/-0.3
\$75,000 to \$99,999	+/-2,100	9.7%	+/-0.2
\$100,000 to \$149,999	+/-2,265	10.9%	+/-0.3
\$150,000 to \$199,999	+/-1,376	4.8%	+/-0.2
\$200,000 or more	+/-1,467	7.4%	+/-0.2
Median household income (dollars)	+/-539	(X)	(X)
Mean household income (dollars)	+/-783	(X)	(X)
With earnings			
Mean earnings (dollars)	+/-762	(X)	(X)
With Social Security			
Mean Social Security income (dollars)	+/-161	(X)	(X)
With retirement income			
Mean retirement income (dollars)	+/-949	(X)	(X)
With Supplemental Security Income			
Mean Supplemental Security Income (dollars)	+/-179	(X)	(X)
With cash public assistance income			
Mean cash public assistance income (dollars)	+/-263	(X)	(X)
With Food Stamp/SNAP benefits in the past 12 months	+/-2,600	15.0%	+/-0.3
Families			
Less than \$10,000	+/-1,365	6.5%	+/-0.3
\$10,000 to \$14,999	+/-1,103	4.3%	+/-0.2
\$15,000 to \$24,999	+/-1,633	11.2%	+/-0.3
\$25,000 to \$34,999	+/-1,939	10.6%	+/-0.4
\$35,000 to \$49,999	+/-2,040	13.5%	+/-0.4
\$50,000 to \$74,999	+/-2,359	16.3%	+/-0.4
\$75,000 to \$99,999	+/-1,636	10.2%	+/-0.3
\$100,000 to \$149,999	+/-1,829	12.2%	+/-0.3
\$150,000 to \$199,999	+/-1,229	5.8%	+/-0.2
\$200,000 or more	+/-1,373	9.4%	+/-0.3
Median family income (dollars)	+/-624	(X)	(X)
Mean family income (dollars)	+/-1,003	(X)	(X)
Per capita income (dollars)			
	+/-301	(X)	(X)
Nonfamily households			
Median nonfamily income (dollars)	+/-972	(X)	(X)
Mean nonfamily income (dollars)	+/-979	(X)	(X)

Subject	Houston city, Texas		
	Margin of Error	Percent	Percent Margin of Error
Median earnings for workers (dollars)	+/-220	(X)	(X)
Median earnings for male full-time, year-round workers (dollars)	+/-327	(X)	(X)
Median earnings for female full-time, year-round workers (dollars)	+/-562	(X)	(X)
HEALTH INSURANCE COVERAGE			
Civilian noninstitutionalized population	+/-1,303	2,252,775	(X)
With health insurance coverage	+/-7,478	75.9%	+/-0.3
With private health insurance	+/-9,007	50.5%	+/-0.4
With public coverage	+/-6,644	31.2%	+/-0.3
No health insurance coverage	+/-7,363	24.1%	+/-0.3
Civilian noninstitutionalized population under 19 years	+/-4,099	596,727	(X)
No health insurance coverage	+/-3,243	12.9%	+/-0.5
Civilian noninstitutionalized population 19 to 64 years	+/-4,439	1,431,474	(X)
In labor force:	+/-5,249	1,117,206	(X)
Employed:	+/-5,122	1,045,803	(X)
With health insurance coverage	+/-6,727	70.6%	+/-0.5
With private health insurance	+/-6,336	65.4%	+/-0.4
With public coverage	+/-2,029	6.6%	+/-0.2
No health insurance coverage	+/-4,594	29.4%	+/-0.5
Unemployed:	+/-2,098	71,403	(X)
With health insurance coverage	+/-1,398	45.6%	+/-1.6
With private health insurance	+/-1,115	29.4%	+/-1.3
With public coverage	+/-875	18.0%	+/-1.2
No health insurance coverage	+/-1,720	54.4%	+/-1.6
Not in labor force:	+/-3,947	314,268	(X)
With health insurance coverage	+/-3,455	64.0%	+/-0.7
With private health insurance	+/-2,884	37.9%	+/-0.8
With public coverage	+/-2,453	29.7%	+/-0.7
No health insurance coverage	+/-2,701	36.0%	+/-0.7
PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL			
All families	(X)	18.1%	+/-0.4
With related children of the householder under 18 years	(X)	26.9%	+/-0.6
With related children of the householder under 5 years only	(X)	22.0%	+/-1.4
Married couple families	(X)	10.6%	+/-0.4
With related children of the householder under 18 years	(X)	15.6%	+/-0.7
With related children of the householder under 5 years only	(X)	11.1%	+/-1.5
Families with female householder, no husband present	(X)	36.4%	+/-0.9
With related children of the householder under 18 years	(X)	47.3%	+/-1.2
With related children of the householder under 5 years only	(X)	46.6%	+/-3.4
All people	(X)	21.2%	+/-0.4
Under 18 years	(X)	33.3%	+/-0.8
Related children of the householder under 18 years	(X)	33.1%	+/-0.8
Related children of the householder under 5 years	(X)	33.7%	+/-1.2
Related children of the householder 5 to 17 years	(X)	32.8%	+/-0.9
18 years and over	(X)	17.1%	+/-0.3
18 to 64 years	(X)	17.6%	+/-0.3



DP03

SELECTED ECONOMIC CHARACTERISTICS

2010-2014 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

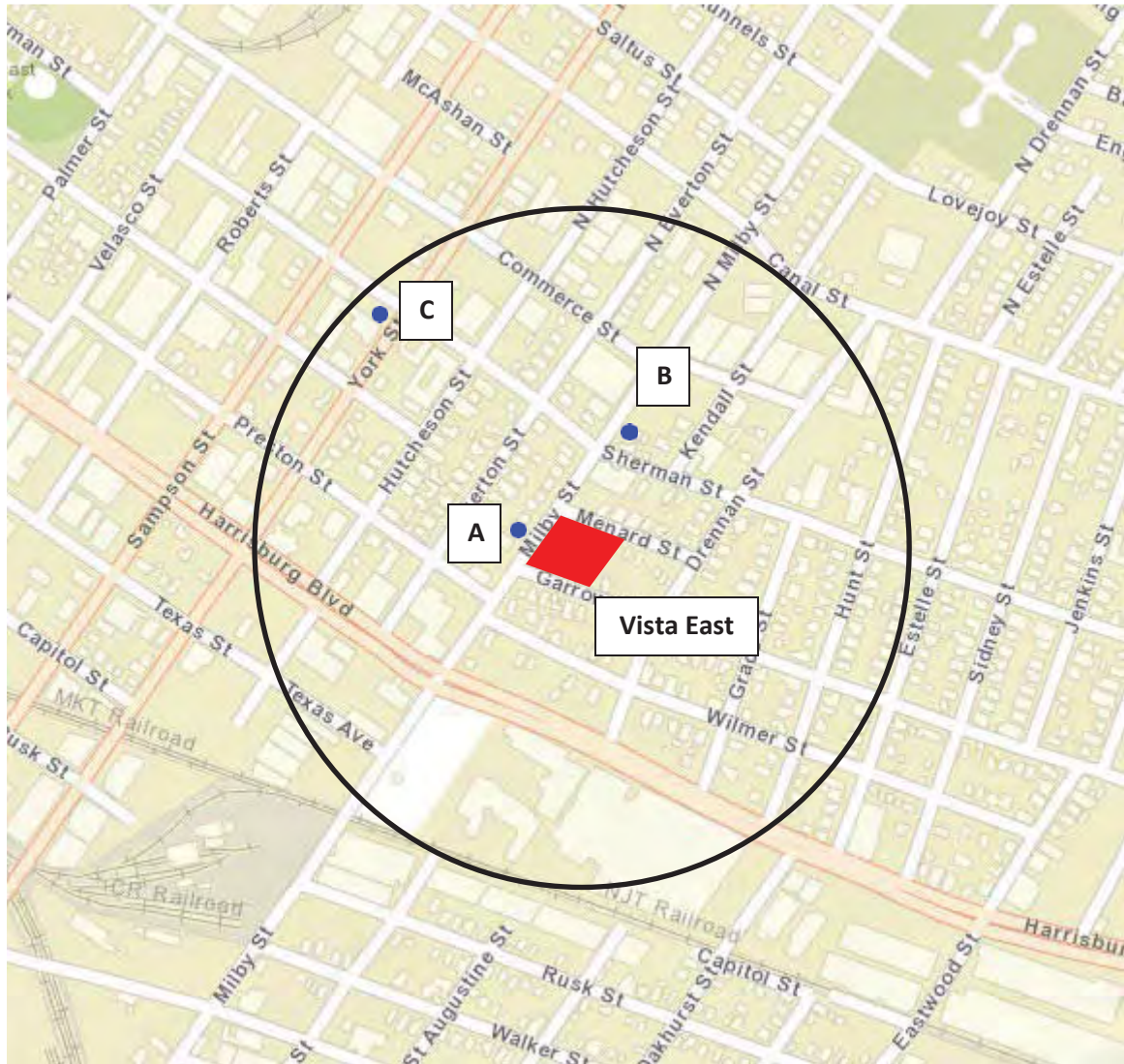
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
EMPLOYMENT STATUS								
Population 16 years and over	3,003	+/-366	3,003	(X)	1,675,069	+/-3,650	1,675,069	(X)
In labor force	1,792	+/-283	59.7%	+/-6.2	1,140,523	+/-4,562	68.1%	+/-0.2
Civilian labor force	1,792	+/-283	59.7%	+/-6.2	1,139,906	+/-4,578	68.1%	+/-0.2
Employed	1,647	+/-283	54.8%	+/-6.8	1,038,350	+/-4,831	62.0%	+/-0.3
Unemployed	145	+/-72	4.8%	+/-2.3	101,556	+/-2,805	6.1%	+/-0.2
Armed Forces	0	+/-13	0.0%	+/-1.2	617	+/-209	0.0%	+/-0.1
Not in labor force	1,211	+/-241	40.3%	+/-6.2	534,546	+/-4,343	31.9%	+/-0.2
Civilian labor force	1,792	+/-283	1,792	(X)	1,139,906	+/-4,578	1,139,906	(X)
Percent Unemployed	(X)	(X)	8.1%	+/-4.1	(X)	(X)	8.9%	+/-0.2
Females 16 years and over								
Population 16 years and over	1,332	+/-210	1,332	(X)	841,580	+/-3,289	841,580	(X)
In labor force	548	+/-138	41.1%	+/-7.8	502,461	+/-3,946	59.7%	+/-0.4
Civilian labor force	548	+/-138	41.1%	+/-7.8	502,320	+/-3,944	59.7%	+/-0.4
Employed	530	+/-136	39.8%	+/-7.6	454,959	+/-3,745	54.1%	+/-0.4
Own children under 6 years								
Population 16 years and over	252	+/-135	252	(X)	194,404	+/-2,652	194,404	(X)
All parents in family in labor force	111	+/-89	44.0%	+/-26.7	113,962	+/-2,802	58.6%	+/-1.2
Own children 6 to 17 years								
Population 16 years and over	475	+/-162	475	(X)	325,879	+/-3,661	325,879	(X)

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
INCOME AND BENEFITS (IN 2014 INFLATION-ADJUSTED DOLLARS)								
Total households	1,386	+/-91	1,386	(X)	792,763	+/-3,687	792,763	(X)
Less than \$10,000	243	+/-100	17.5%	+/-7.0	69,251	+/-1,877	8.7%	+/-0.2
\$10,000 to \$14,999	194	+/-76	14.0%	+/-5.5	49,103	+/-1,594	6.2%	+/-0.2
\$15,000 to \$24,999	259	+/-109	18.7%	+/-7.9	102,553	+/-2,181	12.9%	+/-0.3
\$25,000 to \$34,999	223	+/-102	16.1%	+/-7.3	91,878	+/-2,309	11.6%	+/-0.3
\$35,000 to \$49,999	199	+/-94	14.4%	+/-6.7	111,672	+/-2,255	14.1%	+/-0.3
\$50,000 to \$74,999	139	+/-66	10.0%	+/-4.7	127,977	+/-2,685	16.1%	+/-0.3
\$75,000 to \$99,999	116	+/-61	8.4%	+/-4.4	76,923	+/-1,655	9.7%	+/-0.2
\$100,000 to \$149,999	13	+/-15	0.9%	+/-1.1	79,501	+/-1,800	10.0%	+/-0.2
\$150,000 to \$199,999	0	+/-13	0.0%	+/-2.7	34,789	+/-1,259	4.4%	+/-0.2
\$200,000 or more	0	+/-13	0.0%	+/-2.7	49,116	+/-1,467	6.2%	+/-0.2
Median household income (dollars)	23,750	+/-6,550	(X)	(X)	45,728	+/-379	(X)	(X)
Mean household income (dollars)	31,799	+/-4,068	(X)	(X)	73,063	+/-764	(X)	(X)
With earnings	1,099	+/-122	79.3%	+/-6.5	670,727	+/-3,667	84.6%	+/-0.2
Mean earnings (dollars)	32,161	+/-4,435	(X)	(X)	73,801	+/-855	(X)	(X)
With Social Security	393	+/-85	28.4%	+/-6.1	157,739	+/-2,023	19.9%	+/-0.2
Mean Social Security income (dollars)	13,004	+/-1,633	(X)	(X)	16,131	+/-179	(X)	(X)
With retirement income	68	+/-39	4.9%	+/-2.8	75,050	+/-1,443	9.5%	+/-0.2
Mean retirement income (dollars)	13,153	+/-4,669	(X)	(X)	24,062	+/-1,070	(X)	(X)
With Supplemental Security Income	201	+/-72	14.5%	+/-5.2	36,832	+/-1,251	4.6%	+/-0.2
Mean Supplemental Security Income (dollars)	6,930	+/-1,326	(X)	(X)	8,842	+/-229	(X)	(X)
With cash public assistance income	39	+/-31	2.8%	+/-2.2	14,086	+/-807	1.8%	+/-0.1
Mean cash public assistance income (dollars)	841	+/-687	(X)	(X)	3,460	+/-283	(X)	(X)
With Food Stamp/SNAP benefits in the past 12 months	340	+/-105	24.5%	+/-7.1	119,023	+/-2,389	15.0%	+/-0.3
Families	833	+/-112	833	(X)	481,679	+/-3,191	481,679	(X)
Less than \$10,000	104	+/-68	12.5%	+/-7.7	33,366	+/-1,549	6.9%	+/-0.3
\$10,000 to \$14,999	96	+/-50	11.5%	+/-6.1	24,641	+/-1,187	5.1%	+/-0.2
\$15,000 to \$24,999	163	+/-83	19.6%	+/-9.5	58,792	+/-1,629	12.2%	+/-0.3
\$25,000 to \$34,999	140	+/-88	16.8%	+/-10.0	55,263	+/-1,789	11.5%	+/-0.4
\$35,000 to \$49,999	90	+/-56	10.8%	+/-6.9	67,180	+/-2,008	13.9%	+/-0.4
\$50,000 to \$74,999	131	+/-64	15.7%	+/-7.6	77,010	+/-2,024	16.0%	+/-0.4
\$75,000 to \$99,999	96	+/-61	11.5%	+/-7.1	48,016	+/-1,560	10.0%	+/-0.3
\$100,000 to \$149,999	13	+/-15	1.6%	+/-1.9	54,353	+/-1,619	11.3%	+/-0.3
\$150,000 to \$199,999	0	+/-13	0.0%	+/-4.4	25,100	+/-1,073	5.2%	+/-0.2
\$200,000 or more	0	+/-13	0.0%	+/-4.4	37,958	+/-1,273	7.9%	+/-0.3
Median family income (dollars)	28,990	+/-7,672	(X)	(X)	50,369	+/-560	(X)	(X)
Mean family income (dollars)	37,207	+/-5,735	(X)	(X)	82,427	+/-1,098	(X)	(X)
Per capita income (dollars)	13,184	+/-1,801	(X)	(X)	27,938	+/-298	(X)	(X)

Subject	Census Tract 3104, Harris County, Texas				Houston city, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error	Estimate	Margin of Error	Percent	Percent Margin of Error
Nonfamily households	553	+/-105	553	(X)	311,084	+/-4,031	311,084	(X)
Median nonfamily income (dollars)	16,750	+/-4,463	(X)	(X)	36,664	+/-560	(X)	(X)
Mean nonfamily income (dollars)	21,575	+/-4,069	(X)	(X)	55,923	+/-943	(X)	(X)
Median earnings for workers (dollars)	17,741	+/-4,805	(X)	(X)	27,231	+/-208	(X)	(X)
Median earnings for male full-time, year-round workers (dollars)	28,092	+/-4,651	(X)	(X)	40,685	+/-380	(X)	(X)
Median earnings for female full-time, year-round workers (dollars)	17,375	+/-8,376	(X)	(X)	35,565	+/-486	(X)	(X)
HEALTH INSURANCE COVERAGE								
Civilian noninstitutionalized population	3,693	+/-469	3,693	(X)	2,153,609	+/-984	2,153,609	(X)
With health insurance coverage	2,278	+/-357	61.7%	+/-6.9	1,542,113	+/-7,696	71.6%	+/-0.3
With private health insurance	913	+/-227	24.7%	+/-6.1	1,014,365	+/-9,169	47.1%	+/-0.4
With public coverage	1,505	+/-323	40.8%	+/-6.7	652,659	+/-6,991	30.3%	+/-0.3
No health insurance coverage	1,415	+/-333	38.3%	+/-6.9	611,496	+/-7,491	28.4%	+/-0.3
Civilian noninstitutionalized population under 18 years	758	+/-228	758	(X)	547,652	+/-3,545	547,652	(X)
No health insurance coverage	87	+/-105	11.5%	+/-13.3	85,286	+/-3,326	15.6%	+/-0.6
Civilian noninstitutionalized population 18 to 64 years	2,411	+/-357	2,411	(X)	1,404,491	+/-3,426	1,404,491	(X)
In labor force:	1,718	+/-280	1,718	(X)	1,086,348	+/-4,243	1,086,348	(X)
Employed:	1,573	+/-281	1,573	(X)	990,657	+/-4,398	990,657	(X)
With health insurance coverage	676	+/-152	43.0%	+/-9.4	656,119	+/-5,141	66.2%	+/-0.5
With private health insurance	589	+/-136	37.4%	+/-8.6	603,400	+/-5,631	60.9%	+/-0.5
With public coverage	105	+/-66	6.7%	+/-4.1	65,464	+/-2,092	6.6%	+/-0.2
No health insurance coverage	897	+/-255	57.0%	+/-9.4	334,538	+/-5,117	33.8%	+/-0.5
Unemployed:	145	+/-72	145	(X)	95,691	+/-2,632	95,691	(X)
With health insurance coverage	50	+/-54	34.5%	+/-26.9	36,607	+/-1,290	38.3%	+/-1.2
With private health insurance	31	+/-49	21.4%	+/-28.9	20,874	+/-1,126	21.8%	+/-1.1
With public coverage	50	+/-54	34.5%	+/-26.9	16,959	+/-885	17.7%	+/-0.9
No health insurance coverage	95	+/-47	65.5%	+/-26.9	59,084	+/-2,218	61.7%	+/-1.2
Not in labor force:	693	+/-200	693	(X)	318,143	+/-3,707	318,143	(X)
With health insurance coverage	383	+/-121	55.3%	+/-11.5	193,115	+/-3,727	60.7%	+/-0.8
With private health insurance	75	+/-45	10.8%	+/-7.6	109,634	+/-2,798	34.5%	+/-0.7
With public coverage	308	+/-121	44.4%	+/-10.4	93,915	+/-2,514	29.5%	+/-0.7
No health insurance coverage	310	+/-131	44.7%	+/-11.5	125,028	+/-2,753	39.3%	+/-0.8
PERCENTAGE OF FAMILIES AND PEOPLE WHOSE INCOME IN THE PAST 12 MONTHS IS BELOW THE POVERTY LEVEL								
All families	(X)	(X)	40.1%	+/-10.8	(X)	(X)	19.6%	+/-0.5
With related children under 18 years	(X)	(X)	63.9%	+/-15.6	(X)	(X)	29.1%	+/-0.7
With related children under 5 years only	(X)	(X)	70.4%	+/-42.9	(X)	(X)	25.8%	+/-1.6
Married couple families	(X)	(X)	34.3%	+/-14.9	(X)	(X)	12.3%	+/-0.5
With related children under 18 years	(X)	(X)	49.2%	+/-24.1	(X)	(X)	18.9%	+/-0.8

Map of potentially blighted structures within 1,000 feet of development site:



Location A – Only one vacant commercial building we located within 1,000 ft of the development site. While this property does show signs of being vacant, it is secure, not a nuisance nor safety hazard.



Location B - Home in a state of disrepair within a 1,000-foot radius of our proposed development site.



Location C - Home in state of disrepair that can be found within a 1,000-foot radius of our proposed development site.



19047
Parkway Meadows



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors ("NRF") are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan ("QAP"). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant's own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11.8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # 19047 Development Name Parkway Meadows
 Application Disclosure: Application # 19047 Development Name Parkway Meadows

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is "Not Rated" because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is "Not Rated" because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Based on the enclosed information, the referenced NRF factors are significantly mitigated and meet the requirements of section 10 TAC 11.101(a)(3)(D) of the QAP.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

AFFORDABLE HOUSING ANALYSTS
APPRAISERS/ANALYSTS/CONSULTANTS

February 28, 2019

Mr. Ryan Hettig
Parkway Meadows, Ltd.
c/o Hettig-Kahn
5325 Katy Freeway, Suite One
Houston, Texas 77007

Reference: **Parkway Meadows**, a vacant land tract containing a total of +/-17.77 acres (774,108 square feet) located at the northwest corner of West Gulfbank Road and West Montgomery Road, in Houston, Harris County, Texas 77088. The site is proposed to be improved with a +/-82-unit four-bedroom Single-Family Residential General Population Housing Tax Credit complex. **TDHCA #19047**.

Dear Mr. Hettig:

At your request, I have performed research on the issue of poverty and crimes levels in association with your 2019 HTC 9% application 19047 and application for CDBG-DR Harvey funding from the City of Houston Housing and Community Development Department. The subject site is located within census tract 48201533000. It should be noted that the subject is located at the extreme southeast corner of the census tract (see map of subject census tract below).



The purpose of this memo is to address TAC 11.101(a)(3)(D) of the QAP.

As you have disclosed in your TDHCA application, the subject is located in a census tract having a poverty rate above 40% for individuals and a violent crime rate greater than 18 per 1,000 persons. The exact wording of these provisions from the 2019 QAP is as follows:

- (i) The Development Site is located within a census tract that has a poverty rate above 40 percent for individuals (or 55 percent for Developments in regions 11 and 13).
- (ii) The Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com.

POVERTY RATE

As represented by the 2019 Site Demographics table, the Opportunity Index (ie Poverty Level for the subject census tract based on Table S1701 of the 2012 - 2016 5-year American Community Survey (ACS)) was 43.8, less than 10% over the 40 threshold. ACS demographics are based on limited surveys and subject to substantial margin of error. The reported margin of error for table S1701 for the subject census tract is over 10%.

The subject site is adjacent (and abutting excluding roadways) to census tracts 48201533100 and 48201533400, which reported poverty rates of 16.2 and 25.5, respectively. Were the subject located across either West Gulfbank Road or West Montgomery Road (both of which the subject has frontage on), the site would not have a neighborhood risk factor in terms of Poverty. There are no physical barriers between them (the subject tract and the adjoining census tract (48201533100 and 48201533400) such as highways or rivers which would be reasonable considered as separating or dividing the neighborhood containing the proposed development from the low poverty area. Census tract boundaries are arbitrarily assigned based on natural or man-made features, and do not typically reflect neighborhoods.

Although the 2013-2017 ACS table S1701 was not available as of the October 2018 deadline for information (released in December 2018), it shows that the poverty level for the subject census tract was 29.7, well below the 40 maximum level. The large change from the 2012-2016 and 2013-2017 poverty levels (over 32% change) implies the large margin for error existing in ACS data. Additionally, the 32% decline in poverty level between the two surveys indicates a downward (positive) trend in the poverty level for the subject census tract.

Additionally, since there are not physical barriers separating the subject census tract from the two adjoining census tracts which abut the subject site, I took the total population (households) and the households in poverty to arrive at an average percentage of households below the poverty level. The table at the top of the following depicts that analysis:

CURRENT			
Census Tract	Households	# Households in Poverty	% Households in Poverty
5330	937	281	29.99%
5331	2,243	319	14.22%
5334	3,284	592	18.03%
Total	6,464	1192	18.44%

It is my opinion that households are a more appropriate statistic to analyze rather than individuals. Since we deal with housing units, looking at individuals poverty level rather than household poverty level could likely skew the demographics.

As is apparent in the table above, when one looks at the neighborhood rather than the census tract (which the subject site is in the extreme southeast corner of), a more representative view is present, the analysis shows the poverty level is well below the maximum allowed.

The subject site is located with a designated revitalization zone (CRA Complete Community), which will likely result in higher income levels in the future.

CRIME LEVEL

According the current NeighborhoodScout.com, the crime level for the subject census tract is 18.16 per 1,000, only slightly above the 18 per 1,000 allowable. Neighborhood Scout advertises accuracy of 90%. Given a 10% margin of error, the resulting adjusted crime level for the subject would be 16.34 per 1,000.

Although subscribers are not able to obtain historic reports online, I had in my files the NeighborhoodScout 2016 reports for the subject census tract and adjacent census tracts within 1,000 feet of the subject site (48201533100 and 48201533400) due to having performed research for a similar memo for Garden City Apartments (TDHCA #16603) which is located across West Gulfbank Road from the subject (and within 1,000 feet). It should be noted that the Garden City application was approved by the TDHCA.

The following table depicts the 2016 and current crime levels for the subject census tract and the two census tracts abutting the subject site and within 1,000 feet of the subject site.

NEIGHBORHOOD SCOUT CRIME DATA					
2016			CURRENT		
Census Tract	Part 1 Crime/1,000	Instances of Violent Crimes	Census Tract	Part 1 Crime/1,000	Instances of Violent Crimes
5330.00	25.27	47	5330.00	18.16	36
5331.00	16.08	88	5331.00	9.17	50
5334.00	6.02	48	5334.00	9.62	85

The above table indicated that there has been a significant decline in crime in the subject census tract and the abutting census tract to the subject site from 2016 to the current data. For the subject census tract, the violent crimes/1,000 declined by 28.14% and the instances of violent crimes declined by 23.40%.

There appears to be an error in NeighborhoodScout's calculations based on the information I have analyzed. As seen in the table below when one uses Spotlight's population of the subject census tract and the 36 reported violent crimes (from NeighborhoodScout), the violent crime/1,000 is 12.74, which is well below the 18/1,000 allowable.

Similar to what was done in this memorandum for Poverty, I also looked at the combined subject census tract and the abutting census tracts (since there is no physical barrier separating them) and analyzed the "neighborhood" statistics. The following table depicts that analysis:

CURRENT				
Census Tract	Population	Instances of Violent Crimes	Part 1 Crime/1,000	
5330	2,825	36	12.74336283	
5331	6,810	50	7.342143906	
5334	11,809	85	7.197899907	
Total	21,444	171	7.974258534	

As is apparent in the above table, when one looks at the "neighborhood" rather than the subject census tract, the crime level is well below the maximum allowable.

It should also be noted that the subject census tract has a low population density which artificially skews the crimes per 1,000 persons. The subject census tract has the lowest instances of violent crimes of the three census tracts both currently and as of 2016.

Additionally, it is my understanding that the subject will have a full-time unit designated for an off-duty police officer in return for off duty patrol. This will likely have a significant downward affect on crime at the subject site and be significant mediation of the perceived crime issue.

The Texas Department of Housing and Community Development and the City of Houston Housing and Community Development Department are additional intended users, and may rely upon the findings and conclusions within this report.

Should you have any questions, please contact my office.

Respectfully submitted,
Affordable Housing Analysts,



Robert O. (Bob) Coe, II, MAI
TX-1333157-G
State Certified General Real Estate Appraiser

Subject	Census Tract 5330, Harris County, Texas					
	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	
Bachelor's degree or higher	103	+/-52	0	+/-13	0.0%	
EMPLOYMENT STATUS						
Civilian labor force 16 years and over	1,122	+/-170	236	+/-74	21.0%	
Employed	960	+/-165	145	+/-57	15.1%	
Male	385	+/-95	55	+/-32	14.3%	
Female	575	+/-133	90	+/-50	15.7%	
Unemployed	162	+/-61	91	+/-45	56.2%	
Male	62	+/-57	18	+/-17	29.0%	
Female	100	+/-45	73	+/-41	73.0%	
WORK EXPERIENCE						
Population 16 years and over	1,777	+/-217	408	+/-117	23.0%	
Worked full-time, year-round in the past 12 months	659	+/-140	66	+/-45	10.0%	
Worked part-time or part-year in the past 12 months	454	+/-108	154	+/-58	33.9%	
Did not work	664	+/-131	188	+/-91	28.3%	
ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS						
50 percent of poverty level	242	+/-110	(X)	(X)	(X)	
125 percent of poverty level	985	+/-269	(X)	(X)	(X)	
150 percent of poverty level	1,218	+/-279	(X)	(X)	(X)	
185 percent of poverty level	1,668	+/-294	(X)	(X)	(X)	
200 percent of poverty level	1,745	+/-282	(X)	(X)	(X)	
300 percent of poverty level	2,027	+/-309	(X)	(X)	(X)	
400 percent of poverty level	2,122	+/-300	(X)	(X)	(X)	
500 percent of poverty level	2,294	+/-306	(X)	(X)	(X)	
UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED						
Male	206	+/-60	65	+/-42	31.6%	
Female	237	+/-71	99	+/-55	41.8%	
15 years	0	+/-13	0	+/-13	-	
16 to 17 years	0	+/-13	0	+/-13	-	
18 to 24 years	29	+/-26	9	+/-13	31.0%	
25 to 34 years	90	+/-54	13	+/-15	14.4%	
35 to 44 years	89	+/-51	50	+/-42	56.2%	
45 to 54 years	66	+/-36	49	+/-33	74.2%	
55 to 64 years	108	+/-60	37	+/-31	34.3%	
65 to 74 years	37	+/-20	0	+/-13	0.0%	
75 years and over	24	+/-17	6	+/-9	25.0%	
Mean income deficit for unrelated individuals (dollars)	4,516	+/-1,265	(X)	(X)	(X)	
Worked full-time, year-round in the past 12 months	218	+/-78	47	+/-45	21.6%	
Worked less than full-time, year-round in the past 12 months	88	+/-43	44	+/-28	50.0%	
Did not work	137	+/-54	73	+/-48	53.3%	

Subject	Census Tract 5330, Harris County, Texas
	Percent below poverty level Margin of Error
Population for whom poverty status is determined	+/-8.7
AGE	
Under 18 years	+/-14.3
Under 5 years	+/-29.6
5 to 17 years	+/-15.0
Related children of householder under 18 years	+/-14.3
18 to 64 years	+/-7.2
18 to 34 years	+/-9.9
35 to 64 years	+/-9.3
60 years and over	+/-6.5
65 years and over	+/-8.8
SEX	
Male	+/-9.5
Female	+/-10.1
RACE AND HISPANIC OR LATINO ORIGIN	
White alone	+/-11.9
Black or African American alone	+/-10.9
American Indian and Alaska Native alone	**
Asian alone	**
Native Hawaiian and Other Pacific Islander alone	**
Some other race alone	+/-25.7
Two or more races	+/-91.2
Hispanic or Latino origin (of any race)	+/-10.2
White alone, not Hispanic or Latino	+/-91.2
EDUCATIONAL ATTAINMENT	
Population 25 years and over	+/-6.9
Less than high school graduate	+/-13.8
High school graduate (includes equivalency)	+/-10.2
Some college, associate's degree	+/-12.9
Bachelor's degree or higher	+/-31.1
EMPLOYMENT STATUS	
Civilian labor force 16 years and over	+/-6.8
Employed	+/-6.1
Male	+/-7.8
Female	+/-9.3
Unemployed	+/-23.0
Male	+/-31.4
Female	+/-26.0
WORK EXPERIENCE	
Population 16 years and over	+/-7.2
Worked full-time, year-round in the past 12 months	+/-6.5
Worked part-time or part-year in the past 12 months	+/-11.8
Did not work	+/-12.4
ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS	
50 percent of poverty level	(X)
125 percent of poverty level	(X)
150 percent of poverty level	(X)
185 percent of poverty level	(X)

Subject	Census Tract 5330, Harris County, Texas Percent below poverty level Margin of Error
200 percent of poverty level	(X)
300 percent of poverty level	(X)
400 percent of poverty level	(X)
500 percent of poverty level	(X)
UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED	+/-12.4
Male	+/-18.5
Female	+/-18.9
15 years	**
16 to 17 years	**
18 to 24 years	+/-42.5
25 to 34 years	+/-17.0
35 to 44 years	+/-35.1
45 to 54 years	+/-28.7
55 to 64 years	+/-24.4
65 to 74 years	+/-54.1
75 years and over	+/-33.4
Mean income deficit for unrelated individuals (dollars)	(X)
Worked full-time, year-round in the past 12 months	+/-17.5
Worked less than full-time, year-round in the past 12 months	+/-27.7
Did not work	+/-20.6

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An 'L' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An 'L' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An 'U' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



S1701

POVERTY STATUS IN THE PAST 12 MONTHS

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Subject	Census Tract 5330, Harris County, Texas				
	Total		Below poverty level		Percent below poverty level
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate
Population for whom poverty status is determined	2,528	+/-328	1,106	+/-296	43.8%
AGE					
Under 18 years	1,013	+/-207	603	+/-202	59.5%
Under 5 years	225	+/-91	125	+/-75	55.6%
5 to 17 years	788	+/-183	478	+/-176	60.7%
Related children of householder under 18 years	1,013	+/-207	603	+/-202	59.5%
18 to 64 years	1,343	+/-174	485	+/-119	36.1%
18 to 34 years	547	+/-134	203	+/-88	37.1%
35 to 64 years	796	+/-114	282	+/-89	35.4%
60 years and over	238	+/-50	18	+/-15	7.6%
65 years and over	172	+/-35	18	+/-15	10.5%
SEX					
Male	1,146	+/-207	505	+/-173	44.1%
Female	1,382	+/-192	601	+/-166	43.5%
RACE AND HISPANIC OR LATINO ORIGIN					
White alone	552	+/-284	256	+/-180	46.4%
Black or African American alone	1,749	+/-263	770	+/-253	44.0%
American Indian and Alaska Native alone	0	+/-13	0	+/-13	-
Asian alone	0	+/-13	0	+/-13	-
Native Hawaiian and Other Pacific Islander alone	0	+/-13	0	+/-13	-
Some other race alone	215	+/-134	68	+/-62	31.6%
Two or more races	12	+/-21	12	+/-21	100.0%
Hispanic or Latino origin (of any race)	820	+/-301	373	+/-193	45.5%
White alone, not Hispanic or Latino	13	+/-14	0	+/-13	0.0%
EDUCATIONAL ATTAINMENT					
Population 25 years and over	1,283	+/-150	421	+/-100	32.8%
Less than high school graduate	359	+/-80	154	+/-66	42.9%

Subject	Census Tract 5330, Harris County, Texas					
	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	
High school graduate (includes equivalency)	524	+/-117	170	+/-67	32.4%	
Some college, associate's degree	321	+/-75	97	+/-58	30.2%	
Bachelor's degree or higher	79	+/-33	0	+/-13	0.0%	
EMPLOYMENT STATUS						
Civilian labor force 16 years and over	1,080	+/-169	365	+/-113	33.8%	
Employed	920	+/-169	239	+/-98	26.0%	
Male	365	+/-105	89	+/-49	24.4%	
Female	555	+/-115	150	+/-73	27.0%	
Unemployed	160	+/-68	126	+/-59	78.8%	
Male	55	+/-48	38	+/-38	69.1%	
Female	105	+/-51	88	+/-48	83.8%	
WORK EXPERIENCE						
Population 16 years and over	1,673	+/-207	576	+/-147	34.4%	
Worked full-time, year-round in the past 12 months	549	+/-130	102	+/-58	18.6%	
Worked part-time or part-year in the past 12 months	497	+/-114	233	+/-82	46.9%	
Did not work	627	+/-122	241	+/-97	38.4%	
ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS						
50 percent of poverty level	351	+/-133	(X)	(X)	(X)	
125 percent of poverty level	1,288	+/-293	(X)	(X)	(X)	
150 percent of poverty level	1,531	+/-319	(X)	(X)	(X)	
185 percent of poverty level	1,962	+/-323	(X)	(X)	(X)	
200 percent of poverty level	1,989	+/-327	(X)	(X)	(X)	
300 percent of poverty level	2,245	+/-334	(X)	(X)	(X)	
400 percent of poverty level	2,347	+/-317	(X)	(X)	(X)	
500 percent of poverty level	2,440	+/-325	(X)	(X)	(X)	
UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED						
Male	435	+/-82	155	+/-64	35.6%	
Female	179	+/-53	54	+/-33	30.2%	
Female	256	+/-61	101	+/-54	39.5%	
15 years	0	+/-13	0	+/-13	-	
16 to 17 years	0	+/-13	0	+/-13	-	
18 to 24 years	19	+/-17	11	+/-15	57.9%	
25 to 34 years	84	+/-49	6	+/-10	7.1%	
35 to 44 years	91	+/-51	49	+/-38	53.8%	
45 to 54 years	62	+/-36	46	+/-30	74.2%	
55 to 64 years	100	+/-53	32	+/-31	32.0%	
65 to 74 years	47	+/-22	5	+/-7	10.6%	
75 years and over	32	+/-20	6	+/-9	18.8%	
Mean income deficit for unrelated individuals (dollars)	4,090	+/-1,270	(X)	(X)	(X)	
Worked full-time, year-round in the past 12 months	206	+/-72	39	+/-37	18.9%	
Worked less than full-time, year-round in the past 12 months	95	+/-41	42	+/-29	44.2%	
Did not work	134	+/-55	74	+/-47	55.2%	

Subject	Census Tract 5330, Harris County, Texas Percent below poverty level Margin of Error
Population for whom poverty status is determined	+/-10.1
AGE	
Under 18 years	+/-14.0
Under 5 years	+/-22.3
5 to 17 years	+/-15.6
Related children of householder under 18 years	+/-14.0
18 to 64 years	+/-9.3
18 to 34 years	+/-13.7
35 to 64 years	+/-10.4
60 years and over	+/-6.7
65 years and over	+/-9.0
SEX	
Male	+/-12.1
Female	+/-10.9
RACE AND HISPANIC OR LATINO ORIGIN	
White alone	+/-23.0
Black or African American alone	+/-11.1
American Indian and Alaska Native alone	**
Asian alone	**
Native Hawaiian and Other Pacific Islander alone	**
Some other race alone	+/-25.6
Two or more races	+/-92.0
Hispanic or Latino origin (of any race)	+/-18.0
White alone, not Hispanic or Latino	+/-88.4
EDUCATIONAL ATTAINMENT	
Population 25 years and over	+/-7.4
Less than high school graduate	+/-14.0
High school graduate (includes equivalency)	+/-10.7
Some college, associate's degree	+/-15.8
Bachelor's degree or higher	+/-35.6
EMPLOYMENT STATUS	
Civilian labor force 16 years and over	+/-9.9
Employed	+/-10.0
Male	+/-11.6
Female	+/-13.0
Unemployed	+/-17.8
Male	+/-40.0
Female	+/-17.0
WORK EXPERIENCE	
Population 16 years and over	+/-8.8
Worked full-time, year-round in the past 12 months	+/-10.0
Worked part-time or part-year in the past 12 months	+/-14.4
Did not work	+/-12.2
ALL INDIVIDUALS WITH INCOME BELOW THE FOLLOWING POVERTY RATIOS	
50 percent of poverty level	(X)
125 percent of poverty level	(X)
150 percent of poverty level	(X)
185 percent of poverty level	(X)

Subject	Census Tract 5330, Harris County, Texas Percent below poverty level Margin of Error
200 percent of poverty level	(X)
300 percent of poverty level	(X)
400 percent of poverty level	(X)
500 percent of poverty level	(X)
UNRELATED INDIVIDUALS FOR WHOM POVERTY STATUS IS DETERMINED	+/-12.3
Male	+/-17.8
Female	+/-17.0
15 years	**
16 to 17 years	**
18 to 24 years	+/-54.3
25 to 34 years	+/-12.5
35 to 44 years	+/-31.8
45 to 54 years	+/-28.8
55 to 64 years	+/-28.5
65 to 74 years	+/-15.7
75 years and over	+/-26.4
Mean income deficit for unrelated individuals (dollars)	(X)
Worked full-time, year-round in the past 12 months	+/-14.9
Worked less than full-time, year-round in the past 12 months	+/-27.6
Did not work	+/-20.9

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Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

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3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
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8. An '(X)' means that the estimate is not applicable or not available.

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REPORT DATE AS OF MONDAY, JANUARY 04, 2016

Property Address: 9601 W Montgomery Rd, Houston, TX 77088

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OVERVIEW

NEIGHBORS & DEMOGRAPHICS

REAL ESTATE

PUBLIC SCHOOLS

CRIME RATES

FIND AN AGENT

POPULAR REAL ESTATE NEAR HOUSTON, TX (CORA ST / ESTHER DR)

- Bunker Hill Village, TX
- Hilshire Village, TX
- Houston, TX (Birtoak Ln / Houston, TX (Frostwood Dr
- Houston, TX (Inwood Dr / Houston, TX (Patamac Dr / Houston, TX (River Forest
- Houston, TX (San Felipe St
- Hunters Creek Village, TX
- Piney Point Village, TX

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J. Levy, Baltimore, Maryland



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ABOUT THIS NEIGHBORHOOD

9601 W Montgomery Rd, Houston, TX 77088 is found within the neighborhood we call the Cora St / Esther Dr neighborhood of Houston.

The description below refers to the neighborhood by that name. Please note this while reading your neighborhood description.

REAL ESTATE PRICES AND OVERVIEW

Cora St / Esther Dr median real estate price is \$115,592, which is more expensive than 42.5% of the neighborhoods in Texas and 26.3% of the neighborhoods in the U.S.

The average rental price in Cora St / Esther Dr is currently \$743, based on NeighborhoodScout's exclusive analysis. Rents here are currently lower in price than 80.7% of Texas neighborhoods.

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NEIGHBORHOODS & DEMOGRAPHICS

REAL ESTATE

PUBLIC SCHOOLS

CRIME RATES

FIND AN AGENT

POPULAR REAL ESTATE NEAR HOUSTON, TX (CORA ST / ESTHER DR)

- Bunker Hill Village, TX
- Windsor Village, TX
- Houston, TX (Briarwood Ln / Houston, TX (Frostwood Dr
- Houston, TX (Inwood Dr / Houston, TX (Potomac Dr / Houston, TX (River Forest
- Houston, TX (San Felipe St
- Hunters Creek Village, TX
- Piney Point Village, TX

NEIGHBORHOOD CRIME RATES

NEIGHBORHOOD CRIME DATA

CRIME DATA FIG.

CRIME INDEX

12

(100 is safest)

Safer than 12% of U.S. neighborhoods.

Neighborhood Annual Crimes

VIOLENT

88

annual crimes per 1,000 residents

16.80

PROPERTY

269

51.35

TOTAL

357

68.14

VIOLENT CRIME COMPARISON per 1,000 residents



NATIONAL MEDIAN

3.8

MY CHANCES OF BECOMING A VICTIM

In Cora St / Esther Dr 1 in 60

In Houston 1 in 98

In Texas 1 in 248

Houston violent crimes

Population 2,195,914

	MURDER	RAPE	ROBBERY	ASSAULT
REPORT TOTAL	214	2,640*	9,933	10,300
RATE PER 1,000	0.10	1.20	4.52	4.69

* Rape figures for this city adjusted from legacy to current definition based on FBI guidelines.

United States violent crimes

Population 316,128,839

	MURDER	RAPE	ROBBERY	ASSAULT
REPORT TOTAL	14,196	108,612	345,031	724,149
RATE PER 1,000	0.04	0.34	1.09	2.29

PROPERTY CRIME RATE COMPARISON per 1,000 residents

NATIONAL MEDIAN

27.3

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REPORT DATE AS OF MONDAY, JANUARY 04, 2016

Property Address: 3550 W Gulf Bank Rd, Houston, TX 77088

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OVERVIEW

NEIGHBORS & DEMOGRAPHICS

REAL ESTATE

PUBLIC SCHOOLS

CRIME RATES

FBI & FBI AGENTS

POPULAR REAL ESTATE NEAR HOUSTON, TX (W MONTGOMERY RD / STALLINGS DR)

- Bunker Hill Village, TX
- Windsor Village, TX
- Houston, TX (Brit oak Ln / Houston, TX (Frostwood Dr
- Houston, TX (Inwood Dr / Houston, TX (Potomac Dr / Houston, TX (S Post Oak Ln
- Houston, TX (San Felipe St
- Hunters Creek Village, TX
- Piney Point Village, TX

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"NeighborhoodScout is an excellent product. The best I have seen!"

Eric Tyson, author of Home Buying for Dummies® and Investing for Dummies®

ABOUT THIS NEIGHBORHOOD

3550 W Gulf Bank Rd, Houston, TX 77088 is found within the neighborhood we call the **W Montgomery Rd / Stallings Dr** neighborhood of Houston.

The description below refers to the neighborhood by that name. Please note this while reading your neighborhood description.

REAL ESTATE PRICES AND OVERVIEW

W Montgomery Rd / Stallings Dr median real estate price is \$83,826, which is less expensive than 79.2% of Texas neighborhoods and 87.9% of all U.S. neighborhoods.

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NEIGHBORHOOD & DEMOGRAPHICS

REAL ESTATE

PUBLIC SCHOOLS

CRIME RATES

FIND AIR MILEAGE

POPULAR REAL ESTATE NEAR HOUSTON, TX (W MONTGOMERY RD / STALLINGS DR)

- Bunker Hill Village, TX
- Hillshire Village, TX
- Houston, TX (Brittack Ln / Houston, TX (Frostwood Dr
- Houston, TX (Inwood Dr / Houston, TX (Potomac Dr / Houston, TX (S Post Oak Ln
- Houston, TX (San Felipe St
- Hunters Creek Village, TX
- Piney Point Village, TX

NEIGHBORHOOD CRIME RATES

NEIGHBORHOOD CRIME DATA

CRIME DATA TAG

CRIME INDEX

Neighborhood Annual Crimes

11
(100 is safest)

Safer than 11% of U.S. neighborhoods.

VIOLENT	PROPERTY	TOTAL
47	81	128

annual crimes per 1,000 residents

25.27	43.56	68.83
-------	-------	-------

VIOLENT CRIME COMPARISON per 1,000 residents

	W Montgomery Rd / Stallings Dr	Houston	Texas	NATIONAL MEDIAN
Crime Index	11	25.27	40.51	3.8
Violent Crimes	47	105.1	140.8	4.08
Property Crimes	81	143.56	168.83	4.08
Total Crimes	128	248.66	309.63	4.08

NATIONAL MEDIAN

3.8

MY CHANCES OF BECOMING A VICTIM

- In W Montgomery Rd / Stallings Dr 1 in 40
- In Houston 1 in 95
- In Texas 1 in 265

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Eric Tyson, author of Home Buying for Dummies® and Investing for Dummies®

"I have been using your system to evaluate neighborhoods for buying a house or condotownhouse. I am very impressed with the system."

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Houston violent crimes		Population 2,195,914			
	MURDER	RAPE	ROBBERY	ASSAULT	
REPORT TOTAL	214	2,640*	9,933	10,300	
RATE PER 1,000	0.10	1.20	4.52	4.69	

* Rape figures for this city adjusted from legacy to current definition based on FBI guidelines.

United States violent crimes		Population 316,128,839			
	MURDER	RAPE	ROBBERY	ASSAULT	
REPORT TOTAL	14,196	108,612	345,031	724,149	
RATE PER 1,000	0.04	0.34	1.09	2.29	

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My Searches

Buy or Sell a Home

Get crime, school & real estate reports for any address:

Enter any address, city or state

SCOUT NOW

Find neighborhoods that best match your criteria
Try our Advanced Search

Saved

Home > TX > Houston Real Estate > W Mount Houston Rd / Cordoba Dr

SHARE:

Place is saved

Send to a friend

REPORT DATE AS OF MONDAY, JANUARY 04, 2016

Property Address: 2102 Ellington St, Houston, TX 77088

See Homes for Sale Here

OVERVIEW

NEIGHBORS & DEMOGRAPHICS

REAL ESTATE

PUBLIC SCHOOLS

CRIME RATES

FIND AN AGENT

POPULAR REAL ESTATE NEAR HOUSTON, TX (W MOUNT HOUSTON RD / CORDOBA DR)

- Bunker Hill Village, TX
- Hilshire Village, TX
- Houston, TX (Frostwood Dr)
- Houston, TX (Inwood Dr / I)
- Houston, TX (Memorial Dr)
- Houston, TX (Potomac Dr / I)
- Houston, TX (S Post Oak Ln)
- Houston, TX (San Felipe St)
- Hunters Creek Village, TX
- Piney Point Village, TX

"This is a great website that allows you to search neighborhoods by what you desire from a neighborhood."

Chris R.



Homes for Sale Here

FIND HOMES

"This is a cool resource. Takes my neighborhood and matches it up to a like neighborhood elsewhere. i.e. in Sacramento, I can also search by characteristics I choose like \$300k-400k, older homes, low crime, funky/warty, walkable etc. It pulled up 4 neighborhoods in El Cerrito and neighborhoods in Pleasant Hill, Santa Rosa, Castro Valley and 3 in Sacramento in the top ten. This site is SO cool!"
Evelyn M.

ABOUT THIS NEIGHBORHOOD

2102 Ellington St, Houston, TX 77088

is found within the neighborhood we call the **W Mount Houston Rd / Cordoba Dr** neighborhood of Houston.

The description below refers to the neighborhood by that name. Please note this while reading your neighborhood description.

REAL ESTATE PRICES AND OVERVIEW

W Mount Houston Rd / Cordoba Dr median real estate price is \$105,822, which is more expensive than 36.5% of the neighborhoods in Texas and 22.2% of the neighborhoods in the U.S.

Enterprise-grade data for every neighborhood and city in the U.S.

My Places

My Searches

Buy or Sell a Home

Get crime, school & real estate reports for any address:

Enter any address, city or state

SCOUT NOW

Find neighborhoods that best match your criteria. Try our Advanced Search.

Saved

Home > TX > Houston Real Estate > W Mount Houston Rd / Cordoba Dr

SHARE:

Place is saved

Send to a friend

REPORT DATE AS OF MONDAY, JANUARY 04, 2016

Property Address: 2102 Ellington St, Houston, TX 77088

View Homes for Sale Here

OVERVIEW

NEIGHBORHOODS & DEMOGRAPHICS

REAL ESTATE

PUBLIC SCHOOLS

CRIME RATES

FINANCIAL ASSIST

POPULAR REAL ESTATE NEAR HOUSTON, TX (W MOUNT HOUSTON RD / CORDOBA DR)
Bunker Hill Village, TX
Hilshire Village, TX
Houston, TX (Frostwood Dr Houston, TX (Inwood Dr / Houston, TX (Memorial Dr Houston, TX (Potomac Dr / Houston, TX (S Post Oak Ln Houston, TX (San Felipe St Hunters Creek Village, TX Piney Point Village, TX

NEIGHBORHOOD CRIME RATES

NEIGHBORHOOD CRIME DATA

CRIME DATA TAB

CRIME INDEX

Neighborhood Annual Crimes

34

(100 is safest)

Safer than 34% of U.S. neighborhoods.

VIOLENT

48

6.02

PROPERTY

249

31.23

TOTAL

297

37.25

annual crimes per 1,000 residents

VIOLENT CRIME COMPARISON per 1,000 residents

NATIONAL MEDIAN

3.8

MY CHANCES OF BECOMING A VICTIM

in W Mount Houston Rd / Cordoba Dr 1 in 166

in Houston 1 in 93

in Texas 1 in 249

10.51

6.02

4.06

W Mount Houston Rd / Cordoba Dr

Houston

Texas

Houston violent crimes

Population 2,195,914

Table with 5 columns: Category, MURDER, RAPE, ROBBERY, ASSAULT. Rows: REPORT TOTAL, RATE PER 1,000.

* Rape figures for this city adjusted from legacy to current definition based on FBI guidelines.

United States violent crimes

Population 316,128,839

Table with 5 columns: Category, MURDER, RAPE, ROBBERY, ASSAULT. Rows: REPORT TOTAL, RATE PER 1,000.

PROPERTY CRIME RATE COMPARISON per 1,000 residents

NATIONAL MEDIAN

27.3

Homes for Sale Here

FIND HOMES

This is a cool resource. Takes my neighborhood and matches it up to a like neighborhood elsewhere. I'm in Sacramento, Calif. also search by characteristics I desire like \$300k-\$400k older homes, low crime, funky/arty, walkable, etc. It pulled up 4 neighborhoods in El Cerrito and neighborhoods in Pleasant Hill, Santa Rosa, Casim, Vallejo and 3 in Sacramento in the top ten. This site is SO cool!! Evelyn R.

THE 2102 ELLINGTON ST NEIGHBORHOOD CRIME

67 Vital Statistics. 2 Condition Alerts found.

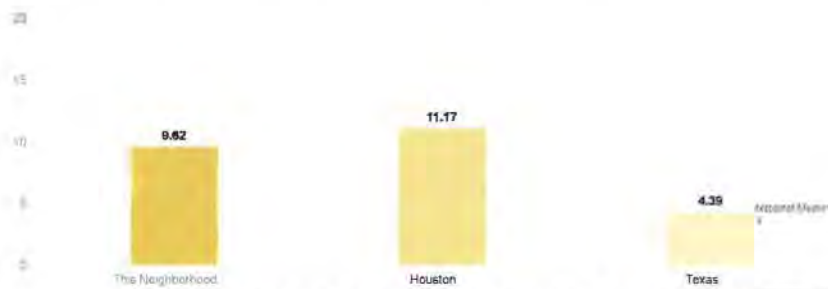
NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX	NEIGHBORHOOD ANNUAL CRIMES		
<p>25</p> <p>(100 is safest)</p> <p>Safer than 25% of U.S. neighborhoods.</p>			
		VIOLENT	PROPERTY
	Number of Crimes	85	278
	Crime Rate (per 1,000 residents)	9.62	31.46
		TOTAL	
		363	41.08

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX	VIOLENT CRIME INDEX BY TYPE			
<p>12</p> <p>(100 is safest) !</p> <p>Safer than 12% of U.S. neighborhoods.</p>	MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
	12	35	9	14
	<small>100 is safest</small>	<small>100 is safest</small>	<small>100 is safest</small>	<small>100 is safest</small>

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME

<p>1 IN 104 !</p> <p>in this Neighborhood</p>	<p>1 IN 89</p> <p>in Houston</p>	<p>1 IN 228</p> <p>in Texas</p>
---	---	--

THE 9601 W MONTGOMERY RD NEIGHBORHOOD CRIME

67 Vital Statistics. 2 Condition Alerts found.

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

25

(100 is safest)

Safer than 25% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	50	172	222
Crime Rate (per 1,000 residents)	9.17	31.53	40.70

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

13

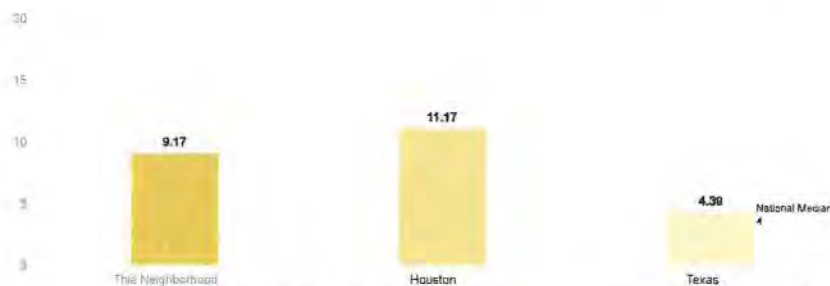
(100 is safest) ⬇

Safer than 13% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE

MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
12	37	9	16
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME

1 IN 109 ⬇ in this Neighborhood

1 IN 89 in Houston

1 IN 228 in Texas

THE 3550 W GULF BANK RD NEIGHBORHOOD CRIME

67 Vital Statistics. 6 Condition Alerts found.

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

10

(100 is safest) ⬇️

Safer than 10% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	36	91	127
Crime Rate (per 1,000 residents)	18.16	45.91	64.08

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

3

(100 is safest) ⬇️

Safer than 3% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE

MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
9	12	3	4
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME

1 IN 55 ⬇️	1 IN 89	1 IN 228
in this Neighborhood	in Houston	in Texas

ROBERT O. COE, II, MAI
AFFORDABLE HOUSING ANALYSTS
3912 AVENUE O
GALVESTON, TEXAS 77550
281-387-7552
Email: robertocoe2@gmail.com

State Certified Real Estate Appraiser
TX-1333157-G

Work Experience

10/2010-to-Present – Affordable Housing Analyst – I formed the company to assist clients with their appraisal and consulting needs in complex real estate transactions. Although the firm specializes in affordable housing transactions, we have the experience and training to handle all commercial property types.

1/2002-9/2010 – O'Connor & Associates. Staff appraiser and managed marketing and a team of appraisers/analysts in performing assignments relating to affordable housing. Additionally, personally handled a significant portion of the most complex appraisal/consulting assignments.

8/1994-7/2001 – National Realty Consultants. Staff appraiser

1-1994-7/1994 – Carley, Gage & Associates. Staff appraiser

10/1989-11/1994 – First-City, Texas Bank, N.A. Assistant Vice President in Corporate Lending. Responsible for a portfolio of over \$2 Billion in loans/commitments to Fortune 500 clients.

10/1987-10/1989 – First City, Texas Bank, N.A. Credit Supervisor/Senior Analyst. Responsible for training and supervision of a staff of credit analysts.

Education

MBA (Finance) – Southern Methodist University, Dallas, Texas 1987

BBA (Finance) _University of Oklahoma, Norman, Oklahoma 1976

Appraisal/Business Appraisal Courses

Appraisal Institute – All courses necessary for educational requirement of MAI designation

Institute of Business Appraisal – Mastering Business Appraisal Skills course

HUD MAP certified

Professional Associations:

Designated Member of Appraisal Institute (MAI)

Member of the Texas Affiliation of Affordable Housing Providers

Assignments:

I have appraiser/consulted on a wide variety of commercial properties ranging from over 500 Housing Tax Credit assignments, to a golf course and residential subdivision, to water/sewer utility facilities, to mixed use developments including residential/retail/office/structured parking uses. I have also prepared appraisal and/or market studies for proposed or existing residential subdivisions, hotels, shopping centers, industrial facilities, apartments complexes, and numerous other commercial property types.

You may wish to laminate the pocket identification card to preserve it.

**ROBERT O COE II
3812 AVENUE O
GALVESTON, TX 77560**

The person named on the reverse is licensed by the Texas Appraiser Licensing and Certification Board.

Inquiry as to the status of this license may be made to:

**Texas Appraiser Licensing and Certification Board
P.O. Box 12188
Austin, Tx 78711-2188
www.talcb.texas.gov
(512) 938-3001
Fax(512) 938-3899**

**Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser**

Number: **TX 1333157 G**

Issued: **03/15/2018**

Expires: **12/31/2019**

Appraiser: **ROBERT O COE II**

Having provided satisfactory evidence of the qualifications required by the Texas Appraiser Licensing and Certification Act, Texas Occupations Code, Chapter 1103, is authorized to use this title, Certified General Real Estate Appraiser.


**Douglas E. Oldham
Commissioner**

**Texas Appraiser Licensing and Certification Board
P.O. Box 12188 Austin, Texas 78711-2188
Certified General Real Estate Appraiser**

Number: **TX 1333157 G**

Issued: **03/15/2018**

Expires: **12/31/2019**

Appraiser: **ROBERT O COE II**

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**Douglas E. Oldham
Commissioner**



CITY OF HOUSTON
Housing & Community Development Department

Sylvester Turner

Mayor

Thomas McCasland
Director
601 Sawyer, Suite 400
Houston, Texas 77007

T. (832) 394-6282
F. (832) 395-9662
www.houstontx.gov/housing

February 28, 2019

Mr. David Cervantes
Executive Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Re: TDHCA 19047 - Parkway Meadows
Concerted Revitalization Plan of the Acres Homes Complete Community

Dear Mr. Cervantes,

Please accept this letter as documentation in compliance with §11.9(d)(7)(A) of the 2019 Qualified Allocation Plan ("QAP"), Concerted Revitalization Plan in Urban Areas. Parkway Meadows, located at the approximate 3300 block of West Gulf Bank just west of West Montgomery, is located within the City of Houston's Acres Homes Complete Community (CC). Mayor Turner announced the creation of the Complete Communities program on April 17, 2017 with support from City Council members being granted during the August 28, 2018 meeting of City Council. Acres Homes CC's success is based on a collaboration between city departments, Texas Dept. of Transportation ("TxDOT"), community stakeholders and private developers to incentivize investment in the Acres Homes CC and revitalize this once vital area. Since its establishment, the City (through the involvement of 27 separate departments) has coordinated several community development initiatives, including input from 349 separate groups and individuals to establish the Acres Homes Complete Community Action Plan ("CRA Plan" - Exhibit A-1), which identifies problems plaguing the area and targeted solutions over the coming 5 years.

The CRA Plan for Acres Homes, was adopted by City Council on August 29, 2018 by Motion # 2018 0439. Attached to this letter please find the adoption documents for the CRA Plan (Exhibit A-2). Additionally, the 2019-2023 Capital Improvement Plan ("CIP Plan" – Exhibit A-3) was passed and adopted on June 27, 2018. The adoption documents, for the CIP plan are attached (Exhibit A-4). The CIP has numerous specific projects planned to assist in achieving the goals established by the Acres Homes CRA Plan. The two adopted plans together meet the requirements under Section 11.9(d)(7) of the 2019 Qualified Allocation Plan for a Concerted Revitalization Plan ("CRP").

The Acres Home Action Plan supports and reinforces each of the 32 citywide goals identified in Plan Houston. The highest priorities identified by Acres Home stakeholders, that align with Plan Houston goals, include: ensuring access to affordable housing; a thriving, resilient, and

diverse economy; nurturing safe and healthy neighborhoods; a respect for history; engaged and informed residents; and, sustaining quality infrastructure.

The projects that are planned and implemented by the Acres Homes CC will be the work of the two active Super Neighborhood Councils, numerous city departments, several non-profits, church-affiliated community groups and private developers (such as the one who is proposing Acres Homes).

The Complete Communities Action Plan identified 8 major areas for improvement within Acres Homes; for improvement were developed through the public input process described above. These areas included civic engagement, economy and jobs, education, health, housing, mobility and infrastructure, neighborhood character, parks and safety.

The Acres Homes Complete Community Action Plan has a history of sufficient, documented, and committed funding in order to accomplish the goals and projects within the projected 5-year period. The measurable improvements within the Action Plan area based on the targeted efforts outlined and supported by the city's Capital Improvement Plan that is vital to our City. It is a plan for physical improvements to public facilities and infrastructure throughout Houston.

The underlying motive behind these programs is to improve safety, mobility, and lifestyles of Houstonians, and in turn to have a positive impact on the local economy. Recognition of this importance prompted City Council in November 1983 to establish the five-year capital improvement planning process. By resolution, it became City policy to engage in a continuous process that includes annual review, revision, and adoption of a five-year Capital Improvement Plan. Public meetings are also held annually in each City Council District to provide citizens an opportunity to comment on the process and recommend projects to be included in the plan. The city's adopted CIP for 2019-2023 includes over \$27 million of identified projects dedicated towards investments in drainage, water service and greenspace within the Acres Homes Complete Community.

The City of Houston considers Parkway Meadows as contributing *more than any other development* to concerted revitalization efforts in the Acres Homes Complete Community as it, in alignment with the goals of the Action Plan, an 82-unit single-family style development that blends in with the characteristics of the neighborhood.

The City of Houston supports the development of Parkway Meadows and believes that it will serve to continue revitalization efforts in the area. HCDD will strive to ensure Houston remains a city where every resident has an affordable home in a community where they can thrive

Please feel free to reach out if you have any additional questions.

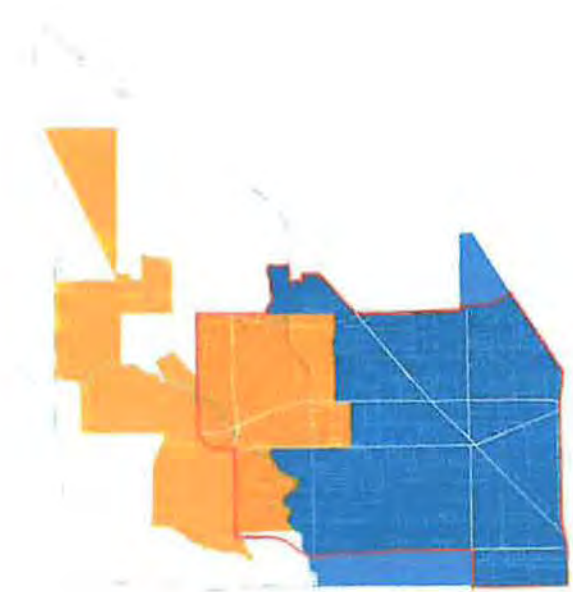
Sincerely,



Ray Miller
Assistant Director
Multifamily, Public Facilities and Real Estate Finance

Map of Existing Community Boundaries

- Acres Home Complete Community
- Acres Home Super Neighborhood
- Greater Inwood Super Neighborhood
- Near Northwest Management District



Acres Home Complete Community Map

- Parks
- Schools



19085
Gala at MacGregor



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11. 8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # 19085 Development Name Gala at MacGregor

Application Disclosure: Application # 19085 Development Name Gala at MacGregor

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

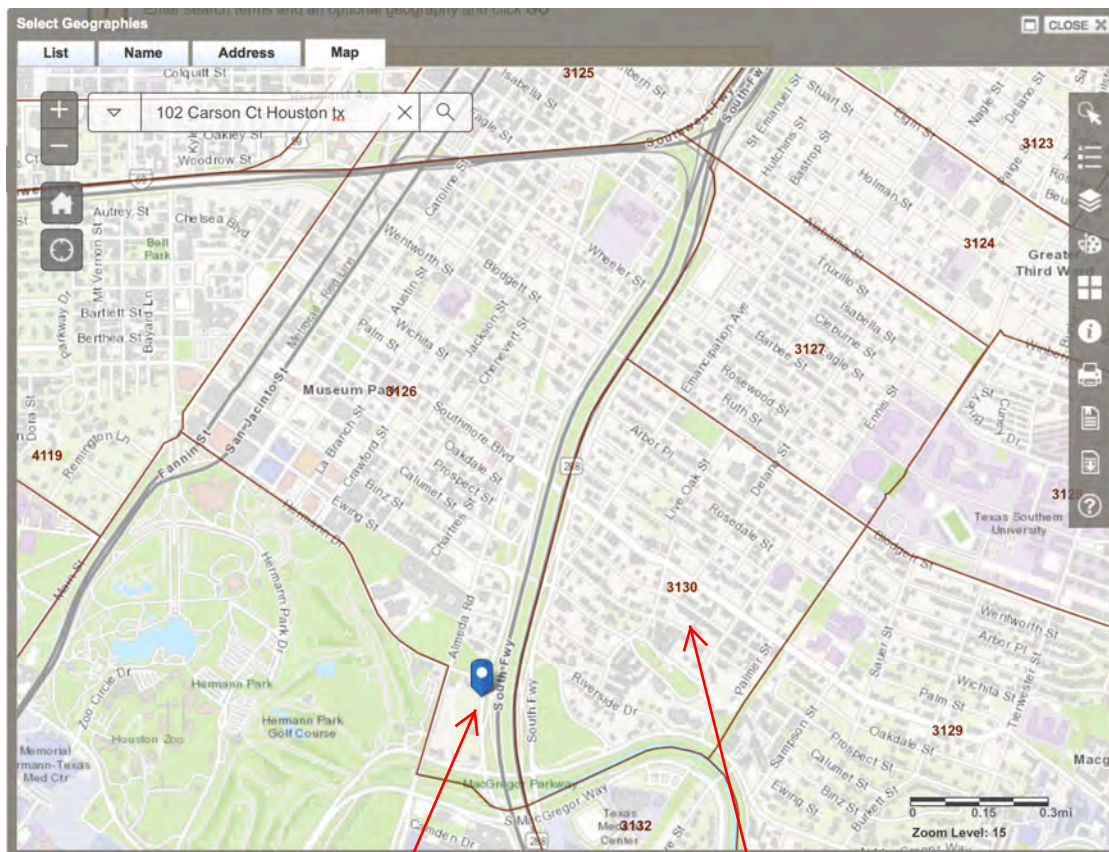
- Include the packet behind tab 2 of the Uniform Multifamily Application.

Gala at MacGregor Neighborhood Risk Factors

This Application is required to disclose a Neighborhood Risk Factor under 2019 QAP for §11.101(a)(3)(A)(b)(ii).

(ii) The Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons (annually) as reported on neighborhoodscout.com.

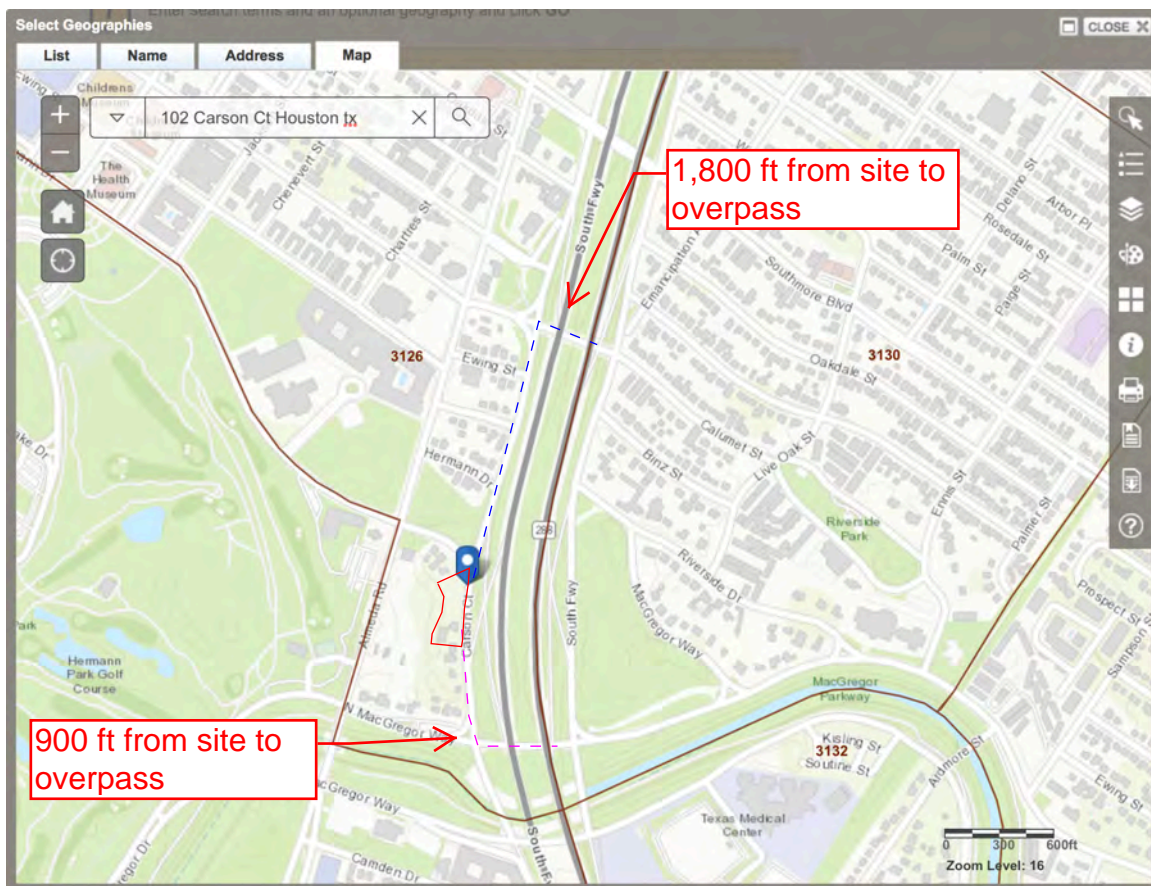
Gala at MacGregor is located in census tract 48201312600, which has a median household income of \$104,141 and poverty rate of 9%. The median income is significantly higher than the State and MSA and the poverty rate is lower. It is located on the west side of South Freeway/Hwy 288 in a major recreational and cultural area of Houston containing the Hermann Park Golf Course, Houston Zoo, Houston Museum of Natural Science, Houston Museum of Fine Arts, Children's Museum of Houston, and Hermann Park. The Development Site is located adjacent to a luxury high rise condominium and apartment property. This is a high opportunity area. The determination of the neighborhood boundary is the area on the west side of South Freeway/Hwy 288 and north of Brays Bayou. The general land use is recreational, cultural, medical, and residential. The area does not appear to have Undesirable Site Features.



Site

Tract with Higher Crime

According to Neighborhood Scout, census tract 3126 has a violent crime rate of 4.84/1,000 persons. The northbound lane of South Freeway/Hwy 288 is the boundary between census tract 3126 and census tract 3130 to the east. According to Neighborhood Scout, census tract 3130 has a violent crime rate of 21.18/1,000 persons. The Development Site is located just over 400 ft from the census tract boundary, across an 8-lane divided freeway with no direct access to the census tract. As demonstrated on the map below, the actual distance for a car or person to travel from the Development Site to census tract 3130 across the freeway is well over 500 feet. While not a “natural barrier” as described in this section of the QAP, this freeway is a physical barrier that creates a divide and prevents direct access between the two census tracts. Though Neighborhood Scout reports a crime rate of 21,18/1,000 persons in the adjacent census tract, that census tract is outside of the neighborhood that contains the Development Site and the freeway prevents direct access.



The City of Houston Police Department does not collect crime data by census tract. As required by the 2019 QAP, 2017 and 2018 Crime data was requested for the area of Hwy 288 and MacGregor and the attached map and tables show crime statistics for the immediate area. There were 88 violent crime incidents in 2017 and 56 violent crime incidents in 2018. This is a 36% decrease from 2017 to 2018. Incidents for all crimes has decreased by 17% from 2017 to 2018.

Mitigation of this Neighborhood Risk Factor includes documentation of decreased crime from 2017 to 2018 and the lack of access to the census tract that has a higher violent rate according to Neighborhood Scout. South Freeway/Hwy 88 creates a boundary between the two neighborhoods and a physical barrier that prevents access. The Development Site is over 500 ft from accessing the census tract with higher crime.



Alyssa Carpenter <ajcarpen@gmail.com>

Fw[2]: Question related to crime in South Central

Laolu Davies-Yemitan <laolu@5woods.net>
Reply-To: Laolu Davies-Yemitan <laolu@5woods.net>
To: Alyssa Carpenter <ajcarpen@gmail.com>

Mon, Feb 25, 2019 at 10:33 AM

Alyssa,

Here's the email forwarded by the Council Members office to me.

----- Forwarded Message -----

From: "Russell, Rucks - CNL"

To: "laolu@5woods.net" <laolu@5woods.net>

Sent: 2/25/2019 9:23:03 AM

Subject: FW: Question related to crime in South Central

From: Garner, Shamara
Sent: Monday, February 25, 2019 9:02 AM
To: Russell, Rucks - CNL
Cc: Zia, Salam - HPD
Subject: Question related to crime in South Central

[Message Came from Outside the City of Houston Mail System]

Hello Mr. Russell,

Please see the attachment regarding your inquiry salient to crime in South Central's area, specifically around 288 and MacGregor. Please let us know if this information answers your questions or if we can be of any further assistance.

Thank you,

Shamara D. Garner, Lieutenant

South Central Division (Administration, IAD and DRT)

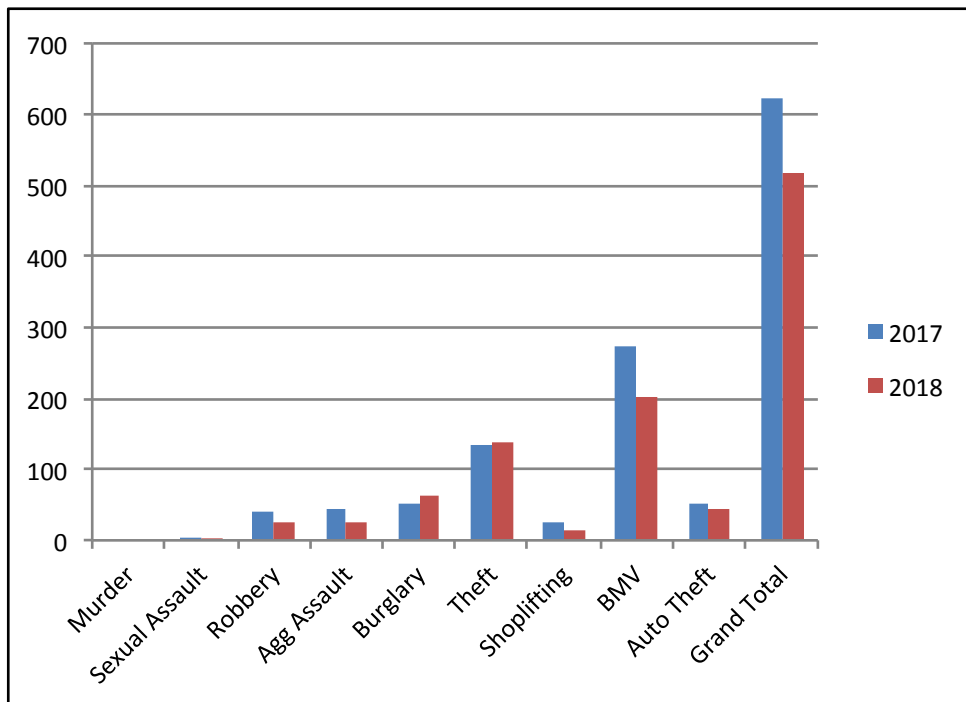
[2202 St. Emanuel](#)[Houston, Texas 77003](#)

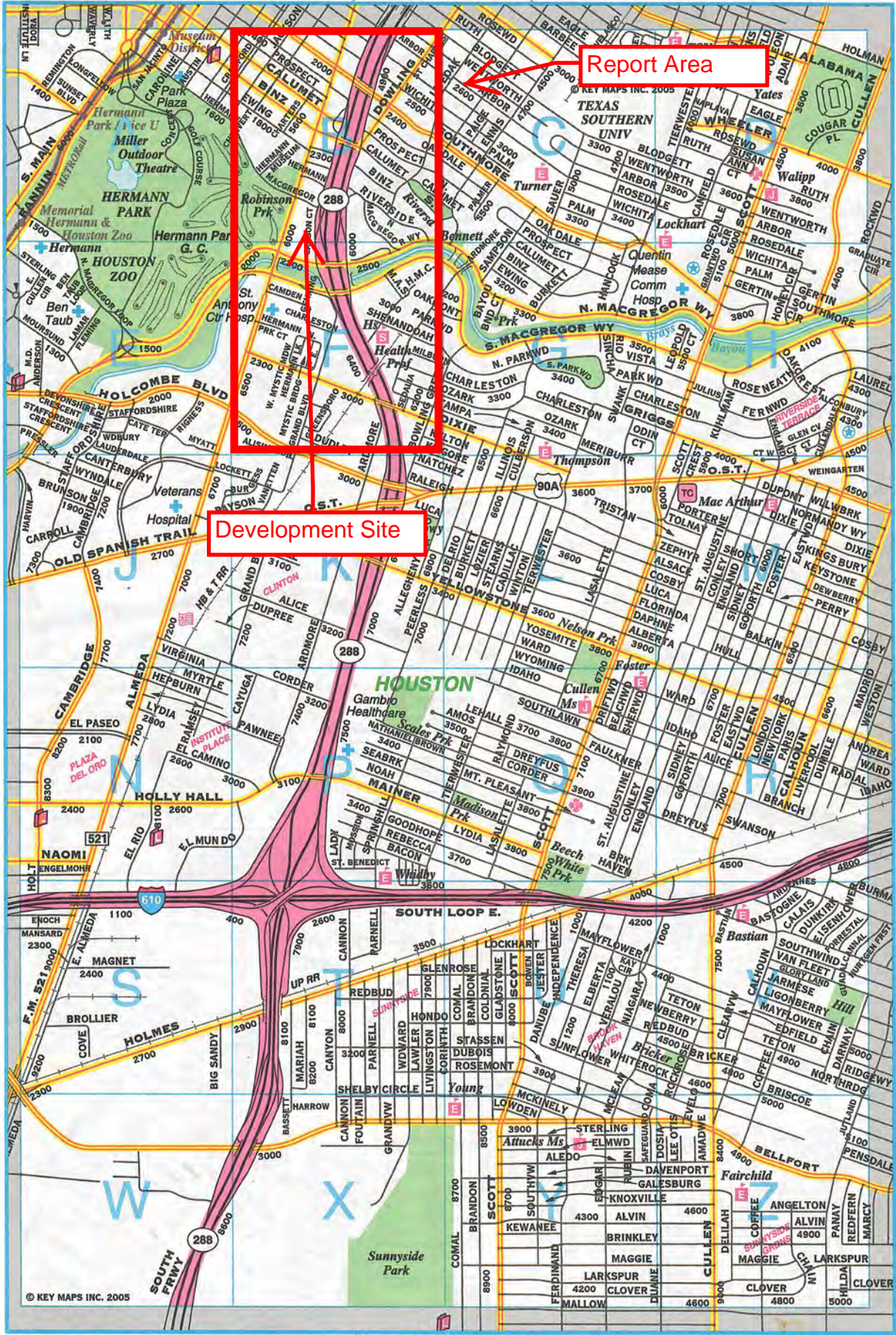
(832)394-0240

 **South Central Stats 2017 v 2018 Updated.xlsx**
16K

**South Central Stats
Key Map 533F & 533B
2017 VS 2018**

CRIME	2017	2018	+ or -
Murder	0	0	0%
Sexual Assault	2	4	100%
Robbery	41	25	-39%
Agg Assault	45	27	-40%
Burglary	50	63	26%
Theft	133	138	4%
Shoplifting	24	13	-46%
BMV	275	202	-27%
Auto Theft	52	46	-12%
Grand Total	622	518	-17%





Report Area

Development Site

SEE 534 MAP

19088

Metro Tower Lofts

19088 Metro Tower Lofts

Neighborhood Risk Factor Report

2019 9% Housing Tax Credit Cycle
Metro Tower Housing Partners, LP



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11. 8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # _____ Development Name _____
 Application Disclosure: Application # 19088 Development Name Metro Tower Lofts

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

Please see the attached documentation packet that has hyperlinks in the table of contents and has been bookmarked for ease of navigation.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

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February 20, 2019

Marni Holloway
Director of Multifamily Finance
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Re: Application #19088 Metro Tower Lofts Neighborhood Risk Factor Report

Dear Ms. Holloway,

I am writing to provide the Department with additional information regarding the Neighborhood Risk Factor disclosure for Application #19088, Metro Tower Lofts, in accordance with 11.101(a)(3)(B)(iii). We found 6 instances of property neglect or deferred maintenance that warrant disclosure to TDHCA for potential blight. Though the instances of disrepair are minor, we feel that full disclosure is best in all cases regarding TDHCA regulations. This letter, along with the Neighborhood Risk Factor Report, will provide a clearer impression that Downtown Lubbock is currently undergoing revitalization and blight is not a risk factor.

Please bear in mind, the Downtown area in which the development will be located has been the target of millions of dollars in investment from the City of Lubbock, the private sector, and various other stakeholders. These investment initiatives have been spearheaded through the Central Business District Tax Increment Financing Zone (TIF) and through the Downtown Revitalization Action Plan. More information is available in the Concerted Revitalization Packet that is uploaded to the FTP site for Metro Tower Lofts.

Introduction to the Neighborhood

Metro Tower Lofts is in the heart of Downtown Lubbock at the corner of Broadway Street and Avenue L. Downtown, also known as the Central Business District. It is bounded by Marsha Sharp Freeway to the north, Interstate 27 to the east, 19th Street to the south, and Avenue Q to the west. Please see the Downtown Lubbock Neighborhood Map in the documentation packet.

Downtown is home to the City of Lubbock's original settlement and its oldest buildings. Throughout the late nineteenth century, Lubbock was a rural settlement, until the Sante Fe Railway extended its tracks in 1909 down from Plainview, Texas to cut through what is now the northeast quadrant of Downtown. The extension of the railroad, along with prosperous agricultural production and the establishment of the Texas Technological College (now Texas Tech University) just west of the area, laid the ground work for a thriving Downtown community in the twentieth century.

Metro Tower Lofts is an acquisition rehabilitation of Metro Tower that constructed in 1955 and is the tallest building in Lubbock.

Neighborhood Land Use

Downtown, the area has a healthy mix of high-density land uses as demonstrated in the attached Downtown Lubbock Land Use Map. City Hall and most municipal departments are headquartered in the Central

Business District, along with many Lubbock County buildings, such as the County Courthouse, the County Sheriff's Office and the County Tax Assessor's Office. As the name would suggest, commercial land use represents a significant portion of the Central Business District; there are several nationally recognized hotels, multiple financial institutions, locally-owned small business, law firms, and restaurants found throughout the Downtown area. Many of Lubbock's cultural institutions are located Downtown as well, such as the Buddy Holly Center, the Cactus Theater, the Lubbock Symphony Orchestra, the central branch of the Lubbock Public Library, the offices for the Lubbock Avalanche-Journal, and a new state-of-the-art Performing Arts Center that is located just across the street from the Civic Center. Downtown also has a small supply of market-rate residential land use.

Neighborhood Risk Factors

Only one of the four risk factors warrant disclosure and an in-depth exploration, potential blight.

- **Low Poverty:** Metro Tower Lofts is located in a census tract with a poverty rate of 13.6%. The poverty rate in the Downtown census tract was consistently below the poverty rate for the State of Texas from 2012 through 2016. In fact, this census tract also qualifies as a high opportunity census tract.
- **Low Crime:** The census tract containing Metro Tower Lofts has a crime rate of 7.94, well below TDHCA's threshold of 18 crimes per 1,000 persons.
- **Good Schools:** Students living at Metro Tower Lofts will be served by Guadalupe Elementary School, Cavazos Middle School, and Lubbock High School. Please see the documentation attachment for each school's 2018 Accountability Reports from the Texas Education Agency.
 - Guadalupe Elementary, which serves students in kindergarten through 5th grade, has received a 'Met Standard' rating and five out of the six Distinction Designations from the Texas Education Agency in 2018. Cavazos Middle School similarly received a 'Met Standard' rating from the Texas Education Agency in 2018, along with two Distinction Designations in Comparative Academic Growth and Comparative Closing the Gaps.
 - Cavazos Middle School also offers an academic curriculum focused on technology-based coursework, with course offerings in Animation, Broadcast Journalism, Electronic Media/Digital Art, Video Production, and STEM labs.
 - Lubbock High School is an exemplary secondary institution that will serve Metro Tower Lofts and has consistently received 'Met Standard' ratings and Distinction Designations from the Texas Education Agency. The high school campus offers a range of rigorous academic programs, including LEAP (Lubbock Exemplary Academic Program, International Baccalaureate, and AP credit courses.
- **Blight:** The only Neighborhood Risk Factor that may pose an issue for the proposed Metro Tower Lofts is potential blight. As a revitalization area, downtown Lubbock has several older buildings that are vacant. The enclosed assessment identifies six minor instances of potential blight within 1000 feet of Metro Tower Lofts. We do not feel that these rise to a level of concern that would be a negative characteristic for residents of Metro Tower Lofts or the success of the development.

Revitalization and Mitigation

Downtown Lubbock is covered by the Central Business District TIF that has injected millions of dollars into the Downtown area through Capital Improvement Projects, which are projected to bring the total assessment value to \$361.5 million and the total increment value to \$255.7 million by the end of the 40-year TIF term. The almost \$1 million in available funding for TIF Capital Improvement Projects in the 2017-2018 Operating Budget will help the area continue its mission of fostering public and private investments in the area, promoting residential and commercial development, and guiding the master developer through the realization of the Downtown Revitalization Action Plan, which highlights goals and strategies for implementation. Since its creation, the TIF has appropriated \$14.75 million in funding towards TIF projects identified in the

Downtown Revitalization Action Plan and within the Central Business District, which has helped pave the way for a high-opportunity Downtown Lubbock

In addition to the funds that have been allocated through the TIF and Capital Improvement Program budget. There are numerous examples of targeted public and private investment in Downtown Lubbock that easily mitigate the minor blight that is present. These examples include the following and are further described in the documentation packet.

- Citizens Tower - The new location of City hall, a revitalized former Citizens Bank Building, a \$63 million redevelopment.
- South Plains College - The school will be renovating the former City Hall location bringing 2500 students to the downtown area.
- Buddy Holly Hall of Performing Arts and Science - A new 220,000 square foot state-of-the art \$154 million facility funded by the Lubbock Entertainment and performing Arts Association.
- Convention Center Hotel Project - \$76 million 250 room Marriot International hotel.
- Cotton Court Hotel - A 169 room private hotel.
- Courthouse Lofts - 23 high end residential apartments.
- Pioneer Pocket Hotel – Downtown’s 10 room boutique hotel

Keep Lubbock Beautiful and the Community Development Department also promote community improvement by operating a Minor Rehabilitation Program, a Cleanup Program, and a Beautification Program. All these initiatives will support the successful turnaround of vacant and underutilized structures, mitigating the potential blight that we have identified and will contribute to the success of the proposed Metro Tower Lofts development.

Existing Rental Inventory: Affordable and Market-Rate

The Primary Market Area for Metro Tower Lofts has seven affordable housing developments serving an area that covers approximately 30,000 acres of land in the Lubbock Metropolitan Statistical Area. This translates to 1,418 affordable housing units to serve a population of almost 100,000 people. This data, along with statistics on incomes, market rate rents, and multifamily unit availability in the area, would suggest that the primary market area has the capacity for many more affordable units. Please see page 29 for a map of Metro Tower Lofts’ Primary Market Area and page 31 for more information on the affordable housing developments in the market area.

There is a small amount of market-rate housing stock in Downtown Lubbock. There are currently roughly 100 market-rate multifamily housing units downtown, the majority of which are spread across six multifamily developments. The rents at these three developments are more expensive than TDHCA 60% rents for Lubbock by at least \$140 for one-bedroom units, almost \$300 for two-bedroom units, and over \$1,800 for three-bedroom units. The Occupancy Rate for these developments range from 90% to 100% according to Apartments.com. The high price tag associated with Downtown Lubbock’s multifamily rental units, suggests that more reasonably priced rental units would provide affordable housing options to renters in Downtown Lubbock.

Name of Development	Address	Unit Types/Rents	Total Units	Occupancy
Courthouse Lofts	800 Broadway Street Lubbock, TX 79401	-One-bedrooms starting at \$900 -Two-bedrooms starting at \$1,155 -Four-bedroom going for \$2,800	23	91%

City Street Lofts	1414 Texas Avenue Lubbock, TX 79401	-One-bedrooms starting at \$850 -Two-bedrooms starting at \$1,150	~10	90%
Pioneer Condos	1204 Main Street Lubbock, TX 79401	-One-bedrooms starting at \$1,068 -Two-bedrooms starting at \$1,344 -Three-bedrooms starting at \$2,870	38	100%
1201 17 th St	1201 17 th Street Lubbock, TX 79401	-One-Bedrooms (rents unknown)	12	100%
15 th St. Apts.	1419-1421 Avenue M Lubbock, TX 79401	-One-Bedrooms (rents unknown)	6	100%
16 th Place Apartments	1615 16 th St Lubbock, TX 79401	-no information available	9	100%

Household Income

Incomes in the area surrounding Metro Tower Lofts suggest that future residents at Metro Tower Loft will be exposed to many opportunities for economic mobility and financial stability. The Lubbock, Texas Metro Area has a median household income of \$43,632. Median income in the Metro Tower Lofts Census Tract tracks the Lubbock Metro Median closely, and nearly half of households in the tract earn the Median Income or higher. Due to the development’s location within the heart of the Central Business District, residents will have access to ample job opportunities. OnTheMap assesses that residents living at Metro Tower Lofts will be within 1 mile of more than 6,000 jobs that pay an annual salary of up to \$40,000.

Summary

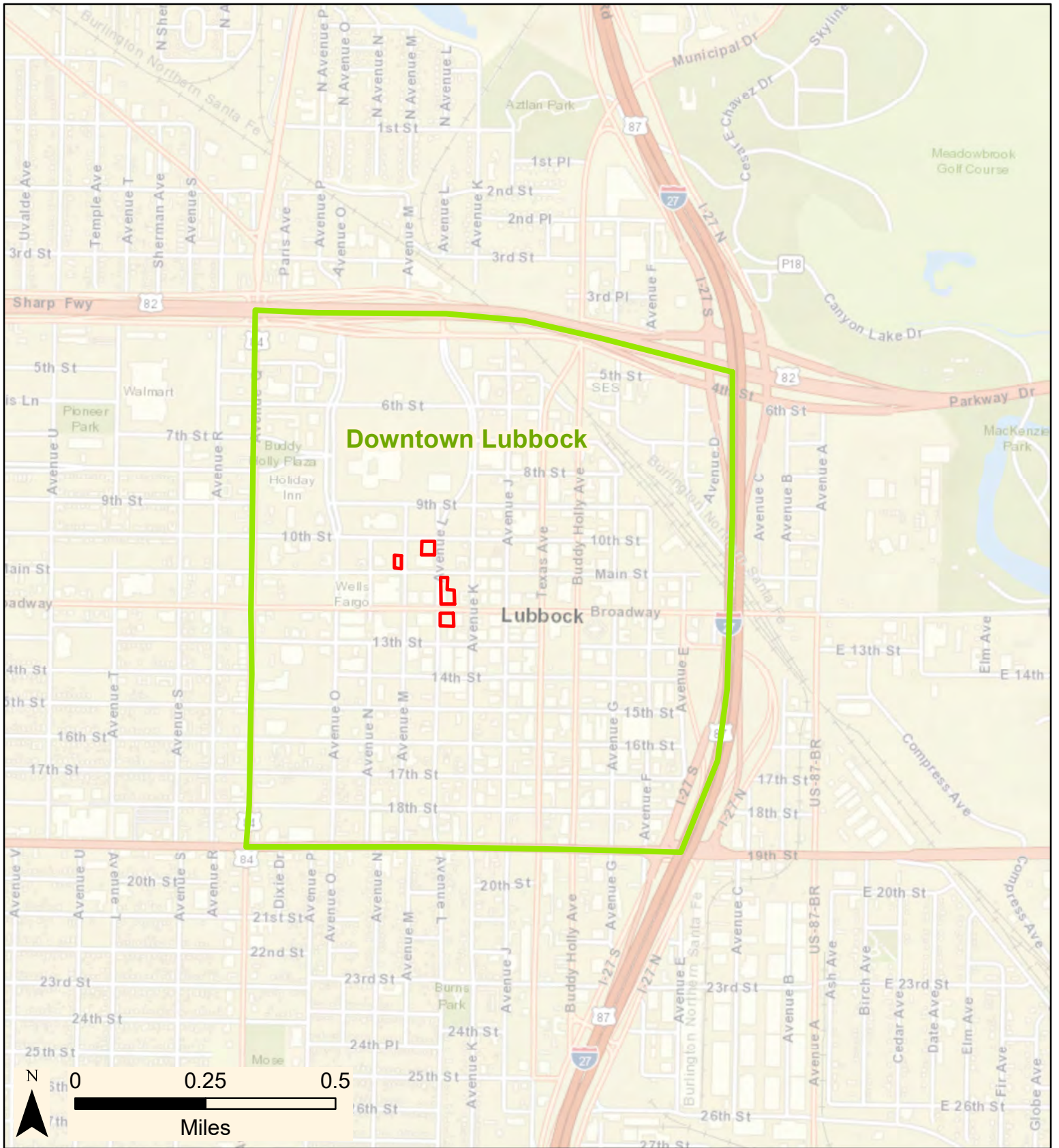
I have referred to the instances of Metro Tower Lofts only potential risk factor, potential blight, as minor because it involves only a few structures and these instances are in the process of being mitigated through the City of Lubbock’s public investment efforts totaling over \$300 million in private and public investment. I hope that you find the risk for the neighborhood negligible or non-existent as demonstrated above and with the attached documentation.

Thank you for reviewing this report and for your consideration. Please let me know should you have any questions or concerns at sallie@structuretexas.com or at (512) 473-2527.

Sincerely,




Sallie Burchett, Consultant to the Project
sallie@structuretexas.com
(512) 473-2527



Downtown Lubbock Neighborhood

Metro Tower Lofts

1219 and 1220 Broadway,
 1301 10th St, 1402 Main
 Lubbock, Texas

 Neighborhood
 Site

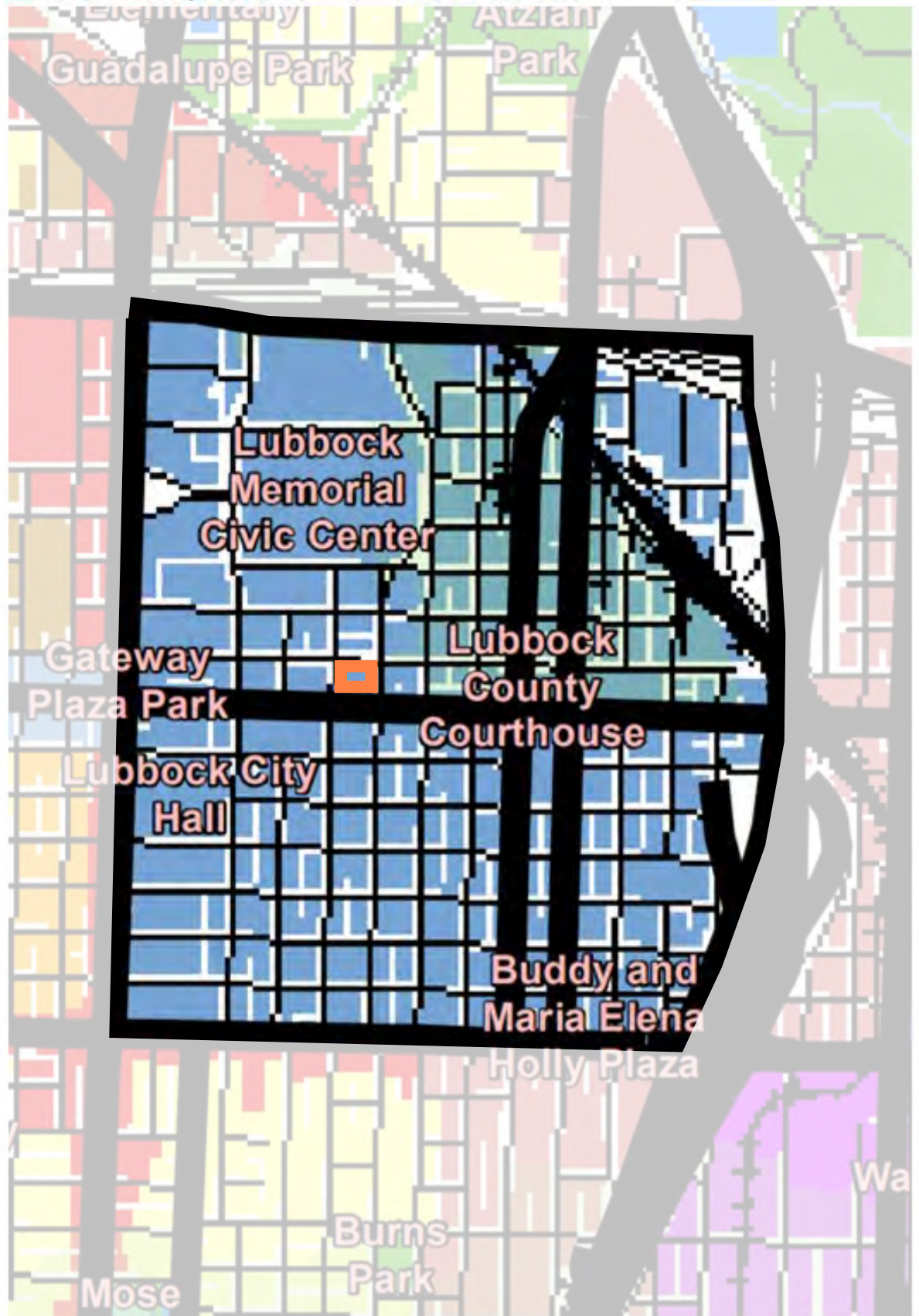


Downtown Lubbock Neighborhood Land Use Map

Downtown Lubbock Neighborhood



Metro Tower Lofts



INTERIM FUTURE LAND USE

- | | | | |
|----------------------------|-----------------------|-------------------------------------|--------------------|
| Low Density Residential | Commercial | Lubbock/Wolforth ETJ Agreement Line | Highway |
| Medium Density Residential | Industrial | Lubbock City Limits | Major |
| High Density Residential | Interstate Industrial | Outer Cities ETJ | Major Proposed |
| Parks | Interstate Commercial | Lakes | Outer Loop |
| Public/Semi-Public | Downtown | 1-Percent Flood Risk Zones (FEMA) | Canyon Lake Stream |
| Mixed Use | Floodplain | Surrounding Cities Approximate | |
| Office | | | |

Effective: February 1, 2015

Note: A comprehensive plan shall not constitute zoning district regulations or establish zoning district boundaries.





DP04

SELECTED HOUSING CHARACTERISTICS

2012-2016 American Community Survey 5-Year Estimates

Note: This is a modified view of the original table.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

A processing error was found in the Year Structure Built estimates since data year 2008. For more information, please see the errata note #110.

Subject	Census Tract 7, Lubbock County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
HOUSING OCCUPANCY				
Total housing units	491	+/-21	491	(X)
Occupied housing units	401	+/-49	81.7%	+/-9.4
Vacant housing units	90	+/-46	18.3%	+/-9.4
Homeowner vacancy rate	5.2	+/-6.9	(X)	(X)
Rental vacancy rate	24.2	+/-16.1	(X)	(X)
UNITS IN STRUCTURE				
Total housing units	491	+/-21	491	(X)
1-unit, detached	271	+/-42	55.2%	+/-8.0
1-unit, attached	4	+/-6	0.8%	+/-1.2
2 units	0	+/-13	0.0%	+/-7.3
3 or 4 units	36	+/-30	7.3%	+/-6.1
5 to 9 units	30	+/-27	6.1%	+/-5.4
10 to 19 units	63	+/-34	12.8%	+/-6.7
20 or more units	79	+/-44	16.1%	+/-9.0
YEAR STRUCTURE BUILT				
Total housing units	491	+/-21	491	(X)
Built 2014 or later	0	+/-13	0.0%	+/-7.3
Built 2010 to 2013	0	+/-13	0.0%	+/-7.3
Built 2000 to 2009	15	+/-17	3.1%	+/-3.4
Built 1990 to 1999	43	+/-25	8.8%	+/-5.0
Built 1980 to 1989	62	+/-37	12.6%	+/-7.4
Built 1970 to 1979	106	+/-25	21.6%	+/-5.1
Built 1960 to 1969	70	+/-37	14.3%	+/-7.7
Built 1950 to 1959	104	+/-46	21.2%	+/-9.5
Built 1940 to 1949	36	+/-30	7.3%	+/-6.2
Built 1939 or earlier	55	+/-37	11.2%	+/-7.6
HOUSING TENURE				
Occupied housing units	401	+/-49	401	(X)
Owner-occupied	238	+/-37	59.4%	+/-9.4
Renter-occupied	163	+/-50	40.6%	+/-9.4

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Households not paying cash rent are excluded from the calculation of median gross rent.

Telephone service data are not available for certain geographic areas due to problems with data collection of this question that occurred

THE METRO TOWER NEIGHBORHOOD CRIME

67 Vital Statistics. 5 Condition Alerts found.

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

8

(100 is safest) ⚡

Safer than 8% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	17	133	150
Crime Rate (per 1,000 residents)	7.94	62.15	70.09

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

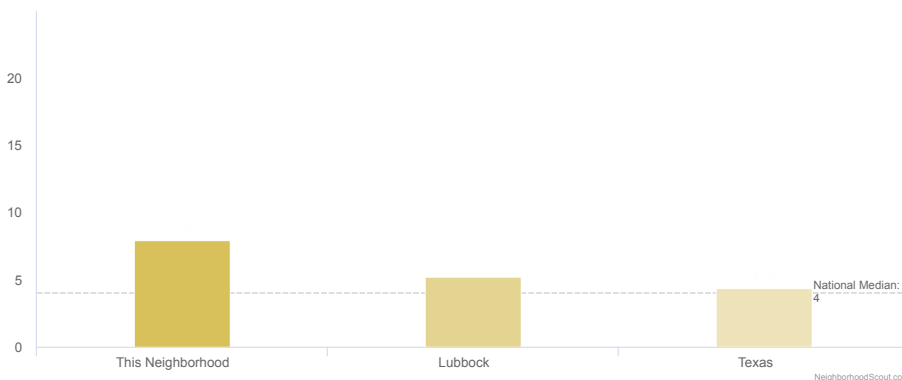
16

(100 is safest) ⚡

Safer than 16% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE			
MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
15	5	17	19
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME		
1 IN 126 ⚡	1 IN 191	1 IN 228
in this Neighborhood	in Lubbock	in Texas



Search

Texas Education Agency
2018 Accountability Ratings Overall Summary
GUADALUPE EL (152901161) - LUBBOCK ISD

	Component Score	Scaled Score	Rating
Overall		82	Met Standard
Student Achievement		67	Met Standard
STAAR Performance	39	67	
College, Career and Military Readiness Graduation Rate			
School Progress		85	Met Standard
Academic Growth	78	85	Met Standard
Relative Performance (Eco Dis: 97.3%)	39	75	Met Standard
Closing the Gaps	66	75	Met Standard

Distinction Designations

ELA/Reading	Earned
Mathematics	Earned
Science	Not Earned
Social Studies	Not Eligible
Comparative Academic Growth	Earned
Postsecondary Readiness	Earned
Comparative Closing the Gaps	Earned



Accountability Data Performance Participation Attendance and Graduation Postsecondary Readiness Profile KG Readiness Finance Data

Search

Texas Education Agency
2018 Accountability Ratings Overall Summary
CAVAZOS MIDDLE (152901062) - LUBBOCK ISD

	Component Score	Scaled Score	Rating
Overall		72	Met Standard
Student Achievement		56	Improvement Required
STAAR Performance	28	56	
College, Career and Military Readiness			
Graduation Rate			
School Progress		72	Met Standard
Academic Growth	67	72	Met Standard
Relative Performance (Eco Dis: 97.6%)	28	63	Met Standard
Closing the Gaps	36	72	Met Standard

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Earned
Comparative Academic Growth	Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Earned



Search

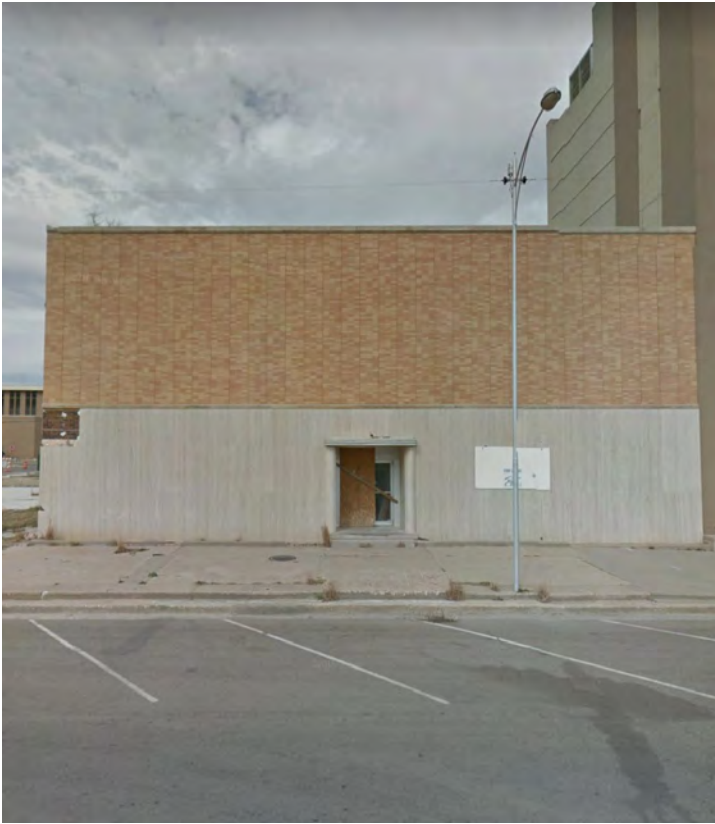
Texas Education Agency
2018 Accountability Ratings Overall Summary
LUBBOCK H S (152901022) - LUBBOCK ISD

	Component Score	Scaled Score	Rating
Overall		83	Met Standard
Student Achievement		85	Met Standard
STAAR Performance	50	77	
College, Career and Military Readiness	56	87	
Graduation Rate	98.3	95	
School Progress		76	Met Standard
Academic Growth	58	63	Met Standard
Relative Performance (Eco Dis: 38.6%)	53	76	Met Standard
Closing the Gaps	62	78	Met Standard

Distinction Designations

ELA/Reading	Earned
Mathematics	Earned
Science	Earned
Social Studies	Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Earned
Comparative Closing the Gaps	Not Earned

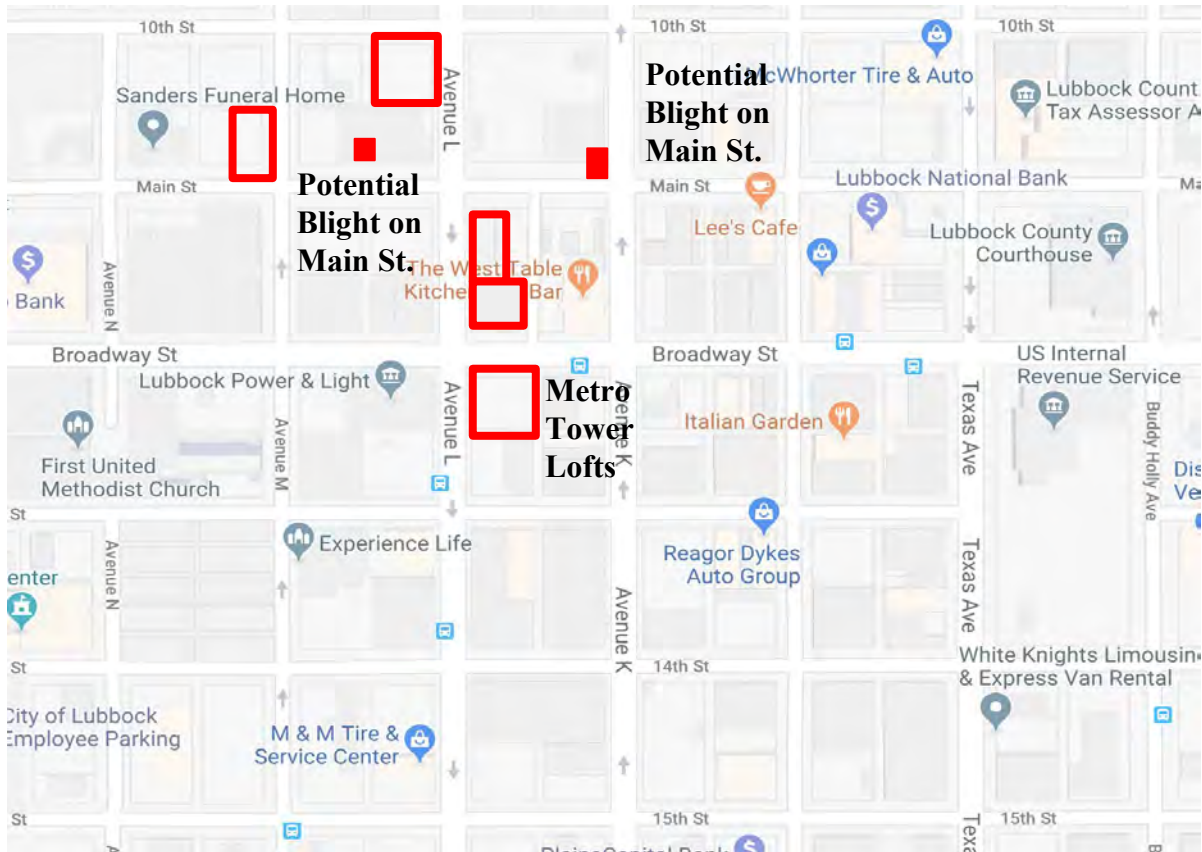
Potential Blight Assessment



Possible Blight #1: Vacant Business on Main St.



Possible Blight #2: Vacant Business on Main St



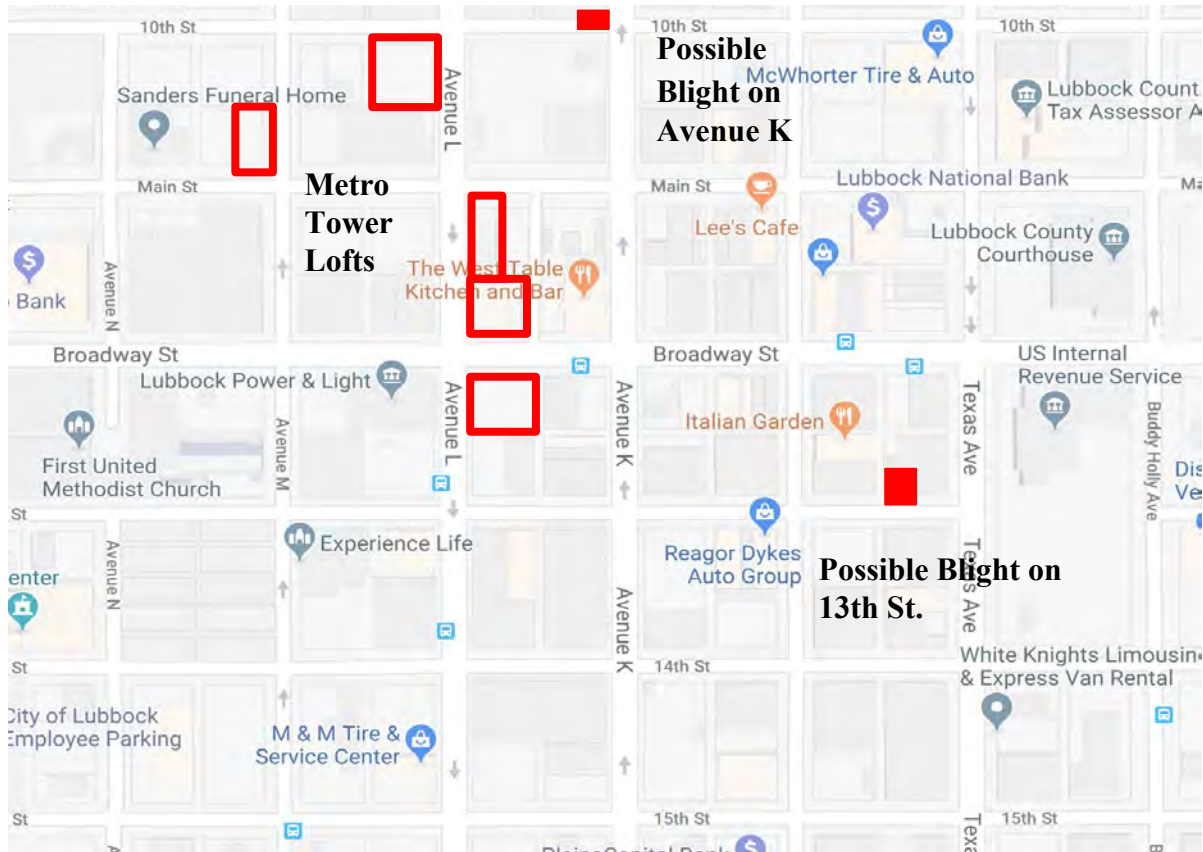
Potential Blight Assessment



Possible Blight #3: Vacant Business on Avenue K.



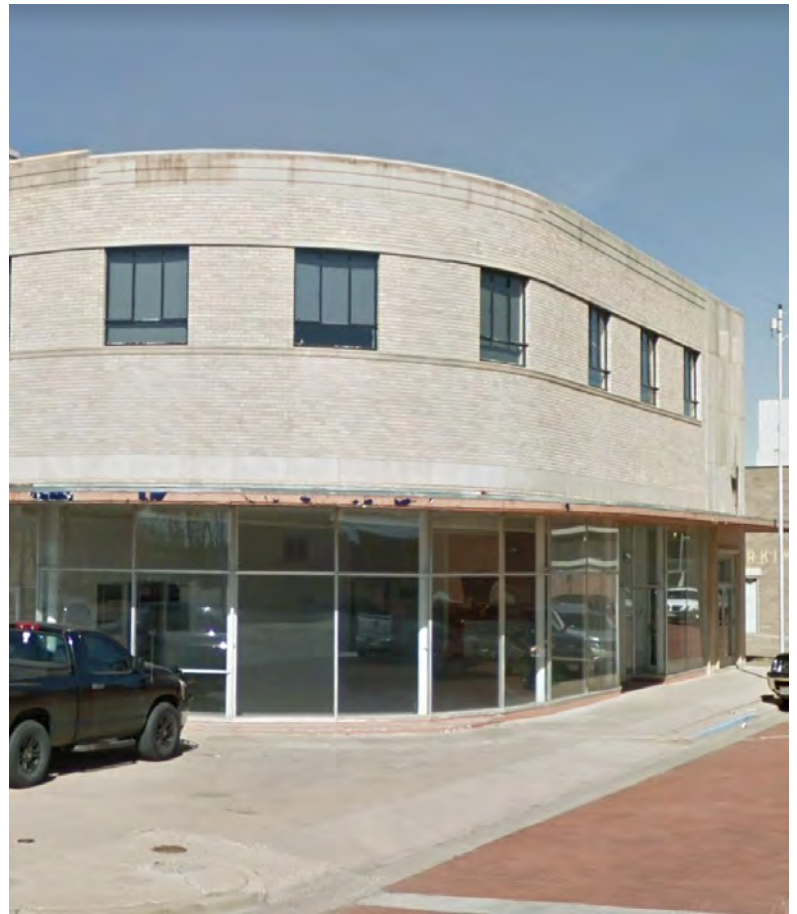
Possible Blight #4: Vacant Business on 13th St.



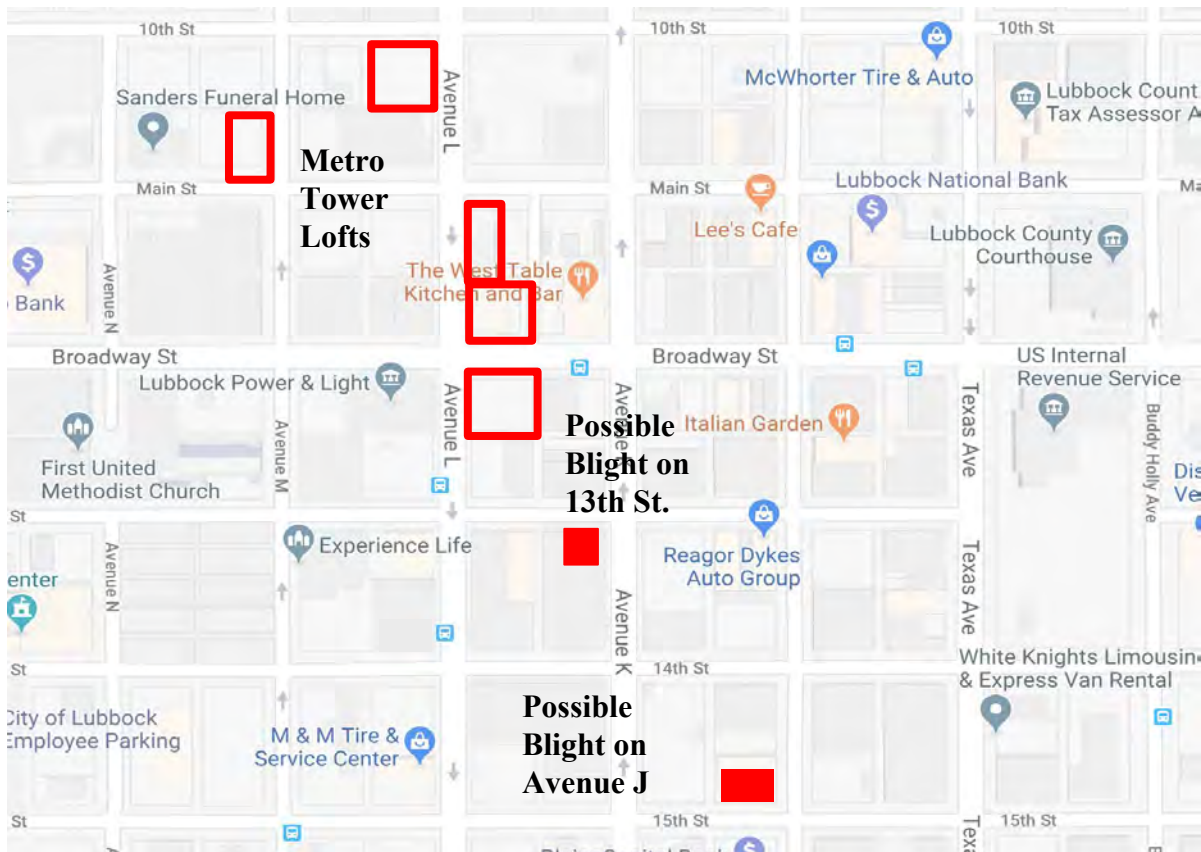
Potential Blight Assessment



Possible Blight #5: Vacant Business on 13th St.



Possible Blight #6: Vacant Business on Avenue J



Citizens Tower

The City of Lubbock purchased the former Citizens Bank building located at the intersection of 14th Street and Avenue K in downtown Lubbock, Texas. It is a concrete structure with 11 stories above grade, a basement, an adjacent 2 level annex, a 5 level concrete parking garage, a second basement below the parking lot southeast across the intersection and two connecting tunnels. The project scope consists of demolition of the parking garage and

convert to surface parking; renovation of the Citizens Bank building into the City of Lubbock's new Citizens Tower; and renovation/construction of a single story above the second basement. The tower and annex will house the majority of City Hall's departments and functions. The new single story and basement will house the Utility Customer Services Center.

This project marks the start of a revitalizing effort targeting future downtown re-development.

Occupancy Target Date of September 21, 2019

This project is budgeted at \$63 Million dollars.

From the City of Lubbock.



City Hall – 1625 13th Street

The City of Lubbock is currently renovating the Omni Building, now named Citizens Tower to move all City of Lubbock employees and offices into. This will leave multiple buildings vacant in downtown Lubbock. However, it has been announced that South Plains College, based in Levelland, will be renovating the City Hall building located at 1625 13th. This will be another campus for them and they are projecting to have approximately 2,500 students enrolled at this campus once the renovations are complete.



Alison Blalock, CCIM
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ablalock@westmarkcommercial.com



Karen Higgins, CCIM
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khiggins@westmarkcommercial.com



Buddy Holly Hall of Performing Arts and Science

This is a state-of-the-art performing arts facility that will feature 2 theaters, event space, a full service bistro and a ballet academy all under one roof. The construction budget of \$154 million will build this 220,000 sf campus.

- Helen DeVitt Jones Main Theater will seat 2,200 with a rise over four levels.
- The Crickets Studio Theater will be 24,225 SF designed with Lubbock ISD's needs in mind with 425 seats, concessions and lounge area, private entrance and a dedicated lobby.
- Multipurpose Event Room with 6,000 sub-dividable square feet functional for receptions, banquets, lectures, meetings and rehearsals
- Ballet Lubbock Pre-Professional Academy - 22,000 square-foot dance center, office and storage space
- Food and Dining space including a 2,500 square-foot commercial kitchen to accommodate all venue catering & a 2,000 square- foot Bistro with a 100-seat capacity
- Christine DeVitt Main Lobby
- Back stage

Buddy Holly hall is privately funded and owned by The Lubbock Entertainment and Performing Arts Association. Construction is well under way and projected opening will be in 2020.

Information from Lepaa.org



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Convention Center Hotel Project

Lubbock City Council has approved a new hotel development at the south west corner of Mac Davis Lane and Ave K by GRACO Development and TAJ Hospitality. Currently this land is excess Civic Center parking. The hotel will be operated by Marriot International and will have approximately 250 rooms with nearly 12,000 sf of meeting space. The hotel will have the main tower with additional space for a ballroom and

possibly retail space. With this new development, a multi-story parking garage will be included. The entire project is expected to cost \$76 million dollars. Currently ground breaking is expected to take place in the spring of 2020.

Cotton Court Hotel – 1610 Broadway

Brand new 169 room hotel development by Houston-based Valencia Group set to break ground in early 2019 and finish construction during the first half of 2020. The hotel will be constructed at 1610 Broadway, just west of the Wells Fargo Building in downtown Lubbock. The project will be built by Teinert Construction and is expected to have a total of 117,259 sf of space.



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Courthouse Lofts – 800 Broadway

This historic building in downtown Lubbock was built in 1932 as the original Lubbock Post Office and Federal building. It was purchased a few years ago and renovated into 23 unique apartments fully equipped with modern luxuries while maintaining the historical significance of the building with the original marble staircase, original doors, windows and gorgeous ceiling tile work. There are even 2 original walk-in safes that are now closets.

Pioneer Pocket Hotel

Lubbock's newest boutique hotel is located in the historic Pioneer building on Broadway. The Pioneer pocket hotel is a fully-automated hotel which is a first of its kind in Lubbock. Each suite is fully furnished and equipped with apple and android charging stations, free wifi, and reserved parking. There are 10 rooms and each room has a unique theme from the Legacy Suite, Historic Lubbock Suite, Pioneer Room, Chancellor's Suite and the Vineyard rooms are just a few.



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CITY GOVERNMENT

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PUBLIC PROJECTS

TRANSPARENCY

I WANT TO

Examples of Community Improvement Programs

PROGRAMS



Minor Rehabilitation Program

This program is designed to assist eligible homeowners with repairs to their home. The program will address codes issues and any health or safety concerns. Each case is handled on an individual basis and the needs of each property are assessed independently. This is a grant program so there is no payback for qualified participants. Open Enrollment periods are twice a year, in the spring and fall.



Heating & Cooling Repair

This program is designed to help qualified persons in obtaining repairs to *existing* heating or cooling units. Program is available to citizens living in Lubbock County. Priority is given to households where at least one person is elderly (60-years or older), disabled or a child age 5 or younger. To qualify, please contact [Neighborhood House](#) @ (806) 589-1907.

COMMUNITY DEVELOPMENT



PROGRAMS

The link below shows the Income Guidelines for all programs within the Community Development department.

- **Minor Rehabilitation program use income limits at 80%**
- Heating and/or Cooling repairs use the income limits under ESG guidelines.

The Major and Minor Rehabilitation Programs are available to eligible homeowners City-wide. However, per grant regulations, at least seventy-percent of all projects must be located within CDBG eligible areas.

[CDBG Low-Mod Income Eligible Areas- Map](#)

2018 INCOME GUIDELINES



PROGRAM INQUIRY FORM

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department_id === 1) {?>



Examples of Community Improvement Programs

PROGRAMS

PROGRAMS

Keep Lubbock Beautiful's programs include cleanups, beautification and education. These programs promote community improvement and stewardship and help conserve public and private green spaces throughout the city. Keep Lubbock Beautiful recognizes the power of partnerships between public and private sectors and these programs are made possible through such collaborations.

We are encouraging you and your volunteer groups to make a visible difference where you live by getting on board.

Participating groups include civic organizations, schools, and businesses - any group can cleanup litter and bulky items from alleys, parks, roadsides, bike trails, neighborhoods, playa and canyon lakes or beautify an area with planting trees and perennials.

CLEANUP PROGRAM

Keep Lubbock Beautiful will loan out to groups gloves, vests and litter abatement tools for a cleanup project. Trash bags will be provided for the litter.

BEAUTIFICATION PROGRAM

Keep Lubbock Beautiful supports a wide variety of community beautification efforts. When these efforts are sustained, the improvements can result in a community united with beautification as common purpose and transformations occur not only in the physical surroundings but an increased in community pride.

INTERESTED IN ANY OF OUR PROGRAMS?

See the [About Us](#) page, and reach out today! Together we can work to Keep Lubbock Beautiful!

KEEP LUBBOCK BEAUTIFUL



PROGRAMS



About

10 on Tuesday is an anti-litter program that originated in 2012 from the North Texas region. The goal of the program is to promote and engage the community to decrease the amount of trash.

Trash. Litter. Garbage. Rubbish. Debris. Waste.

Whatever you want to call it – you will find it all around us.

What can you do?

Get involved by making a pledge to remove 10 pieces of litter every Tuesday. Any individual citizen or business can be part of the solution. We want to educate and raise awareness with our citizens to become more conscious of keeping our city litter-free. One person, one business, one organization can positively affect the behavior of others in our communities. Your action will help conserve natural resources and keep our community clean. Pitch in and put trash in its place.

You can also take certain recyclable litter, and dispose of them in any City of Lubbock Recycling Citizen Convenience Centers.

PLEDGE FORMS

INDIVIDUAL PLEDGE

BUSINESS/ORGANIZATION
PLEDGE

SCHOOL/CLASSROOM PLEDGE

Remove Litter. Prevent Litter. Recycle Right.

Make your pledge NOW.

We need partners like you to take the pledge and pick up 10 pieces of litter every week.

Find information regarding litter in Keep America Beautiful (KAB), 2009 Executive Summary by clicking [here](#). 

KEEP LUBBOCK BEAUTIFUL



PROGRAMS



CIGARETTE LITTER PREVENTION

Cigarette Litter - BUTT, They're So Small!

There are people who would never think of littering; however, they think nothing of flipping a cigarette butt out of a window or on the ground. Cigarettes butts might be small, but they are mighty when it comes to the dangers they pose to the environment.

Did you know that cigarettes are the most littered item in America?

They represent nearly 30% of the items documented in nationwide clean-up initiatives. Cigarette filters are made of cellulose acetate fibers and not cotton. Cigarette butts are not biodegradable. It can take years, for fibers to decay into a plastic powder that can not be seen. Butts have a lasting and negative impact on the environment.

Several trillion cigarette butts are casually flicked onto streets, parking lots, sidewalks, lakes and beaches annually. Typically, wind and rain carry these filters by way of ditches and sewer systems into the earth's water supply. The water we drink!

Cigarette butts discarded while still burning have caused numerous grass and forest fires. Hundreds of people in the United States die each year in fires started by cigarettes, and a few thousand individuals are injured. This is a great concern in Lubbock, especially during periods of drought.

Be environmentally responsible by properly disposing your cigarette butts in an ashtray or receptacle.

Give your cigarette butts a proper burial.

Don't Flick It, Stick It

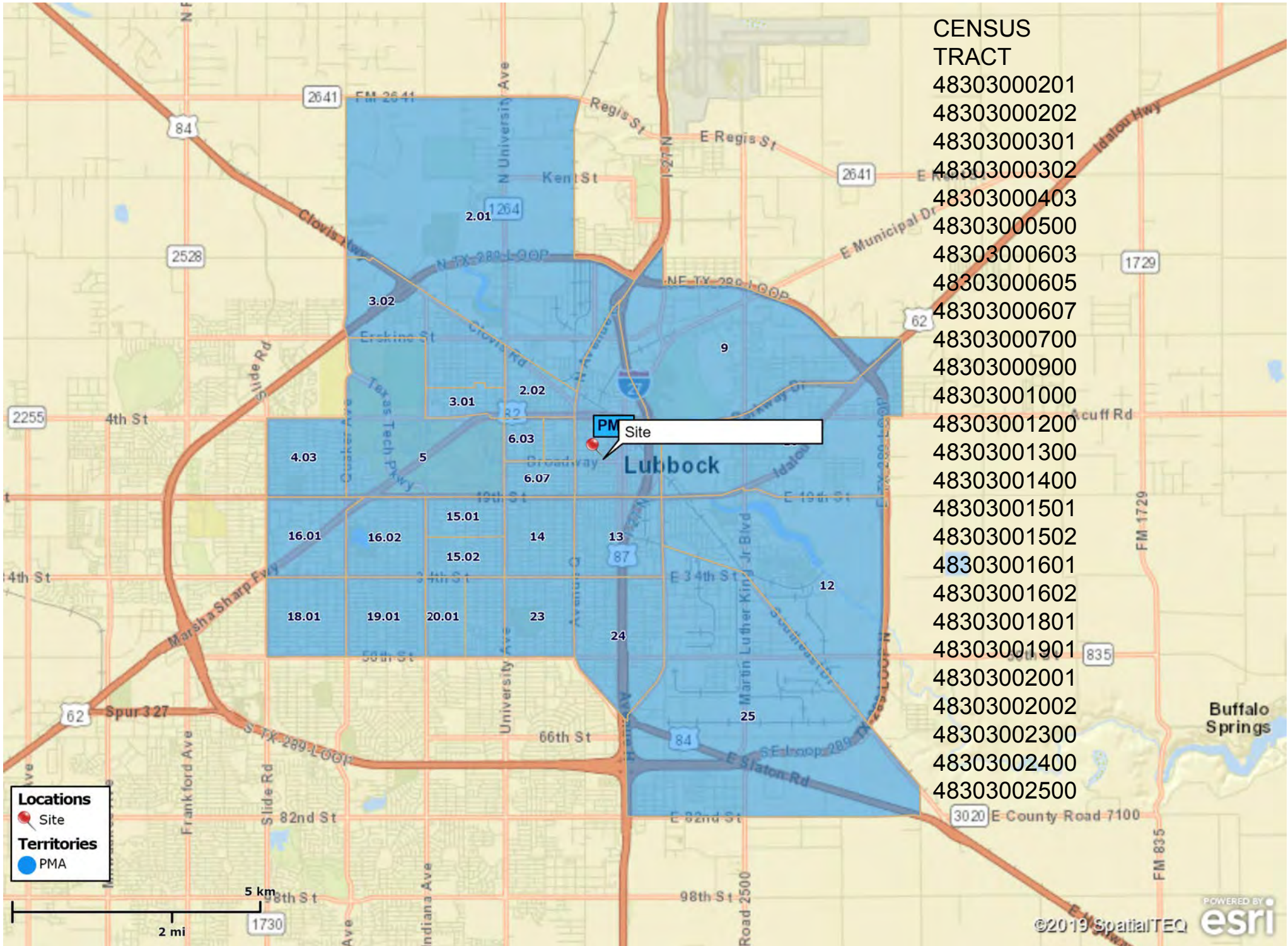
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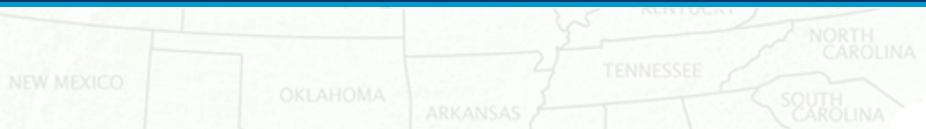
view upcoming
EVENTS



PMA MAP-METRO LOFTS- LUBBOCK, TX



- CENSUS TRACT
- 48303000201
 - 48303000202
 - 48303000301
 - 48303000302
 - 48303000403
 - 48303000500
 - 48303000603
 - 48303000605
 - 48303000607
 - 48303000700
 - 48303000900
 - 48303001000
 - 48303001200
 - 48303001300
 - 48303001400
 - 48303001501
 - 48303001502
 - 48303001601
 - 48303001602
 - 48303001801
 - 48303001901
 - 48303002001
 - 48303002002
 - 48303002300
 - 48303002400
 - 48303002500



B01003

TOTAL POPULATION

Universe: Total population

2012-2016 American Community Survey 5-Year Estimates

Note: This is a modified view of the original table.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

Total Population in all of the census tracts in the Primary Market Area: 95,972

		Total
Census Tract 2.01, Lubbock County, Texas	Estimate	1,823
Census Tract 2.02, Lubbock County, Texas	Estimate	1,913
Census Tract 3.01, Lubbock County, Texas	Estimate	3,921
Census Tract 3.02, Lubbock County, Texas	Estimate	6,962
Census Tract 4.03, Lubbock County, Texas	Estimate	3,902
Census Tract 5, Lubbock County, Texas	Estimate	8,106
Census Tract 6.03, Lubbock County, Texas	Estimate	3,216
Census Tract 6.05, Lubbock County, Texas	Estimate	942
Census Tract 6.07, Lubbock County, Texas	Estimate	2,376
Census Tract 7, Lubbock County, Texas	Estimate	1,172
Census Tract 9, Lubbock County, Texas	Estimate	4,790
Census Tract 10, Lubbock County, Texas	Estimate	3,450
Census Tract 12, Lubbock County, Texas	Estimate	2,613
Census Tract 13, Lubbock County, Texas	Estimate	3,057
Census Tract 14, Lubbock County, Texas	Estimate	5,759
Census Tract 15.01, Lubbock County, Texas	Estimate	2,577
Census Tract 15.02, Lubbock County, Texas	Estimate	2,208
Census Tract 16.01, Lubbock County, Texas	Estimate	2,448
Census Tract 16.02, Lubbock County, Texas	Estimate	3,343
Census Tract 18.01, Lubbock County, Texas	Estimate	6,083
Census Tract 19.01, Lubbock County, Texas	Estimate	5,118
Census Tract 20.01, Lubbock County, Texas	Estimate	2,393
Census Tract 20.02, Lubbock County, Texas	Estimate	2,994
Census Tract 23, Lubbock County, Texas	Estimate	4,764
Census Tract 24, Lubbock County, Texas	Estimate	7,429
Census Tract 25, Lubbock County, Texas	Estimate	2,646

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Affordable Housing Developments that are in the Primary Market Area

Name of Development	Year of Award	LIHTC Units	Population Served
Cameron Court (Windcrest Village)	1996	208	General
Madison Park (fka Estacado Village)	1997	208	General
Cantibury Pointe	2001	108	General
Castle Garden Apartments	2002	152	General
Park Meadows Villas	2003	100	General
Greenfair Park Apartments	2006	120	General
Hillcrest Manor Senior Community	2006	200	Elderly
Stone Hollow Village	2004 and 2007	112	General
Emory Senior Village Apts)	2009	102	Elderly
Guadalupe Villas	2018	108	Elderly

Total LIHTC Units: 1418

Total General Units: 1008



The Courthouse Lofts



VACANCIES

SORT BY Most Recent

SHOW MAP FILTER

All available listings



RENT	SQUARE FEET	BED / BATH
\$1,250	1,078	2 bd / 2 ba

Schwab Safe Room

800 Broadway Street - 301, Lubbock, TX 79401 Map

Available within 2 weeks of approved application. Nothing is more unique to this building than the original 1931 Schwab built in safe that is now your bedroom closet! Additionally, this corner unit has 5 windows and convenient access to the main stairwell and elevator. No shortage of originality here!

This beautifully preserved historical renovation features all of the comforts of modern li...

Amenities: Refrigerator, Stove, Dishwasher, disposal, Washer & Dryer, Window Coverings, Central Heating & Air, All Electric

View Details Apply Now



RENT	SQUARE FEET	BED / BATH	AVAILABLE
\$1,275	1,257	2 bd / 1 ba	NOW

Freight Elevator Suite

800 Broadway Street - 103, Lubbock, TX 79401 Map

Huge price improvement! This 2 bedroom unit features what is the largest living area in the entire building! If that were not enough this room also houses the original freight elevator that brings the rustic charm of this building to life. Tall ceilings, black paver tiles, and the well-appointed kitchen make it home!

This beautifully preserved historical renovation features all of the comf...

Amenities: Refrigerator, Stove, Dishwasher, disposal, Washer & Dryer, Window Coverings, Central Heating & Air, All Electric

View Details Apply Now



RENT	SQUARE FEET	BED / BATH	AVAILABLE
\$925	640	1 bd / 1 ba	NOW

Sorting Room 3

800 Broadway Street - 106, Lubbock, TX 79401 Map

Huge price improvement! This shotgun style room is in the heart of what was originally the Lubbock Post Office mail sorting area. If you are looking to live in a part of history, then this room is for you! The tall ceiling and black paver flooring invite you in as the warm light beaming through the windows to the entry foyer make you feel right at home.

This beautifully preserved historica...

Amenities: Refrigerator, Stove, Dishwasher, disposal, Washer & Dryer, Window Coverings, Central Heating and Air, All Electric

View Details Apply Now



RENT	SQUARE FEET	BED / BATH	AVAILABLE
\$1,000	672	1 bd / 1 ba	NOW

Sorting Room 4

800 Broadway Street - 107, Lubbock, TX 79401 Map

This shotgun style room is in the heart of what was originally the Lubbock Post Office mail sorting area. If you are looking to live in a part of history, then this room is for you! The tall ceiling and black paver flooring invite you in as the warm light beaming through the windows to the entry foyer make you feel right at home.

This beautifully preserved historical renovation features all...

Amenities: Refrigerator, Stove, Dishwasher, disposal, Washer & Dryer, Window Coverings, Central Heating & Air, All Electric

View Details Apply Now



RENT	SQUARE FEET	BED / BATH	AVAILABLE
\$900	618	1 bd / 1 ba	NOW

Cozy Frontage Unit

800 Broadway Street - 302, Lubbock, TX 79401

This step saving unit is perfect for those looking to be comfortably nestled on the top floor of this distinguished building. Overlooking the city street below, the 3 large windows in the living room will give you a splendid view of the South end of downtown Lubbock. Beautiful hardwoods, original woodwork, natural light, and an economical price mean this one will not last long!

This beautifu...

Amenities: Refrigerator, Stove, Dishwasher, disposal, Washer & Dryer, Window Coverings, Central Heating & Air, All Electric

View Details Apply Now



RENT	SQUARE FEET	BED / BATH	AVAILABLE
\$2,800	3,038	4 bd / 2.5 ba	NOW

The Courtroom

800 Broadway Street - 304, Lubbock, TX 79401

Huge price improvement! What is certainly the most unique space at The Courthouse Lofts belongs to this namesake unit. This unit was originally the Federal Courtroom that heard many cases throughout its lifetime. Marble surrounds and simple classical pediments frame two pairs of raised entry doors with brass knobs and plates. A paneled wainscot of stained white oak encircles the room standing ...

Amenities: Refrigerator, Stove, Dishwasher, disposal, Washer & Dryer, Window Coverings, Central Heating & Air, All Electric

View Details Apply Now



The Courthouse Lofts

CONTACT US

- (806) 776-4295
- (806) 776-4246
- justin@locationrentals.net
- 800 Broadway St. Lubbock, TX 79401

PROFESSIONALLY MANAGED BY:



ASSOCIATIONS & AFFILIATIONS



CITY STREET LOFTS

Home
Available Properties
Contact Information

Available Now

Click on Each Address for More Information

[1601 Ave J #1615](#)

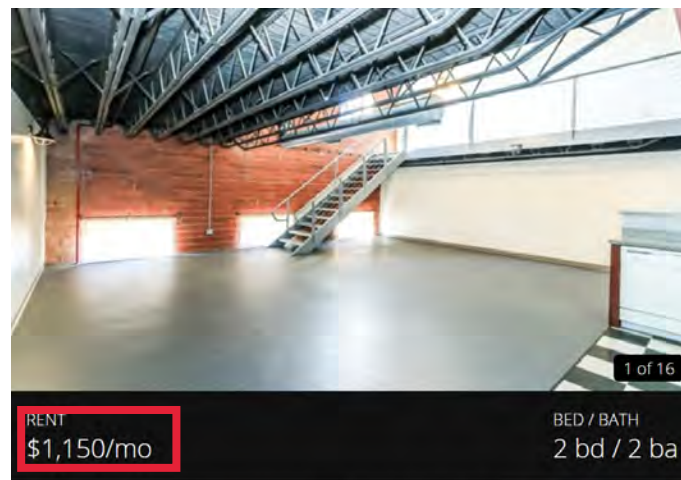
[1414 Texas Ave #1A](#)

[1414 Texas Ave #4A](#)

[1414 Texas Ave #7B](#)

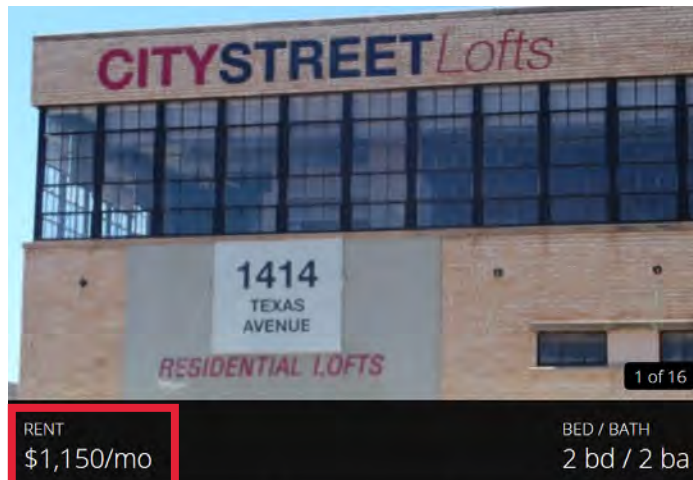


Available Units at City Street Lofts



BED / BATH
2 bd / 2 ba

1 of 16



RENT
\$1,150/mo

BED / BATH
2 bd / 2 ba

1 of 16



BED / BATH
1 bd / 1 ba

1 of 12

1414 Texas Ave - 1A, Lubbock, TX 79401 [MAP](#)

2 bd, 2 ba, 1,774 Sq. Ft. | Available Now

1414 Texas Ave - 4A, Lubbock, TX 79401 [MAP](#)

2 bd, 2 ba, 1,585 Sq. Ft. | Available Now

1414 Texas Ave - 7B, Lubbock, TX 79401 [MAP](#)

1 bd, 1 ba, 900 Sq. Ft. | Available Now

City Street Lofts-One of a Kind Property in the Heart of Downtown!

Amenities

- Refrigerator
- Stove
- Dishwasher
- Washer & Dryer Connections
- Central Heating and Air
- Window Coverings

Rental Terms

- Rent: \$1,150
- Application Fee: \$35
- Security Deposit: \$700
- Available Now

Pet Policy

- Cats not allowed
- Dogs not allowed

Every spacious loft has its own distinctive personality! Located downtown near the historical Depot District at 1414 Texas Avenue, each loft offers a fully equipped kitchen, washer and dryer connections and central heat and air. City Street Lofts provides residents with a fitness center and basic cable services included. Roommates considered. Sorry, but no pets allowed.

Share this listing:



City Street Lofts-One of a Kind Property in the Heart of Downtown!

Amenities

- Refrigerator
- Stove
- Dishwasher
- Washer & Dryer Connection
- Central Heating and Air
- Window Coverings

Rental Terms

- Rent: \$1,150
- Application Fee: \$35
- Security Deposit: \$700
- Available Now

Every spacious loft has its own distinctive personality! Located downtown near the historical Depot District at 1414 Texas Avenue, each loft offers a fully equipped kitchen, washer and dryer connections and central heat and air. City Street Lofts provides residents with a fitness center, with water and basic cable services included. Residents may reserve a parking spot in the parking garage for \$25 per month, pending availability. Roommates considered. Sorry, but no pets allowed.

Share this listing:



City Street Lofts-One of a Kind Property in the Heart of Downtown!

Amenities

- Refrigerator
- Stove
- Dishwasher
- Washer & Dryer Connection
- Central Heating and Air
- Window Coverings

Rental Terms

- Rent: \$850
- Application Fee: \$35
- Security Deposit: \$500
- Available Now

Every spacious loft has its own distinctive personality! Located downtown near the historical Depot District at 1414 Texas Avenue, each loft offers a fully equipped kitchen, washer and dryer connections and central heat and air. City Street Lofts provides residents with a fitness center, with water and basic cable services included. Residents may reserve a parking spot in the parking garage for \$25 per month, pending availability. Roommates considered. Sorry, but no pets allowed.

Share this listing:



Pioneer Condos ★

(806) 429-0600

Address

1204 Broadway
Lubbock, Texas 79401
[See in Google Maps](#)

Property Details

The Pioneer Hotel was built in 1925 when Lubbock was experiencing a housing boom. It was Lubbock's first premier hotel that was used to host civic functions, major events and other celebrations. The original structure housed a lobby, ballroom, management offices, retail spaces and dining establishments. Built in the Renaissance Revival architecture style, Hotel Lubbock, later called the Pioneer Hotel, is one of a handful of remaining early pre-World War II major buildings left in the city. McDougal Companies purchased the hotel in May 2005 and will be restoring the exterior and first floor to their original glory and constructing offices and condominiums on the remaining floors. The condominiums will range in size from 1,090 to 2,648 square feet and are available for purchase.

Availability & Pricing

NAME	BEDROOMS	BATHROOMS	SQ. FOOT	PRICE	VACANCIES as of 02/05/2019	FLOOR PLANS
1A	1	1	890	\$1068-\$1113	Yes	
1B	1	1	915	\$1098-\$1144	Yes	
1C	1	1	1135	\$1249-\$1305	Yes	
1D	1	1	1480	\$1702-\$3250	Yes	
2A	2	2	1222	\$1344-\$1528	Yes	
2B	2	2	1615	\$1938-\$2019	Yes	
2C	2	2	1687	\$2024-\$2109	Yes	
3A	3	2	2496	\$2870-\$3000	Yes	

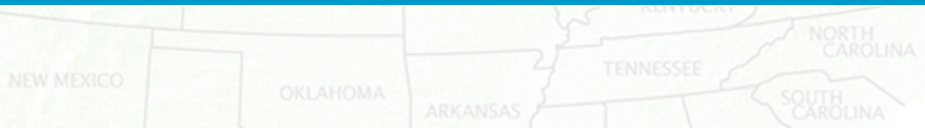
Features

Common Amenities

- Handicap Accessible
- Gated Entry
- Covered Parking
- Emergency Maintenance
- Non-smoking
- Cable Ready
- Central Air/Heat
- Microwave Oven
- Refrigerator
- Dishwasher
- Washer/Dryer
- Washer/Dryer Connections
- Walk-In Closets
- Faux Wood Flooring
- Handicap Accessible

Special Features

No special features listed



B19013

MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)

Universe: Households

2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Census Tract 7, Lubbock County, Texas		Lubbock, TX Metro Area; Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Median household income in the past 12 months (in 2016 inflation-adjusted dollars)	39,531	+/-10,220	46,632	+/-669

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.



B19001 HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)
 Universe: Households
 2012-2016 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

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175 out of 401 households = 43.6% of Households earning incomes equal to or greater than the median household income in the MSA

	Census Tract 7, Lubbock County, Texas		Lubbock, TX Metro Area; Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	401	+/-49	113,291	+/-1,106
Less than \$10,000	28	+/-25	10,092	+/-611
\$10,000 to \$14,999	45	+/-29	6,016	+/-556
\$15,000 to \$19,999	15	+/-10	6,085	+/-587
\$20,000 to \$24,999	12	+/-20	6,903	+/-610
\$25,000 to \$29,999	11	+/-9	7,009	+/-596
\$30,000 to \$34,999	58	+/-36	6,240	+/-655
\$35,000 to \$39,999	33	+/-22	6,326	+/-609
\$40,000 to \$44,999	24	+/-19	5,585	+/-522
\$45,000 to \$49,999	11	+/-18	6,256	+/-606
\$50,000 to \$59,999	18	+/-15	9,530	+/-686
\$60,000 to \$74,999	34	+/-29	10,344	+/-695
\$75,000 to \$99,999	71	+/-35	12,423	+/-693
\$100,000 to \$124,999	20	+/-15	7,760	+/-581
\$125,000 to \$149,999	12	+/-16	4,324	+/-420
\$150,000 to \$199,999	9	+/-10	4,024	+/-430
\$200,000 or more	0	+/-13	4,374	+/-473

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

Total Jobs earning up to \$40,000 within 1 mile of Metro Tower Lofts

OnTheMap

LEHD Home [Help](#) and [Documentation](#) [Reload](#) [Text-Only](#)

Start Base Map Selection Results

Save Load Feedback Previous Extent Hide Tabs

Hide Chart/Report

Work Area Profile Analysis

Workers Earning \$1,251 to \$3,333 per month

Display Settings

Characteristic Filter Total

Year 2015

Map Controls

Color Key

- Thermal Overlay
- Point Overlay
- Selection Outline

Identify Zoom to Selection

Clear Overlays Animate Overlays

Report/Map Outputs

Detailed Report

Export Geography

Print Chart/Map

Legends

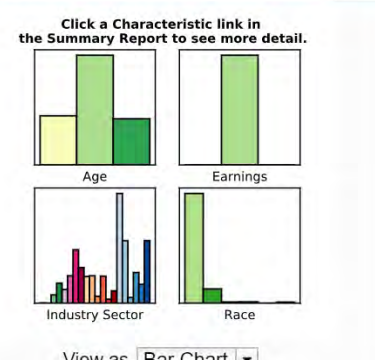
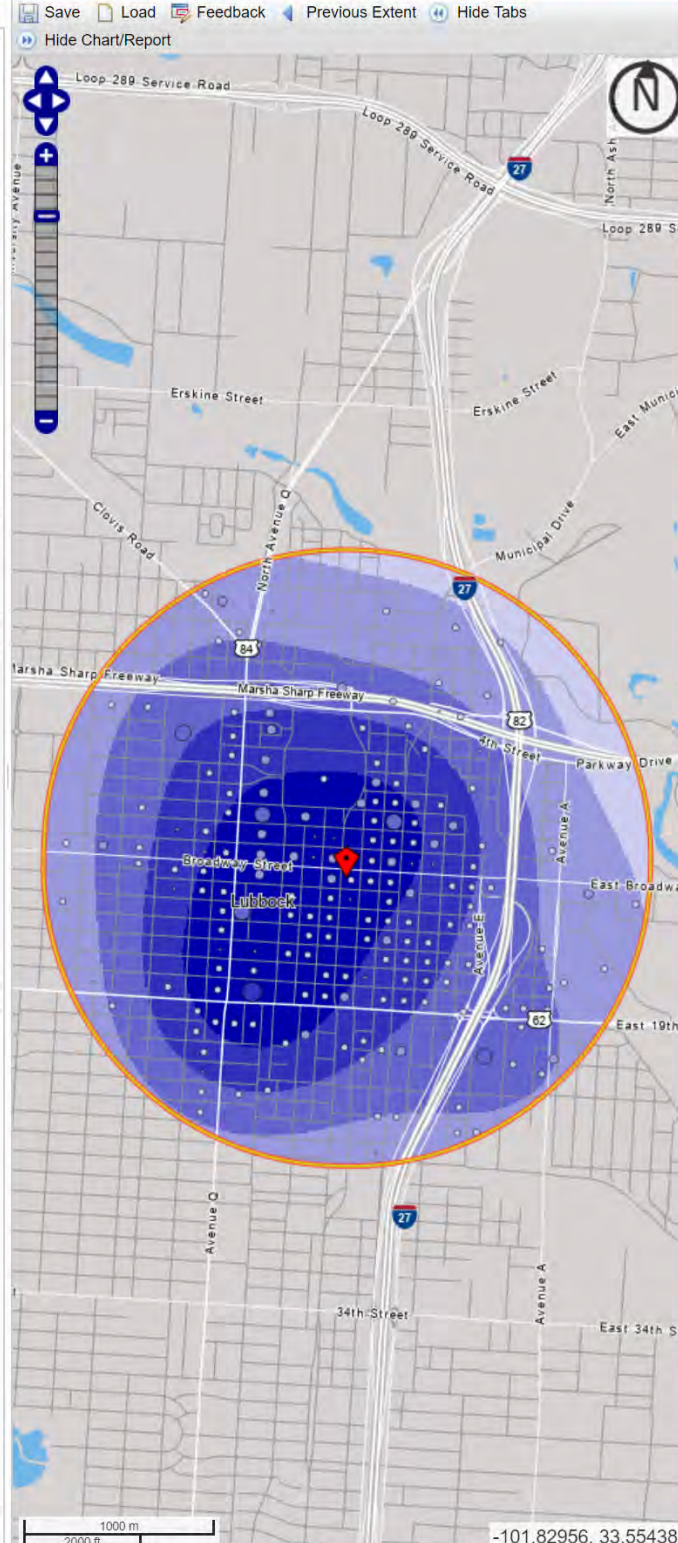
- 5 - 215 Jobs/Sq.Mile
- 216 - 845 Jobs/Sq.Mile
- 846 - 1,895 Jobs/Sq.Mile
- 1,896 - 3,366 Jobs/Sq.Mile
- 3,367 - 5,257 Jobs/Sq.Mile

- 1 - 2 Jobs
- 3 - 30 Jobs
- 31 - 152 Jobs
- 153 - 478 Jobs
- 479 - 1,167 Jobs

Analysis Selection

Analysis Settings

[Change Settings](#)



Total All Jobs

	2015 Count	Share
Total All Jobs	6,012	100.0%

Worker Age

	2015 Count	Share
Age 29 or younger	1,441	24.0%
Age 30 to 54	3,217	53.5%
Age 55 or older	1,354	22.5%

Earnings

	2015 Count	Share
\$1,250 per month or less	0	0.0%
\$1,251 to \$3,333 per month	6,012	100.0%
More than \$3,333 per month	0	0.0%

NAICS Industry Sector

	2015 Count	Share
Agriculture, Forestry, Fishing and Hunting	3	0.0%
Mining, Quarrying, and Oil and Gas Extraction	1	0.0%
Utilities	90	1.5%
Construction	218	3.6%
Manufacturing	148	2.5%
Wholesale Trade	298	5.0%
Retail Trade	581	9.7%
Transportation and Warehousing	387	6.4%
Information	290	4.8%
Finance and Insurance	298	5.0%
Real Estate and Rental and Leasing	75	1.2%
Professional, Scientific, and Technical Services	294	4.9%
Management of Companies and Enterprises	43	0.7%
Administration & Support, Waste Management and Remediation	134	2.2%
Educational Services	1,193	19.8%
Health Care and Social Assistance	679	11.3%
Arts, Entertainment, and Recreation	62	1.0%
Accommodation and Food Services	333	5.5%
Other Services (excluding Public Administration)	205	3.4%
Public Administration	680	11.3%



Police Department

P.O. Box 2000
Lubbock, Texas 79457
(806) 775-2759
FAX: (806)-775-2662

2/27/2019

Jacob Mooney, Metro Tower Housing Partners, LP
10777 Barkley St., Suite 140
Overland Park, Kansas 66211

Dear Sir:

I am Jerry Brewer, Assistant Chief of Police for the Lubbock Police Department. I am responsible for the Field Services Division (Patrol), Investigations Division and Special Operations Division of the Department. I am very familiar with the activity in and around the downtown Lubbock area, including the area near the Metro Tower on Broadway Street. I have been asked to provide comments to you regarding six possible blighted structures you identified near Metro Tower. Structures #1, #2, and #3 are vacant. Structures #4, #5 and #6 have been refurbished and in use or in the process of being rehabilitated for use. After reviewing police records, I find no abnormal criminal activity, vandalism, or problems with homeless or vagrants for the identified sites, or any reason to be overly concerned about the safety of residents in the community. We constantly monitor the downtown area for trends and tendencies, and will continue to do so in the future.

The Lubbock Police Department has a multifaceted, intelligence led and problem-oriented policing approach to the prevention and mitigation of crime in the Lubbock community.

Starting with our Field Services Division (Patrol), we regularly review and update our beats and zones to accommodate any growing or reducing crime trends. As crime increases we make the beats smaller to ensure quicker response and a more visible presence. We currently have the city divided into two sectors (north and south). The captain over each sector works with his/her command staff and first line supervisors to address sudden upticks in criminal activity with increased manpower and directed patrols until the problem is resolved. They attend community meetings and have full authority to work with other city departments such as Codes and the Fire Marshal's office to address problems such as dilapidated housing where illicit drug activity is occurring or excessive disturbances at a bar due to overcrowding. In the case of multifamily developments, they work with those owners/managers who are having problems with non-tenants in the area using criminal trespass laws and community services. An example is the Homeless Outreach Team. In partnership with social service organizations (Star Care, Carpenter's Church, Adult Protective Services, Veterans Resource Group) the team purposely engage the homeless population to get them appropriately housed and minimize those that camp out at any given business or nearby park. There is also a dedicated squad of officers assigned to the downtown Lubbock area as well that regularly engage with business and community members in the area to address and check for a variety of problems that may arise including homelessness in vacant buildings.

The LPD is in the process of adding an East sector. Because one area of town has different community concerns than another, the LPD is currently in the process of decentralizing and will be building substations in the three different sectors of the city (North, South and East). In effect, each substation will be that sector's own police department addressing problems important to that particular community. It is expected the deputy chief in charge of that substation will be meeting with community leaders and groups regularly and will focus the resources of his substation to the concerns and problems of the community. All the substations should be up and running within the next three years.

Our Investigation Services Division contributes to our strategy as well. We have Burglary Suppression units proactively target known property crime offenders, set up stings and use other investigative methods to identify and capture the offenders when a sudden flare up of property crimes occur in a given area. They recover millions of dollars of property each year and keep habitual offenders off the street. Our Special Operations Division targets narcotics and prostitution activities that occur in residential and multi-family dwellings. They coordinate with Field Services and the Lubbock County D.A.'s office to address nuisance properties. An example is when the Villa Town Motel on South Ave. Q Drive was shut down due to the escalating drug, prostitution and violent crime activity. The detectives within Investigation Services routinely share information with patrol officers on suspects and their methodology to give the patrol officers more awareness. We have investigators assigned to various task forces including the Drug Enforcement Administration, the Federal Bureau of Investigation, the U.S. Marshal's Service, the Bureau of Alcohol Tobacco Firearms and Explosives (ATF), and the Texas Anti-Gang Center. Detectives have board seats with Voices of Hope (Rape Crisis), Children's Advocacy Center and the Sexual Assault Nurse Examiners program among others. Detectives routinely work with Child Protective Services and the Lubbock Victim Services Coordinator.

The Bureau of Support Services contributes to the strategy with the Community Intelligence Unit (CIU) and Public Relations Unit (PRU). The CIU is in the midst of changing to a better crime mapping program which will show the public and our officers what particular crimes are being reported in their neighborhood. The CIU does several hundred crime prevention presentations each year to businesses and community groups. The analysts in CIU provide crime trend data to the public and to members of the Department to assist in crime reduction strategies. The PRU works with all the bureaus to release information and solicit assistance about particular crimes, highlight successes of community assistance and to announce community events. The PRU also interacts with citizens on social media platforms and reports actionable information to the other divisions in the Department. To further engage the community and promote the idea of a partnership, the PRU has implemented and promoted a "Safe Cam" program. It allows for the citizens and businesses to register their camera systems with the LPD.

Although the LPD would not have direct access to the cameras, the investigator would have a list of registrants that he/she can contact to retrieve video evidence that might be helpful in the investigation of a nearby crime. Additionally, the LPD has partnered with Ring video camera systems and the neighborhood portal to share information on crimes in subscriber neighborhoods. The City has adopted an information distribution platform called "Lubbock Alert" that allows for immediate information to a particular geographic area of major incidents such as a power outage or a large scale police response.

The above strategies and partnerships with the community are what we believe continually improves the perception and contributes to the reality of Lubbock being a safe community to reside.

Sincerely,



Jerry D. Brewer, Assistant Chief of Police

JDB

19132
Village at Boyer

Neighborhood Risk Factors Report Packet

-

Potential Blight



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11.8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # 19132 Development Name Village at Boyer

Application Disclosure: Application # 19132 Development Name Village at Boyer

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

Please see the attached documentation, regarding mitigation of the above referenced Neighborhood Risk Factor. Additional neighborhood information is included in the Market Study.
The unchecked boxes above have been left unchecked because they are not specific to this Neighborhood Risk Factor.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

Potential Blight
Disclosure Letter



Empowering families for nearly 25 years

by providing safe, high-quality, affordable housing

and support services.

February 22, 2019

Mr. David Cervantes
Acting Director
Texas Department of Housing and Community Affairs
Low-Income Housing Tax Credit Program
221 East 11th Street
Austin, Texas 78701

Re: TDHCA No. 19132 – Village at Boyer, San Antonio, TX

Dear Mr. Cervantes,

I am writing on behalf of the proposed development, Village at Boyer, to disclose any potential blight as a neighborhood risk factor in accordance with the Qualified Allocation Plan §11.101(3)(A) Neighborhood Risk Factors. After visiting and photographing the area within a 1,000-foot radius of the proposed development site there were six (6) structures identified which have the possibility of being regarded as blight on October 25, 2018. The structures include three single family houses, one commercial business, one San Antonio Independent School District (SAISD) facility, and one planned mixed-use development (See Questionable Properties attachment).

The QAP states that, *“In order to be considered as an eligible Site despite the presence of such neighborhood risk factor, an Applicant must demonstrate actions being taken that would lead a reader to conclude that there is a high probability and reasonable expectation the risk factor will be sufficiently mitigated or significantly improved within a reasonable time, typically prior to placement in service, and that the risk factor demonstrates a positive trend and continued improvement”*.

There are many positive trends and improvements occurring in the area surrounding the proposed development site and the questionable properties referenced in this letter, were they to be considered “blight”, are likely to be mitigated or significantly improved to be beyond question by the time the proposed Development is placed in service. Thus, they are inconsequential to the success of the Village at Boyer.

The Village at Boyer is proposed to be located at 1510 Hoefgen Avenue on the Southeast area of San Antonio. The site currently contains a building that will be demolished to make way for the proposed LIHTC development. The area surrounding the site is primarily residential and the nearby properties are well-maintained and in good condition. County tax records from the Bexar County Appraisal District indicate a substantial increase in property values and property taxes in the area over the last four years. For example, the value of the house located at 510 W. Drexel

Avenue has increased 52% over the last four years, going from \$72,600 in 2015 to \$110,000 in 2018. Property records in the table below (Table 1) clearly demonstrate a positive economic trend and continued improvement in the neighborhood.

Additionally, the area located at 51 Essex St. and identified as the “New Mixed-Use Development” in the attached photos is currently being developed into a mixed-use development known as Essex Modern City (see attachment for further details). And the property owned by SAISD (211 W. Drexel) is currently being used as a vehicle maintenance and general storage facility.

Table 1. Property Value History

Street Address	Property Use Description	2015 Assessed Value	2015 Property Tax	2016 Assessed Value	2016 Property Tax	2017 Assessed Value	2017 Property Tax	2018 Assessed Value	2018 Property Tax	% increase
51 Essex St.	(future mixed-use)	\$650,760	\$17,557	\$730,710	\$20,624	\$831,130	\$23,584	\$1,168,720	\$33,494	80%
1519 Hoefgen Ave.	Vacant Land	\$169,300	\$4,567	\$176,620	\$4,985	\$264,410	\$7,503	\$300,000	\$8,597	77%
103 Essex St.	Single Family	\$30,180	\$814	\$32,690	\$922	\$35,640	\$1,011	\$39,204	\$1,123	30%
215 W. High Ave.	Single Family	\$29,722	\$801	\$32,694	\$922	\$35,963	\$1,020	\$39,559	\$1,133	33%
510 W. Drexel Ave.	Single Family	\$72,600	\$1,958	\$79,860	\$2,254	\$87,846	\$2,492	\$110,000	\$3,152	52%
211 W. Drexel Ave.	Tax Exempt (SAISD)	records unavailable	-	-	-	-	-	-	-	-

Furthermore, in the census tract where the Village at Boyer is proposed, the median home value increased from \$73,200 in 2013 to \$85,900 in 2017, the unemployment rate fell from 11.9% in 2013 to 6.1% in 2017, and the median household income increased from \$24,545 in 2013 to \$27,700 in 2017, according to the U.S. Census Bureau American Community Survey 5-Year Estimates.

The development site is located within an area in which there are two concerted revitalization plans, the Near East Neighborhood Improvement Area from the 2017 San Antonio Urban Renewal Plan, and the Arena District/Eastside Community Plan. Municipal bond issuances were approved in 2012 and 2017 that provided funding for improvements in both areas, including \$20 million for neighborhood improvements within the Urban Renewal Plan’s Neighborhood Improvement Areas. In 2018, the City of San Antonio issued three (3) Request for Proposals (RFP’s) to solicit ideas for new housing developments within the Neighborhood Improvement Areas, one of which was approved for \$4.4 million. This is a good indicator that funding is being expended and the plan is being implemented.

Other (bond-financed) improvement projects within the area are listed below and total more than \$16 million. The following projects were identified in either the 2012 or 2017 bond programs as projects to be completed that are within 1,500 feet of the blight boundary and within the previously mentioned plan areas (See Exhibit B for project map).

- **World Heritage Trail Signage & Wayfinding** – Comprehensive World Heritage Train signage and wayfinding to include additions, architectural features, kiosks, related infrastructure and other improvements. This project is estimated to be completed **May 2022**. Total funding is **\$5,000,000**.
- **Roosevelt Ave. (I-10 to S. St. Mary's St.)** – Corridor improvements on Roosevelt and South St. Mary's to include bicycle facilities, sidewalks, landscaping and ADA access under the Union Pacific Railroad bridge. The project is estimated to be completed **February 2022**. Total funding is **\$5,016,380**.
- **Lone Star Boulevard (Area Streets)** – Reconstruct and widen Lone Star Boulevard. Includes pedestrian and bicycle facilities amenities as well as intersection improvements as appropriate and within available funding. This project is estimated to be completed **May 2022**. Total funding is **\$5,000,000**.
- **Lone Star Recreational Facility** – This project provides funds for the development of a recreational facility in the Lone Star neighborhood located in City Council District 5 which may include land acquisition. This project was completed **May 2017**. Total funding was **\$1,844,113**.

Despite the age of many homes in the area, the area is clean, safe, there are many well-maintained homes and businesses, and substantial infrastructure improvements are planned. The small number of questionable properties identified does not represent a blighted area. Given the increasing property values and physical improvements planned or completed in the area, we believe there is sufficient evidence to indicate that private and public investment in the area is strong and that the community surrounding the development will more than adequately accommodate a TDHCA Housing Tax Credit Development.

Please contact me should you have any questions or concerns regarding the Village at Boyer Apartments. I would be happy to provide you with additional information for the projects described in this letter.

Sincerely,



Brad McMurray
VP of Property Development
8610 N. New Braunfels Ave. Suite 500
San Antonio, TX 78217
210.821.4300

Questionable Properties

Potential Blight Near Village at Boyer (1510 Hoefgen Ave.)

I. Questionable Properties

The properties below are either being remodled, sold, or are increasing in value, but have minor overgrowth (likely due to heavy rainfall in October 2018), and should not be regarded as blight. The Bexar County Appraisal District (BCAD) assessment of these properties indicates an increase in value over the past four years, and rising property values is a strong indicator of economic growth and neighborhood revitalization.

The only property without records is 211 W. Drexel Ave., as it is owned by the San Antonio Independent School District (SAISD) and is tax exempt. The SAISD property is currently used to store school equipment, such as tables, chairs, desks, bleachers, and other miscellaneous items used by the school district. **The table below (Table 1), details the increase in property values and taxes for these properties over the past four years.**



A. 103 Essex St.
(overgrown but for sale)



B. 215 W. High Ave.
(remodel in progress)



C. 510 W. Drexel Ave.
(remodel in progress)



D. 211 W. Drexel Ave.
(SAISD storage building)

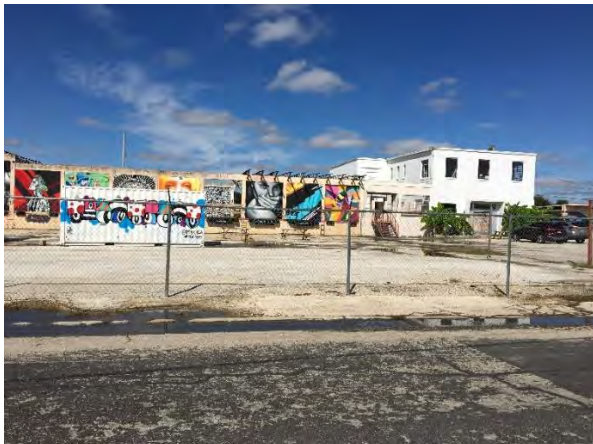
Table 1. Property Value History

Street Address	Property Use Description	2015 Assessed Value	2015 Property Tax	2016 Assessed Value	2016 Property Tax	2017 Assessed Value	2017 Property Tax	2018 Assessed Value	2018 Property Tax	% increase
51 Essex St.	(future mixed-use)	\$650,760	\$17,557	\$730,710	\$20,624	\$831,130	\$23,584	\$1,168,720	\$33,494	80%
1519 Hoefgen Ave.	Vacant Land	\$169,300	\$4,567	\$176,620	\$4,985	\$264,410	\$7,503	\$300,000	\$8,597	77%
103 Essex St.	Single Family	\$30,180	\$814	\$32,690	\$922	\$35,640	\$1,011	\$39,204	\$1,123	30%
215 W. High Ave.	Single Family	\$29,722	\$801	\$32,694	\$922	\$35,963	\$1,020	\$39,559	\$1,133	33%
510 W. Drexel Ave.	Single Family	\$72,600	\$1,958	\$79,860	\$2,254	\$87,846	\$2,492	\$110,000	\$3,152	52%
211 W. Drexel Ave.	Tax Exempt (SAISD)	records unavailable	-	-	-	-	-	-	-	-

II. New Mixed-Use Development

The property shown in the photos below represent the location of the future site of *Essex Modern City*, an 8-acre mixed-use urban development located at the intersection of Essex and Cherry streets near downtown San Antonio. The site is approximately 500 feet from our proposed development site (See **Exhibit A** for location).

The Essex Modern City development is expected to cost around \$150 million and take three to five years to complete. However, the site is not just sitting vacant, it is currently being used to host art, music, and other cultural events for residents to connect, experience art and community. Once complete, Essex Modern City will include 80,000 square feet of creative office space, 65,000 square feet of retail space, 248 apartments, 160 condos, 80 townhomes, and a variety of dining options for area residents (essexmoderncity.com/).



E. 51 Essex St. (1)



E. 51 Essex St. (2)



Figure 1. Essex Art Project Mural



Figure 2. Essex Modern City Plaza Design Concept



Figure 3. Essex Modern City Streetscape Design Concept



Figure 4. Essex Modern City Site Plan

III. Shipping container business adjacent to development site

The property shown below is located across the street from the proposed Village at Boyer site (See **Exhibit A**). The grass along the fence was slightly overgrown at the time these photos were taken (10/25/18), however the property is in good condition overall and should not be regarded as blight.

After visiting the site, we discovered the owner leases the property to a business that sells shipping containers to be recycled and used as prefabricated units for modern residential or commercial developments. Shipping container homes or offices have become increasingly common in recent years. The emergence of “tiny homes” and other unconventional building methods are now very popular. Therefore, while some may see this property as blighted, it is actually a thriving business and valuable to many people in the community.

Given that the site is an active business that contributes towards economic growth, it should not be regarded as blight for having minor landscaping issues. The property has many unique urban features that contribute to the area’s sense of place, it is well-maintained, and equipped with multi-layered security, including barbed wire fencing, lighting, and cameras.



F. 1519 Hoefgen Ave. (1)

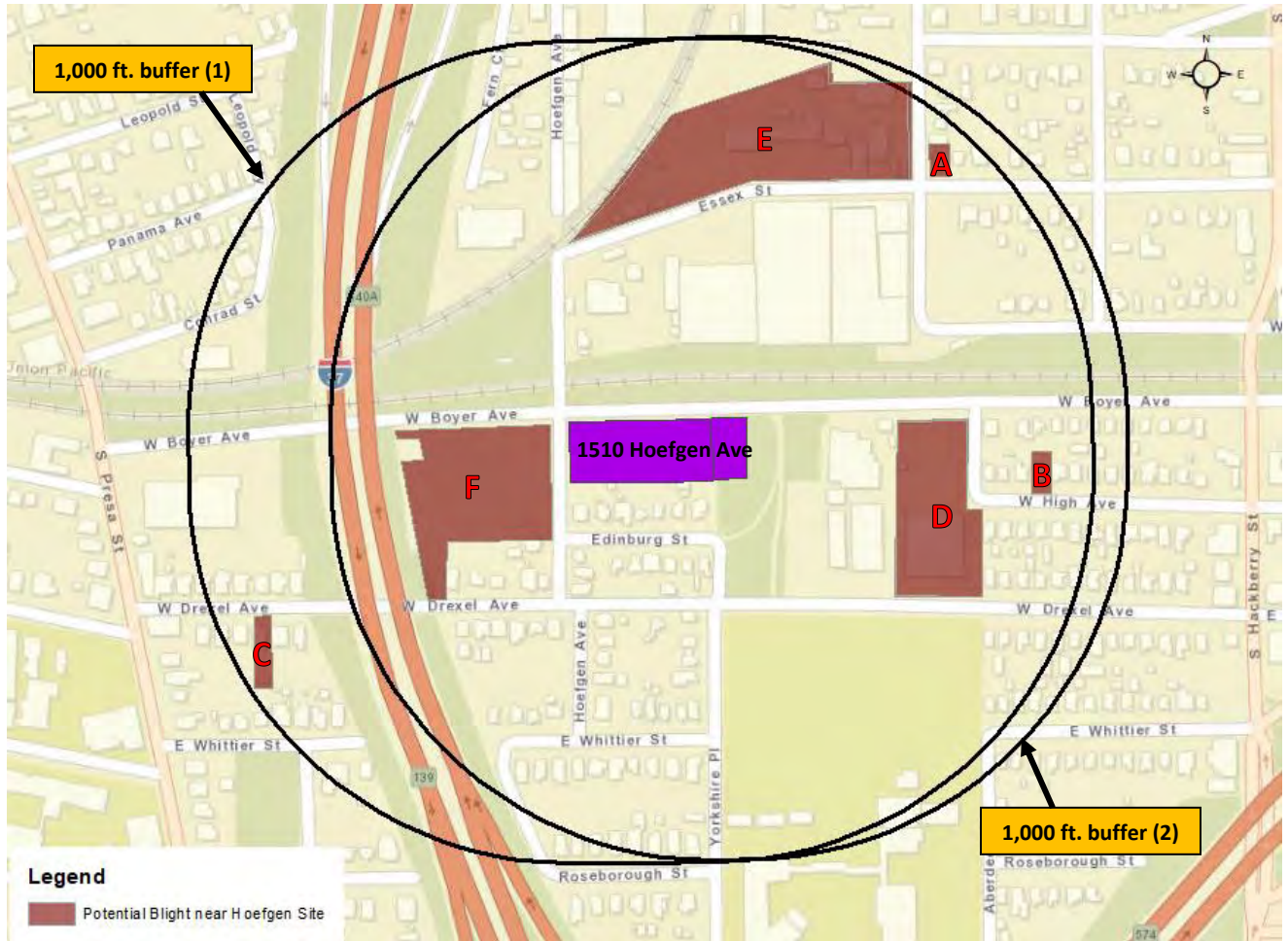


F. 1519 Hoefgen Ave. (2)



F. 1519 Hoefgen Ave. (3)

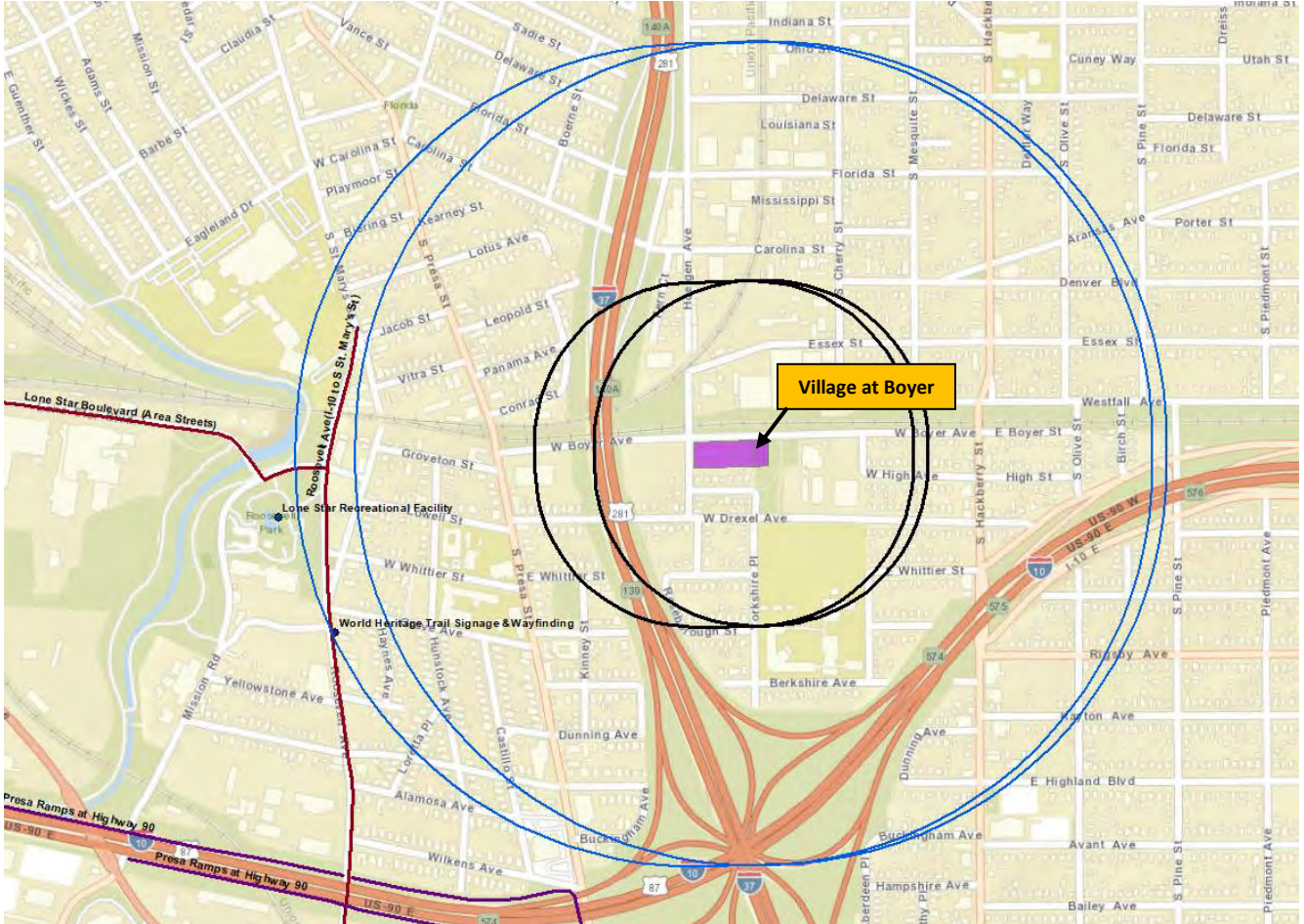
EXHIBIT A
Map of questionable properties within 1,000 feet of Village at Boyer



- A. 103 Essex St.
- B. 215 W. High Ave.
- C. 510 W. Drexel Ave.
- D. 211 W. Drexel Ave.
- E. 51 Essex St.
- F. 1519 Hoefgen Ave.

Note: In the map above (**Exhibit A**) there are two 1,000-foot buffers around the proposed development site. This is because the site is made up of two separate tracts. Each buffer extends 1,000 feet from the edge of each tract.

Exhibit B
Examples of Neighborhood Improvement
2012 and 2017 bond projects within 1,500 feet of blight boundary



2017 Bond Projects

1. World Heritage Trail Signage & Wayfinding (\$5,000,000)
2. Roosevelt Ave. (I-10 to S St. Mary's St) (\$5,016,380)
3. Lone Star Boulevard (Area Streets) (\$5,000,000)

2012 Bond Projects

4. Lone Star Recreational Facility (\$1,844,113)

Total Investment = \$16,860,493

Bexar CAD

Property Search Results > 118281 MARTINEZ ARTURO & BEATRIZ L for Year 2018

Tax Year:

Property

Account

Property ID:	118281	Legal Descrip. on:	NCB 1627 BLK 60 LOT S83 FT OF 17 & S83 FT OF W20.7 FT OF 18
Geographic ID:	01627-060-0171	Zoning:	RM-4
Type:	Real	Agent Code:	
Property Use Code:	001		
Property Use Descrip. on:	Single Family		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Locaon

Address:	103 ESSEX ST SAN ANTONIO, TX 78210	Mapsco:	617A8
Neighborhood:	Denver Heights West of New Braunfels	Map ID:	
Neighborhood CD:	57102		

Owner

Name:	MARTINEZ ARTURO & BEATRIZ L	Owner ID:	82216
Mailing Address:	103 ESSEX ST SAN ANTONIO, TX 78210-1815	% Ownership:	100.0000000000%
		Exemp ons:	HS, OTHER

Values

(+) Improvement Homesite Value:	+	\$38,770	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$40,110	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Valua on:	+	\$0	\$0
(+) Timber Market Valua on:	+	\$0	\$0

(=) Market Value:	=	\$78,880	
(-) Ag or Timber Use Value ReducÃon:	-	\$0	

(=) Appraised Value:	=	\$78,880	
(-) HS Cap:	-	\$39,676	

(=) Assessed Value:	=	\$39,204	

Taxing Jurisdic on

Owner: MARTINEZ ARTURO & BEATRIZ L

% Ownership: 100.0000000000%

Total Value: \$78,880

En ty	Descrip on	Tax Rate	Appraised Value	Taxable Value	Es mated Tax	Tax Ceiling
06	BEXAR CO RD & FLOOD	0.023668	\$78,880	\$36,204	\$8.57	\$8.89
08	SA RIVER AUTH	0.018580	\$78,880	\$29,204	\$5.43	
09	ALAMO COM COLLEGE	0.149150	\$78,880	\$9,204	\$2.79	\$2.79
10	UNIV HEALTH SYSTEM	0.276235	\$78,880	\$29,204	\$80.68	
11	BEXAR COUNTY	0.277429	\$78,880	\$0	\$0.00	\$0.00
21	CITY OF SAN ANTONIO	0.558270	\$78,880	\$0	\$0.00	\$0.00
57	SAN ANTONIO ISD	1.562600	\$78,880	\$0	\$0.00	\$0.00
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$78,880	\$39,204	\$0.00	
Total Tax Rate:		2.865932				
					Taxes w/Current Exempons:	\$97.47
					Taxes w/o Exempons:	\$1,123.56

Improvement / Building

Improvement #1:	Residen al	State Code:	A1	Living Area:	672.0 sq.	Value: \$25,470
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Type	Descrip on	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	F - AB		1938	672.0
OP	Aached Open Porch	F - NO		1938	72.0

Improvement #2:	Residen al	State Code:	A1	Living Area:	sq.	Value: \$1,130
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Type	Descrip on	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	F - NO		0	208.0

Improvement #3:	Residen al	State Code:	A1	Living Area:	sq.	Value: \$12,170
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Type	Descrip on	Class CD	Exterior Wall	Year Built	SQFT
DLA1	Detached Living Area 1	F - NO		0	420.0

Land

#	Type	Descrip on	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	RES	R/1 Family not Farm Single	0.1029	4482.00	54.00	83.00	\$40,110	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valua on	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$38,770	\$40,110	0	78,880	\$39,676	\$39,204
2017	\$29,540	\$6,100	0	35,640	\$0	\$35,640
2016	\$25,840	\$6,850	0	32,690	\$0	\$32,690
2015	\$23,330	\$6,850	0	30,180	\$0	\$30,180

Deed History - (Last 3 Deed Transac ons)

#	Deed Date	Type	Descrip on	Grantor	Grantee	Volume	Page	Deed Number
1		Deed	Deed		MARTINEZ,	5294	0149	0

			ARTURO & BEATRIZ L			
2	Deed	Deed	MARTINEZ, ARTURO & BEATRIZRO	5294	0149	0

2019 data current as of Nov 5 2018 12:43AM.

2018 and prior year data current as of Nov 2 2018 8:57AM

**For property information, contact (210) 242-2432 or (210) 224-8511
or email.**

For website information, contact (210) 242-2500.

Bexar CAD

Property Search Results > 383755 HERNANDEZ BRUNHILDE for Year 2018

Tax Year: 2018

Property

Account

Property ID:	383755	Legal Description:	NCB 6814 BLK LOT 19
Geographic ID:	06814-000-0190	Zoning:	RM-4
Type:	Real	Agent Code:	
Property Use Code:	001		
Property Use Description:	Single Family		

Protest

Protest Status:
Informal Date:
Formal Date:

Location

Address:	215 W HIGH AVE SAN ANTONIO, TX 78210	Mapscod:	617A8
Neighborhood:	Denver Heights West of New Braunfels	Map ID:	
Neighborhood CD:	57102		

Owner

Name:	HERNANDEZ BRUNHILDE	Owner ID:	290296
Mailing Address:	215 W HIGH AVE SAN ANTONIO, TX 78210-2928	% Ownership:	100.0000000000%
		Exemptions:	HS, OTHER

Values

(+) Improvement Homesite Value:	+	\$56,450	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$44,820	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Value on:	+	\$0	\$0
(+) Timber Market Value on:	+	\$0	\$0

(=) Market Value:	=	\$101,270	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$101,270	
(-) HS Cap:	-	\$61,711	

(=) Assessed Value:	=	\$39,559	

Taxing Jurisdiction

Owner: HERNANDEZ BRUNHILDE
% Ownership: 100.0000000000%

Total Value: \$101,270

En ty	Descrip on	Tax Rate	Appraised Value	Taxable Value	Es mated Tax	Tax Ceiling
06	BEXAR CO RD & FLOOD	0.023668	\$101,270	\$36,559	\$3.49	\$3.49
08	SA RIVER AUTH	0.018580	\$101,270	\$29,559	\$5.49	
09	ALAMO COM COLLEGE	0.149150	\$101,270	\$9,559	\$0.00	\$0.00
10	UNIV HEALTH SYSTEM	0.276235	\$101,270	\$29,559	\$81.66	
11	BEXAR COUNTY	0.277429	\$101,270	\$0	\$0.00	\$0.00
21	CITY OF SAN ANTONIO	0.558270	\$101,270	\$0	\$0.00	\$0.00
57	SAN ANTONIO ISD	1.562600	\$101,270	\$0	\$0.00	\$0.00
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$101,270	\$39,559	\$0.00	
Total Tax Rate:		2.865932				
Taxes w/Current Exempons:					\$90.64	
Taxes w/o Exempons:					\$1,133.73	

Improvement / Building

Improvement #1:	Residen al	State Code:	A1	Living Area:	1059.0 sq.	Value: \$56,450
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Type	Descrip on	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	A - WS		1912	1059.0
OP	Attached Open Porch	A - NO		1912	134.0

Land

#	Type	Descrip on	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	RES	R/1 Family not Farm Single	0.1165	5076.00	47.00	108.00	\$44,820	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valua on	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$56,450	\$44,820	0	101,270	\$61,711	\$39,559
2017	\$42,760	\$6,550	0	49,310	\$13,347	\$35,963
2016	\$26,380	\$6,980	0	33,360	\$666	\$32,694
2015	\$23,550	\$6,980	0	30,530	\$808	\$29,722

Deed History - (Last 3 Deed Transac ons)

#	Deed Date	Type	Descrip on	Grantor	Grantee	Volume	Page	Deed Number
1	6/25/2018	WD	Warranty Deed	GOLDLINE INVESTMENTS LLC	LEIGH & MARIE LLC			20180124179
2	6/25/2018	WD	Warranty Deed	TELLO SHARON & MONROE DEBORAH	GOLDLINE INVESTMENTS LLC			20180123531
3	1/19/2018	AFF	Affidavit	HERNANDEZ BRUNHILDE	TELLO SHARON & MONROE DEBORAH			20180024884/24885/24886

2019 data current as of Nov 5 2018 12:43AM.

2018 and prior year data current as of Nov 2 2018 8:57AM

For property information, contact (210) 242-2432 or (210) 224-8511

or email.

For website information, contact (210) 242-2500.

Bexar CAD

Property Search Results > 119099 ZAMORA LEOPOLDO S for Year 2018

Tax Year:

Property

Account

Property ID:	119099	Legal Description:	NCB 1669 BLK 2 LOT 30
Geographic ID:	01669-002-0300	Zoning:	R-4
Type:	Real	Agent Code:	
Property Use Code:	001		
Property Use Description:	Single Family		

Protest

Protest Status:	
Informal Date:	
Formal Date:	

Location

Address:	510 W DREXEL AVE SAN ANTONIO, TX 78210	Mapscod:	617A8
Neighborhood:	DURANGO/ROOSEVELT	Map ID:	
Neighborhood CD:	57057MF		

Owner

Name:	ZAMORA LEOPOLDO S	Owner ID:	153959
Mailing Address:	2643 W GRAMERCY PL SAN ANTONIO, TX 78228-3157	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$23,150	
(+) Improvement Non-Homesite Value:	+	\$0	
(+) Land Homesite Value:	+	\$86,850	
(+) Land Non-Homesite Value:	+	\$0	Ag / Timber Use Value
(+) Agricultural Market Value:	+	\$0	\$0
(+) Timber Market Value:	+	\$0	\$0

(=) Market Value:	=	\$110,000	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$110,000	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$110,000	

Taxing Jurisdiction

Owner: ZAMORA LEOPOLDO S
 % Ownership: 100.000000000000%
 Total Value: \$110,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	0.023668	\$110,000	\$110,000	\$26.03
08	SA RIVER AUTH	0.018580	\$110,000	\$110,000	\$20.44
09	ALAMO COM COLLEGE	0.149150	\$110,000	\$110,000	\$164.07
10	UNIV HEALTH SYSTEM	0.276235	\$110,000	\$110,000	\$303.86
11	BEXAR COUNTY	0.277429	\$110,000	\$110,000	\$305.18
21	CITY OF SAN ANTONIO	0.558270	\$110,000	\$110,000	\$614.10
57	SAN ANTONIO ISD	1.562600	\$110,000	\$110,000	\$1,718.86
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$110,000	\$110,000	\$0.00
Total Tax Rate:		2.865932			
Taxes w/Current Exemptions:					\$3,152.54
Taxes w/o Exemptions:					\$3,152.53

Improvement / Building

Improvement #1:	Multifamily 2-4 Units	State Code:	B1	Living Area:	1459.0 sq.	Value:	\$18,452
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	A - WS		1900	1459.0
OP	Attached Open Porch	A - NO		1900	24.0
PA	Terrace (paved slab)	A - NO		1900	78.0

Improvement #2:	Residential	State Code:	B1	Living Area:	sq.	Value:	\$4,698
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
GAR	Detached Garage	F - WS		1983	300.0
CPT	Detached Carport	F - NO		1983	300.0

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	RDX	R/M Fam Not farm Duplex	0.2169	9450.00	50.00	189.00	\$86,850	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$23,150	\$86,850	0	110,000	\$0	\$110,000
2017	\$44,520	\$66,810	0	111,330	\$23,484	\$87,846
2016	\$74,890	\$31,000	0	105,890	\$26,030	\$79,860
2015	\$56,950	\$31,000	0	87,950	\$15,350	\$72,600

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	9/4/2018	WD	Warranty Deed	ZAMORA LEOPOLDO S	GRACE TIMOTHY P &			20180176232
2	8/18/2017	WD	Warranty Deed	ESCOBAR LINDA E	ZAMORA LEOPOLDO S	18734	952	20170180533
3	4/8/2011	GWD	General Warranty Deed	ZAMORA LEOPOLDO S & MARIA J	ESCOBAR LINDA E	14917	1609	20110061127

2019 data current as of Nov 5 2018 12:43AM.

2018 and prior year data current as of Nov 2 2018 8:57AM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

Bexar CAD

Property Search > 100531 ESSEX MODERN CITY LLC for Tax Year:
 Year 2018

Property

Account

Property ID:	100531	Legal Description:	NCB A-27 BLK LOT ALL OF A-3 NORTH OF ESSEX ST NCB 7057 BLK LOT 2 THRU 12
Geographic ID:	00027-000-0041	Zoning:	IDZ
Type:	Real	Agent Code:	
Property Use Code:	320		
Property Use Description:	STORAGE WAREHOUSE		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Location

Address:	51 ESSEX ST SAN ANTONIO, TX 78210	Mapsco:	617A8
Neighborhood:	NBHD code11840	Map ID:	
Neighborhood CD:	11840		

Owner

Name:	ESSEX MODERN CITY LLC	Owner ID:	3022804
Mailing Address:	51 ESSEX ST SAN ANTONIO, TX 78210-1843	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$403,980	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$764,740	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	\$0	\$0
(+) Timber Market Valuation:	+	\$0	\$0

(=) Market Value:	=	\$1,168,720	
(-) Ag or Timber Use Value Reduction:	-	\$0	

(=) Appraised Value:	=	\$1,168,720	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$1,168,720	

Taxing Jurisdiction

Owner: ESSEX MODERN CITY LLC

% Ownership: 100.0000000000%

Total Value: \$1,168,720

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	0.023668	\$1,168,720	\$1,168,720	\$276.61
08	SA RIVER AUTH	0.018580	\$1,168,720	\$1,168,720	\$217.15
09	ALAMO COM COLLEGE	0.149150	\$1,168,720	\$1,168,720	\$1,743.14
10	UNIV HEALTH SYSTEM	0.276235	\$1,168,720	\$1,168,720	\$3,228.41
11	BEXAR COUNTY	0.277429	\$1,168,720	\$1,168,720	\$3,242.37
21	CITY OF SAN ANTONIO	0.558270	\$1,168,720	\$1,168,720	\$6,524.61
57	SAN ANTONIO ISD	1.562600	\$1,168,720	\$1,168,720	\$18,262.41
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$1,168,720	\$1,168,720	\$0.00
SA011	San Antonio TIF #11 Inner City	0.000000	\$1,168,720	\$1,168,720	\$0.00
Total Tax Rate:		2.865932			
Taxes w/Current Exemptions:					\$33,494.70
Taxes w/o Exemptions:					\$33,494.72

Improvement / Building

All improvements valued at income

Improvement #1: Commercial State Code: F1 Living Area: 4700.0 sq. Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
350	SERVICE GARAGE - AUTOMOTIVE	C - L	CB	1961	4700.0

Improvement #2: Commercial State Code: F1 Living Area: 6180.0 sq. Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
350	SERVICE GARAGE - AUTOMOTIVE	S - L	ME	1965	6180.0

Improvement #3: Commercial State Code: F1 Living Area: 5460.0 sq. Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
SHI	Implement Shed	S - L	CB	1966	10150.0
400	OFFICE	C - F	MA	1966	5460.0

Improvement #4: Commercial State Code: F1 Living Area: 4000.0 sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
400	OFFICE	C - F	BR	1965	1000.0
320	STORAGE WAREHOUSE	C - F	BR	1965	3000.0

Improvement #5: Commercial State Code: F1 Living Area: sqft Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
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CON Concrete * - A 0 12000.0

Improvement #6:	Commercial	State Code:	F1	Living Area:	sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
ASP	Asphalt	* - F		0	140900.0

Improvement #7:	Commercial	State Code:	F1	Living Area:	sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
EQS	Equipment Shed	D - F		0	3360.0

Improvement #8:	Commercial	State Code:	F1	Living Area:	sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - G		0	1500.0

Improvement #9:	Commercial	State Code:	F1	Living Area:	sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	* - G		0	1230.0

Improvement #10:	Commercial	State Code:	F1	Living Area:	sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	* - F		0	240.0

Improvement #11:	Commercial	State Code:	F1	Living Area:	sqft	Value:	N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CPT	Detached Carport	* - L		0	280.0

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	MIX	Commercial Mixed Use	4.4333	193115.00	0.00	0.00	\$0	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$403,980	\$764,740	0	1,168,720	\$0	\$1,168,720
2017	\$541,460	\$289,670	0	831,130	\$0	\$831,130
2016	\$541,460	\$189,250	0	730,710	\$0	\$730,710
2015	\$469,230	\$181,530	0	650,760	\$0	\$650,760

2019 data current as of Nov 6 2018 12:40AM.

2018 and prior year data current as of Nov 2 2018 8:57AM
For property information, contact (210) 242-2432 or (210) 224-8511 or email.
For website information, contact (210) 242-2500.

Bexar CAD

Property Search > 100573 LOZANO EDGAR G for Year 2018 Tax Year:

Property

Account

Property ID:	100573	Legal Descrip on:	NCB A-30 P-101 (2.5733 AC), NCB 6579 LOT 8 & W TRI 31.01' OF 9
Geographic ID:	00030-000-1014	Zoning:	I-1
Type:	Real	Agent Code:	
Property Use Code:	099		
Property Use Descrip on:	VACANT LAND		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Locaon

Address:	1519 HOEFGEN AVE SAN ANTONIO, TX 78210	Mapsco:	617A8
Neighborhood:	NBHD code11840	Map ID:	
Neighborhood CD:	11840		

Owner

Name:	LOZANO EDGAR G	Owner ID:	70324
Mailing Address:	51 ESSEX ST SAN ANTONIO, TX 78210-1843	% Ownership:	100.0000000000%
		Exemp ons:	

Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$12,000	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$288,000	Ag / Timber Use Value
(+) Agricultural Market Valua on:	+	\$0	\$0
(+) Timber Market Valua on:	+	\$0	\$0

(=) Market Value:	=	\$300,000	
(-) Ag or Timber Use Value ReducÃon:	-	\$0	

(=) Appraised Value:	=	\$300,000	
(-) HS Cap:	-	\$0	

(=) Assessed Value:	=	\$300,000	

Taxing Jurisdiction

Owner: LOZANO EDGAR G
 % Ownership: 100.000000000000%
 Total Value: \$300,000

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	0.023668	\$300,000	\$300,000	\$71.00
08	SA RIVER AUTH	0.018580	\$300,000	\$300,000	\$55.74
09	ALAMO COM COLLEGE	0.149150	\$300,000	\$300,000	\$447.45
10	UNIV HEALTH SYSTEM	0.276235	\$300,000	\$300,000	\$828.71
11	BEXAR COUNTY	0.277429	\$300,000	\$300,000	\$832.29
21	CITY OF SAN ANTONIO	0.558270	\$300,000	\$300,000	\$1,674.81
57	SAN ANTONIO ISD	1.562600	\$300,000	\$300,000	\$4,687.80
CAD	BEXAR APPRAISAL DISTRICT	0.000000	\$300,000	\$300,000	\$0.00
Total Tax Rate:		2.865932			
Taxes w/Current Exemptions:					\$8,597.80
Taxes w/o Exemptions:					\$8,597.80

Improvement / Building

Improvement #1:	Commercial	State Code:	F1	Living Area:	sq.	Value: \$12,000
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
FEN	Fence	S - A		0	1100.0	

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	MIX	Commercial Mixed Use	2.7993	121937.51	0.00	0.00	\$288,000	\$0

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$12,000	\$288,000	0	300,000	\$0	\$300,000
2017	\$12,000	\$252,410	0	264,410	\$0	\$264,410
2016	\$12,000	\$164,620	0	176,620	\$0	\$176,620
2015	\$12,000	\$157,300	0	169,300	\$0	\$169,300

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	3/28/2005	WD	Warranty Deed			11322	0215	20050074273
2	5/28/2002	Deed	Deed		LOZANO, EDGAR	9421	2414	0

2019 data current as of Nov 6 2018 12:40AM.

2018 and prior year data current as of Nov 2 2018 8:57AM
For property information, contact (210) 242-2432 or (210) 224-8511 or email.
For website information, contact (210) 242-2500.

#ESSEXART PROJECT

Art and community are the foundation of almost any successful city. When you look at centuries of Spanish colonial architecture you will notice one of the most significant parts of any city is a central gathering place/plaza. While a building is important it is still just a building. What makes a place vibrant is the people that live, work, and play in that area.

Essex Modern City is a former pallet manufacturing site on what we were told was the "wrong-side" of the train tracks. We listened to those advisors and told them to kindly go kick rocks. What we saw was a neighborhood with rich culture and pride. That just needed that place to gather and foster that culture.

In response, we started hosting Second Saturday art events. Using the loading dock bays and warehouses we invited local and national street artist, musicians and vendors to come showcase their talent, and passion. It has been truly been a blessing to see the project evolve each month and become a place for people to connect, experience art and community.

ESSEX ART - FEBRUARY 2018



ESSEX ART GOES FIESTA STYLE - APRIL 2018



ARTIST

It all began with an Idea. The idea was to design and develop an urban infill project with art, community, and unique and rad things that you can not get anywhere else. Really its just a place we wanted to live.

Selfish? Maybe.

But there are so many uninspiring projects being built all over the country, we had to ask ourselves how we could create an innovative and inspiring project using technology to enhance the human experience and to connect people on a deeper level.

The challenges we faced bringing this idea to life were not merely physical but there were also social and mental limitations that needed to be thoughtfully organized and addressed.

That idea has grown month over month and year over year and manifested itself into the project of Essex Modern City.

Essex Modern City started as an idea and is now more than a mixed-use urban infill project. It's a social experiment that believes that good design and technology can create a more enriching way to live. The project is an ongoing nebulous that is morphing into a community of people challenging the status-quo. They are the authors, craftsmen and artists that will curate and write the story of the future.

It is still to be determined if Essex Modern City can be the transcendent project that forges a new era of sustainable urban design in San Antonio. But, we know one thing for sure- it's time to try.

World Heritage Trail Signage & Wayfinding

District(s): City Wide, 03
Project Manager: David Hernandez
Capital Project Officer: Lucio Tovar (210) 207-4612

Total Approved Budget

Source	Amount
2017 GO STREET IMPROVEMENT BOND	\$5,000,000
Total Fund	\$5,000,000

Cost Information

Category	Appropriations *	Expenses To-date
Design	\$662,100	\$32,059
Environmental	\$150,000	\$0
Construction	\$4,187,900	\$7,519
Total	\$5,000,000	\$39,579

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: PRE-DESIGN
Consultant: Dunaway Associates, L.P.
Contractor:
Estimated Project Advertisement:
Estimated Construction Start: 02/2020
Estimated Construction Completion: 05/2022

Project Scope:

World Heritage Trail Signage & Wayfinding -- Comprehensive World Heritage Trail signage and wayfinding to include additions, architectural features, kiosks, related infrastructure and other improvements.



NO IMAGE AVAILABLE

Roosevelt Avenue (I-10 to South St. Mary's Street)

District(s): 05
Project Manager: David Hernandez
Capital Project Officer: Lucio Tovar (210) 207-4612

Total Approved Budget

Source	Amount
2017 GO STREET IMPROVEMENT BOND	\$5,016,380
Total Fund	\$5,016,380

Cost Information

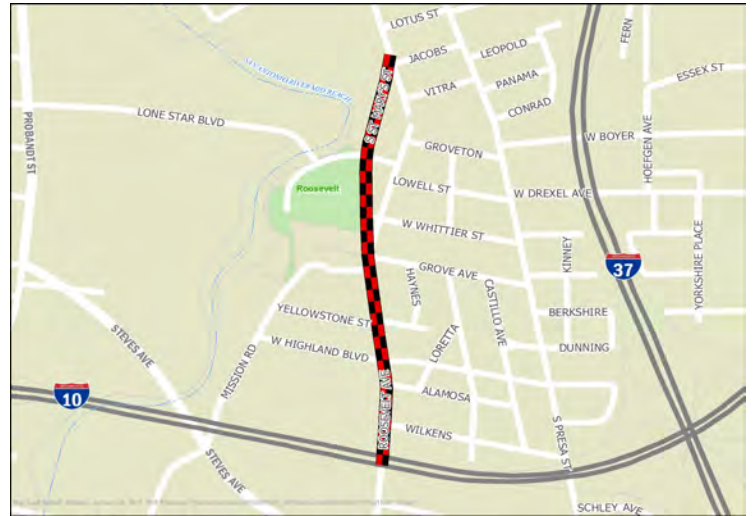
Category	Appropriations *	Expenses To-date
Design	\$468,263	\$49,297
Right of Way	\$17,750	\$0
Environmental	\$250,000	\$5,697
Construction	\$4,280,367	\$12,217
Total	\$5,016,380	\$67,211

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER DESIGN
Consultant: Civil Engineering Consultants
Contractor:
Estimated Project Advertisement: 01/2020
Estimated Construction Start: 04/2020
Estimated Construction Completion: 02/2022

Project Scope:

Roosevelt Avenue (I-10 to South St. Mary's Street) -- Corridor improvements on Roosevelt and South St. Mary's to include bicycle facilities, sidewalks, landscaping and ADA access under the Union Pacific Railroad bridge.



Lone Star Boulevard (Area Streets)

District(s): City Wide, 05
 Project Manager: Eric Salazar
 Capital Project Officer: Lucio Tovar (210) 207-4612

Total Approved Budget

Source	Amount
2017 GO STREET IMPROVEMENT BOND	\$5,000,000
Total Fund	\$5,000,000

Cost Information

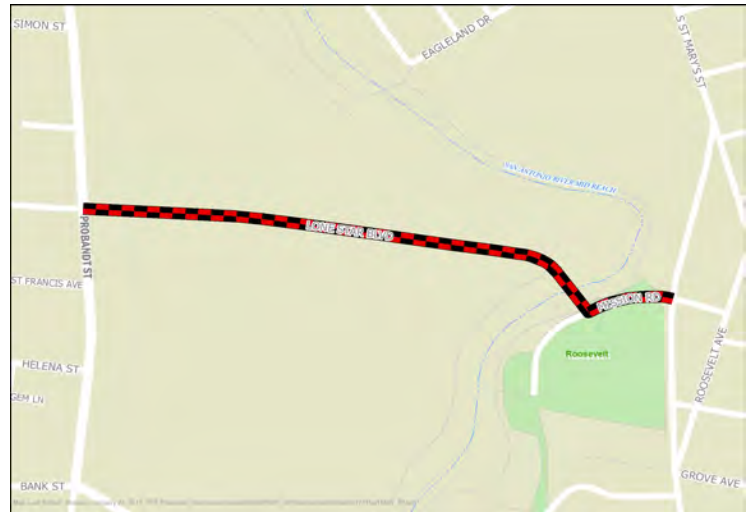
Category	Appropriations *	Expenses To-date
Design	\$2,340	\$2,651
Environmental	\$78,000	\$0
Construction	\$4,919,660	\$0
Total	\$5,000,000	\$2,651

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: PRE-DESIGN
 Consultant:
 Contractor:
 Estimated Project Advertisement:
 Estimated Construction Start: 12/2020
 Estimated Construction Completion: 05/2022

Project Scope:

Lone Star Boulevard (Area Streets) -- Reconstruct and widen Lone Star Boulevard. Includes pedestrian and bicycle facilities amenities as well as intersection improvements as appropriate and within available funding.



Lone Star Recreational Facility

District(s): 05
 Project Manager: Cathleen Crabb
 Capital Project Officer: Rodney Dziuk (210) 207-2876

Total Approved Budget

Source	Amount
2012 GO PARKS IMPROVEMENT BOND	\$1,844,113
Total Fund	\$1,844,113

Cost Information

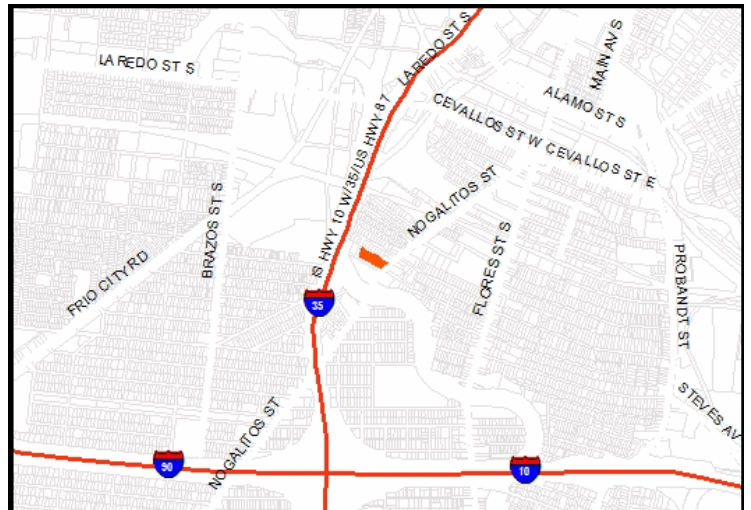
Category	Appropriations *	Expenses To-date
Design	\$44,136	\$44,136
Environmental	\$5,555	\$5,555
Construction	\$1,794,421	\$1,794,421
Total	\$1,844,113	\$1,844,113

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
 Consultant: Luna Architects
 Contractor: TBD
 Estimated Project Advertisement:
 Estimated Construction Start: 06/2016
 Estimated Construction Completion: 05/2017

Project Scope:

Lone Star Recreational Facility This project provides funds for the development of a recreational facility in the Lone Star neighborhood located in District 5 which may include land acquisition.



Assessments

Neighborhood Risk Factor Report

Assessments

While a complete detail of all households and existing rental market inventory for the PMA identified in the attached Market Analysis Summary and PMA Map is provided in greater detail within the Market Feasibility Study for the Village at Boyer to be provided separately, the following is applicable to the provided assessments:

- Primary Market Area (PMA) is a total of 12.95 square miles and includes 18 census tracts;
- There are a total of 807 income restricted units within the PMA with an occupancy of 98.9%;
- In 2019 the PMA includes a total of 22,262 households including 10,143 renters or 45.5% and 12,119 owners or 54.5%.
- The Village at Boyer is located within Census Tract 48029140200 (1402.00)
- Census Tract 1402.00 has a median income of \$29,653 which is in the 4th income quartile of the San Antonio-New Braunfels MSA.
- The total comparable market rate multifamily units in the “Neighborhood” or PMA is 850 and their occupancy is 91.4%.

The current income restricted units within the PMA only compose 3.6% of the total households and only 7.9% of the total rental households. Given these low percentages, combined with the fact only 245 units been constructed in the PMA since 2010 with 285 additional affordable units under construction but separated by major freeways from the subject, we do not believe that there is a concentration of affordable units within the PMA especially given it is almost 13 square miles in size.

Given Census Tract 1402.00 is classified as a Qualified Census Tract, it is not unusual that only approximately that this Census Tract is in the 4th quartile of San Antonio – New Braunfels MSA. While there is a higher concentration of homes in need of affordable housing than other parts of the city of San Antonio, the overall capture rate of 5.0% for the proposed Village at Boyer supports the significant need for the proposed development. This need is further augmented by the increasing gentrification of the immediate neighborhood surrounding the site of the proposed Village at Boyer as evidenced by the escalating Bexar County Appraisal District assessed values outlined in the potential blight discussion of this report.

The total comparable markets units of 850 with an occupancy of 91.4% support the existence of a strong overall rental market.

MARKET ANALYSIS SUMMARY

Provider: Apartment MarketData, LLC Date: 2/20/2019
 Contact: Darrell G Jack Phone: (210) 530-0040

Development: Village at Boyer Target Population: General
 Definition of Elderly Age:

Site Location: 1510 Hoefgen Ave. City: San Antonio County: Bexar

Site Coordinates: Latitude 29.401875 Longitude -98.478668 (decimal degree format)

Primary Market Area (PMA) page 34-35

12.09 Square Miles

CENSUS TRACTS

480291103.00	480291302.00	480291303.00	480291304.01	480291304.02	480291305.00
480291311.00	480291401.00	480291402.00	480291403.00	480291404.00	480291405.00
480291406.00	480291407.00	480291408.00	480291409.00	480291410.00	480291919.00

ELIGIBLE HOUSEHOLDS BY INCOME page 65

HH Size		1	2	3	4	5	6	7+
30% AMGI	Min	\$11,280	\$11,280	\$13,530	\$13,530	\$15,630	\$15,630	\$0
	Max	\$14,040	\$16,050	\$18,060	\$20,040	\$21,660	\$23,250	\$0
50% AMGI	Min	\$18,780	\$18,780	\$22,560	\$22,560	\$26,040	\$26,040	\$0
	Max	\$23,400	\$26,750	\$30,100	\$33,400	\$36,100	\$38,750	\$0
60% AMGI	Min	\$22,560	\$22,560	\$27,090	\$27,090	\$31,260	\$31,260	\$0
	Max	\$28,080	\$32,100	\$36,120	\$40,080	\$43,320	\$46,500	\$0

AFFORDABLE HOUSING INVENTORY in PMA page 57

	# Developments	Total Units	Avg Occupancy
All LIHTC Developments	4	807	98.9%

Proposed, Under Construction, and Unstabilized Comparable Developments in PMA

TDHCA #	Development	Status	Type	Target Population	Comp Units	Total Units	Occupancy
18419	St. Johns	Approved	New Const	General	167	228	
18829	Village at Roosevelt	Approved	New Const	General	49	57	

Other Affordable Developments in PMA

TDHCA #	Development	Status	Type	Target Population	Comp Units	Total Units	Occupancy	*
2086	Refugio Street Apartments	In Service	New Const	General	n/a	210	99%	
2093	Union Park	In Service	Rehab	General	n/a	100	100%	
5414	Rosemont at Highland Park	In Service	New Const	General	n/a	252	100%	
8413	Hemisview Village	In Service	New Const	General	n/a	245	97%	

Check box if this development is included in the calculation of the average physical occupancy to qualify for the 15% GCR for Tax-Exempt Bond Developments per §10.302(i)(1). Attach a PMA map, with affordable developments labeled, showing the 20 minute drive time ring. *See footnote 1

Average occupancy of affordable housing in 20 minute drive time ring. %

PMA DEMOGRAPHIC DATA

Note: For developments targeting Seniors, fill in Population and Household data for both the General population and the Senior population

GENERAL
 SENIORS

current year	place-in-service	five year	current year	place-in-service	five year
2019	2021	2024	2019	2021	2024

Population p. 81

61,911	62,278	62,830	15,051	15,664	16,584
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Households p. 83-84

	2019	2021	2024	2019	2021	2024
Total HH	22,262	22,802	23,613	10,018	10,355	10,860
Renter HH	10,143	10,408	10,805	3,052	3,167	3,338
Homeowner HH	12,119	12,394	12,808	6,965	7,188	7,521

DEMAND CALCULATION p. 70-71

	Program Only Restricted Units	Assisted Units		Program Only Restricted Units	Assisted Units
Subject Units	86	0	* See footnote 2	Min Income	\$ 11,280
Unstabilized Comparable Units	216			Max Income	\$ 46,500
RELEVANT SUPPLY	302	0		Potential Demand	5,457 0
				10% External Demand	546 0
				Other Demand	
				GROSS DEMAND	6,003 0
				RELEVANT SUPPLY / GROSS DEMAND = GROSS CAPTURE RATE	5.0% #DIV/0!

CAPTURE RATE BY AMGI BAND p. 72

* include program only restricted units

AMGI Band Capture Rates	Demand	10% External Demand	Subject Units	Comp Units	Capture Rate
30% AMGI	1,358	136	10	5	1.0%
50% AMGI	1,419	142	36	20	3.6%
60% AMGI	2,680	268	40	191	7.8%

CAPTURE RATE BY UNIT p. 75

* include program only restricted units

SUBJECT UNIT MIX				PROPOSED RENT		p. 110	DEMAND by UNIT TYPE p. 75				
AMI Level	Beds	Baths	Size (sqft)	Gross	Net	MARKET RENT	Demand	10% External Demand	Subject Units	Comp Units	Unit Capture Rate
30%	1	1	661	\$376	\$285	\$1035	307	31	4	1	1.5%
50%	1	1	661	\$626	\$535	\$1035	323	32	16	4	5.6%
60%	1	1	661	\$752	\$661	\$1035	334	33	18	141	43.3%
30%	2	2	887	\$451	\$347	\$1299	259	26	5	3	2.8%
50%	2	2	887	\$752	\$648	\$1299	556	56	18	12	4.9%
60%	2	2	887	\$903	\$799	\$1299	491	49	20	45	12.0%
30%	3	2	1187	\$521	\$394	\$1650	173	17	1	1	1.0%
50%	3	2	1187	\$868	\$741	\$1650	406	41	2	4	1.3%
60%	3	2	1187	\$1,042	\$915	\$1650	374	37	2	5	1.7%

Village at Boyer

1510 Hoefgen San Antonio, Texas 78210

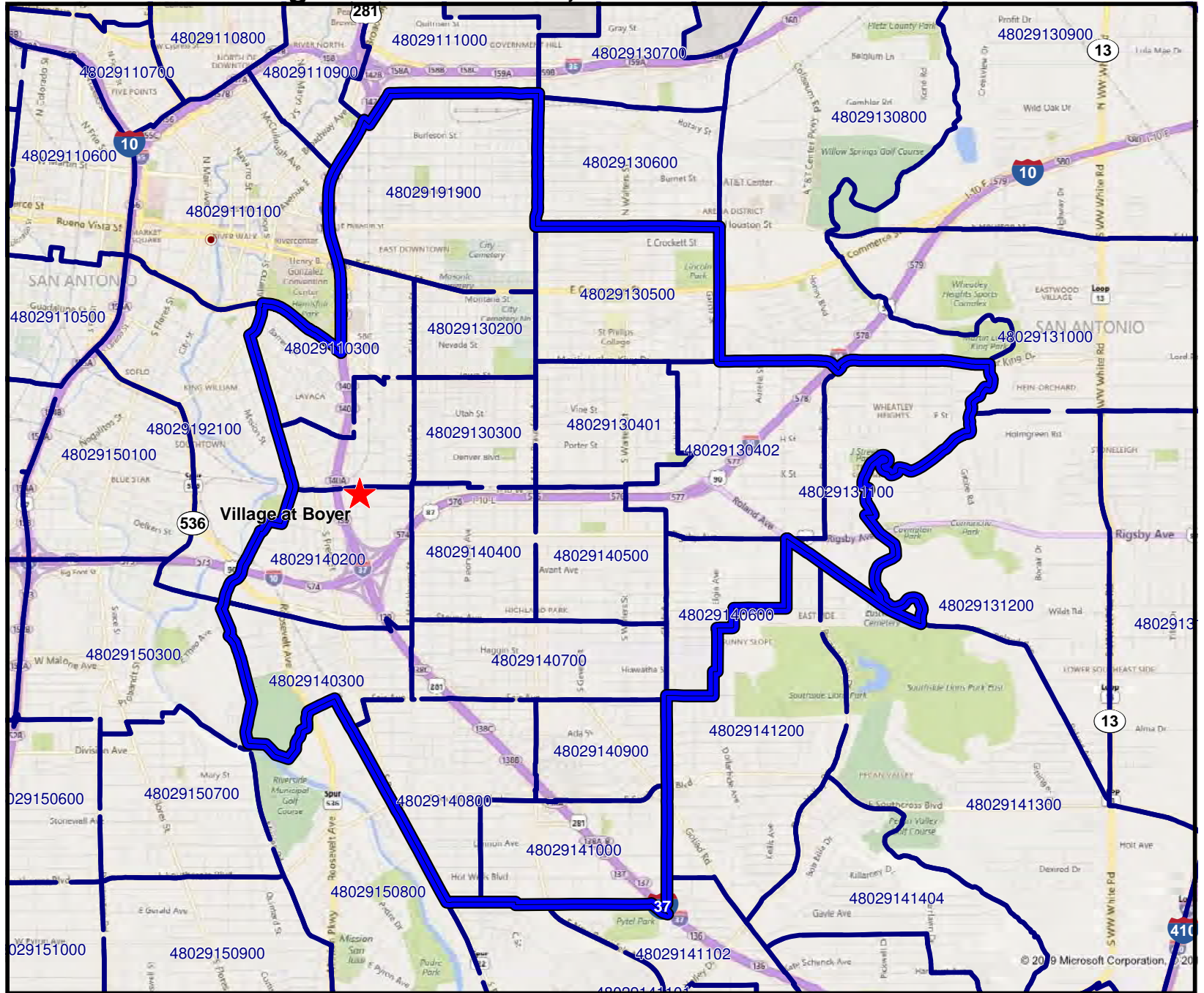
Legend

- ★ Site
- ▭ Custom Boundary
- ▭ CENSUS TRACTS

Site Coordinates

Longitude/X: -98.478668
Latitude/Y: 29.401875

Miles



19134
Village at Nogalitos

Neighborhood Risk Factors
Report Packet

-

Potential Blight

&

Schools Without Met Standard
Rating



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11. 8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # 19134 Development Name Village at Nogalitos

Application Disclosure: Application # 19134 Development Name Village at Nogalitos

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

Please see the attached documentation regarding mitigation of the above referenced Neighborhood Risk Factors.

The unchecked boxes above have been left unchecked because they are not specific to these Neighborhood Risk Factors.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

Potential Blight
Disclosure Letter



*Empowering families for nearly 25 years
by providing safe, high-quality, affordable housing
and support services.*

February 22, 2019

Mr. David Cervantes
Acting Director
Texas Department of Housing and Community Affairs
Low-Income Housing Tax Credit Program
221 East 11th Street
Austin, Texas 78701

Re: TDHCA No. 19134 – Village at Nogalitos, San Antonio, TX

Dear Mr. Cervantes,

I am writing on behalf of the proposed development, Village at Nogalitos, to disclose any potential blight as a neighborhood risk factor in accordance with the Qualified Allocation Plan §11.101(3)(A) Neighborhood Risk Factors. After visiting and photographing the area within a 1,000-foot radius of the proposed development site there were five (5) structures or instances identified which have the possibility to be regarded as blight on November 26, 2018. The properties include a former restaurant, one vacant single-family home with a used car lot on the same tract, one vacant commercial building, one vacant residential lot, and a vacant lot currently owned by the City of San Antonio (See Exhibit A for property locations).

The QAP states that "In order to be considered as an eligible Site despite the presence of such neighborhood risk factor, an Applicant must demonstrate actions being taken that would lead a reader to conclude that there is a high probability and reasonable expectation the risk factor will be sufficiently mitigated or significantly improved within a reasonable time, typically prior to placement in service, and that the risk factor demonstrates a positive trend and continued improvement".

There are many positive trends and improvements occurring in the area surrounding the proposed development site and the questionable properties referenced in this letter, were they to be considered "blight", are likely to be mitigated or significantly improved to be beyond question by the time the Development is placed in service. Thus, they are inconsequential to the success of the proposed Village at Nogalitos.

The Village at Nogalitos is proposed to be located at 3727 Nogalitos Street on the Southwest area of San Antonio along the Nogalitos Street corridor approximately 1.5 miles South of US Highway 90 West. The proposed site is made up of three tracts at the intersection of Nogalitos Street and Ames Avenue, two of the tracts are vacant and one has a small residential development (four-plex) built in 1946. There are a variety of small businesses surrounding the proposed development site, such as restaurants, auto shops, retail stores, etc., however, the area is primarily residential. The

proposed development site is in City Council District 5, which has historically seen a lack of public investment compared to other parts of the City but revitalizing this area has become more of a priority since the neighborhood established the Nogalitos/S. Zaramora Community Plan in 2004. The Plan created a land use plan that was intended to be used as a guide for future development and called for a variety of infrastructure and capital improvements to improve quality of life in the neighborhood. As a result, there have been immense strides in revitalizing the area over the last decade.

County property tax records from the Bexar County Appraisal District indicate a substantial increase in property values and property taxes in the area over the last four years. For example, the value of the former Pan American Restaurant located at 1444 Division Avenue increased 24% over the last four years, going from \$929,970 in 2015 to \$1,148,940 in 2018. And, the site is in the process of being redeveloped into an urgent care facility (Centro Med Clinic) that will provide area residents with increased access to quality healthcare. This is the reason the property is listed as tax exempt for 2018. Additionally, the vacant property located at 4531 S. Zaramora St. is owned by the City of San Antonio and previously served as a training area and vehicle refueling station for the San Antonio Fire Department. The City is currently in the process of creating a RFP (Request for Proposals) to solicit plans from developers to create a new mixed-use development at the site, thus the property is not expected to remain vacant much longer.

Property records in the table below (Table 1) clearly demonstrate a positive economic trend and continued improvement in the neighborhood.

Table 1. Property Value History

Street Address	Property Use Description	2015 Assessed Value	2015 Property Tax	2016 Assessed Value	2016 Property Tax	2017 Assessed Value	2017 Property Tax	2018 Assessed Value	2018 Property Tax	% Increase
1444 Division Ave.	Former Pan American Restaurant	\$929,970	\$26,450	\$1,062,910	\$30,172	\$1,141,120	\$32,337	\$1,148,940	Tax Exempt	24%
1442 Division Ave.	Used Car Lot and Single-Family House	\$199,990	\$5,688	\$209,820	\$5,956	\$236,140	\$6,691	\$252,490	Tax Exempt	26%
4714 S. Zaramora St.	Storage warehouse	\$300,770	\$8,322	\$319,830	\$8,831	\$449,420	\$12,388	\$454,620	\$12,524	51%
323 Illg Ave.	Vacant single-family lot	\$16,840	\$465	\$17,420	\$481	\$29,110	\$802	\$38,980	\$1,073	131%
4531 S. Zaramora St.	Vacant land	Tax Exempt	Tax Exempt	Tax Exempt	Tax Exempt	Tax Exempt	Tax Exempt	Tax Exempt	Tax Exempt	-

In the census tract where the Village at Nogalitos is proposed, the unemployment rate fell from 13.6% in 2013 to 8.2% in 2017, the median home value increased from \$59,700 in 2013 to \$63,100 in 2017, and the median household income increased 39% from \$26,687 in 2013 to \$37,082 in 2017, according to the U.S. Census Bureau American Community Survey 5-Year Estimates. Again, this data demonstrates a positive economic trend and continued improvement in the neighborhood.

Other examples of neighborhood improvements and existing businesses that represent a thriving community are included in the attached supporting documentation and shown on a map in Exhibit B. Additionally, municipal bond packages were approved in 2012 and 2017 that funded infrastructure improvements throughout the City and around the proposed development site. The bond projects listed below were identified in either the 2012 or 2017 bond packages as projects to be completed that are within 1,500 feet of the blight boundary and within the previously mentioned plan area (See Exhibit C for projects map).

- 1. District 5 Parks Improvements**
Funding Amt: \$1 million
Source: 2017-2022 Bond Program
Status: In Progress

- 2. Normoyle Park General Improvements**
Funding Amt: \$1.15 million
Source: 2017-2022 Bond Program
Status: In Progress

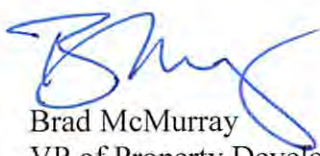
- 3. District 5 Senior Center & Renovation of the Normoyle Park Community Center**
Funding Amt: \$2,056,576
Source: 2012-2017 Bond Program
Status: Completed September 2015

- 4. Normoyle Park Improvements to walking trail and softball field**
Funding Amt: \$498,394
Source: 2012-2017 Bond Program
Status: Completed July 2015

Despite the age of many homes in the area, the area is clean, safe, there are many well-maintained homes and businesses, and substantial infrastructure improvements are planned. The small number of questionable properties identified in this letter does not represent a blighted area. Given the increasing property values, physical improvements planned or completed in the area, and the positive economic trends occurring, we believe there is sufficient evidence to indicate that private and public investment in the area is strong and that the community surrounding the development will more than adequately accommodate a TDHCA Housing Tax Credit Development.

Please contact me should you have any questions or concerns regarding the Village at Nogalitos. I would be happy to provide you with additional information for the projects described in this letter.

Sincerely,



Brad McMurray
VP of Property Development
8610 N. New Braunfels Ave. Suite 500
San Antonio, TX 78217
210.821.4300

Questionable Properties

Potential Blight Near Village at Nogalitos

I. Questionable Properties

The properties pictured below, which some may regard as blight, have only minor overgrowth and temporary vacancy and are either being sold or are increasing in value and should not be regarded as blight. The Bexar County Appraisal District (BCAD) assessment of these properties indicates an increase in value over the past four years. Increasing property values is a strong indicator of economic growth and neighborhood revitalization. Based on information received from the property owner and the deed history of the property, the former Pan American Restaurant and the adjacent tracts (Image A, B, C, and D below) are in the process of being redeveloped into an urgent care facility (Centro Med Clinic) that will provide current and future residents with greater access to healthcare services in their neighborhood. Tax records indicate the four properties listed below were purchased by the new owner (El Centro Del Barrio) in December 2017.



A. 1444 Division Ave.
Pan American Restaurant (closed)



B. 1442 Division Ave.
Vacant house next to Pan American Restaurant



C. 1442 Division Ave.
R&R Motors Used Car lot



D. Future Site of Centro Med Clinic

III. Examples of Neighborhood Improvement



H. Sidewalk reconstruction
S. Zarzamora St. & Culberson Ave.



I. New bus stop with covered seating



J. Street and sidewalk improvements at
Centennial Blvd. between Nogalitos & S. Zarzamora St.

IV. Existing High-Quality Businesses Near Development Site



K. Remco Car Insurance
3615 Nogalitos St. Suite #1



L. Family Dollar Store
3600 Nogalitos St.



M. Autozone Auto Parts Store
4500 S. Zaramora St.



N. Ramirez Feed Store
3819 Nogalitos St.



O. Mi Mexico Lindo Restaurant
3701 Nogalitos St.



P. Zaramora Clinic University Health System
4503 S. Zaramora St.

Exhibit A Map of Questionable Properties within 1,000 feet of Village at Nogalitos

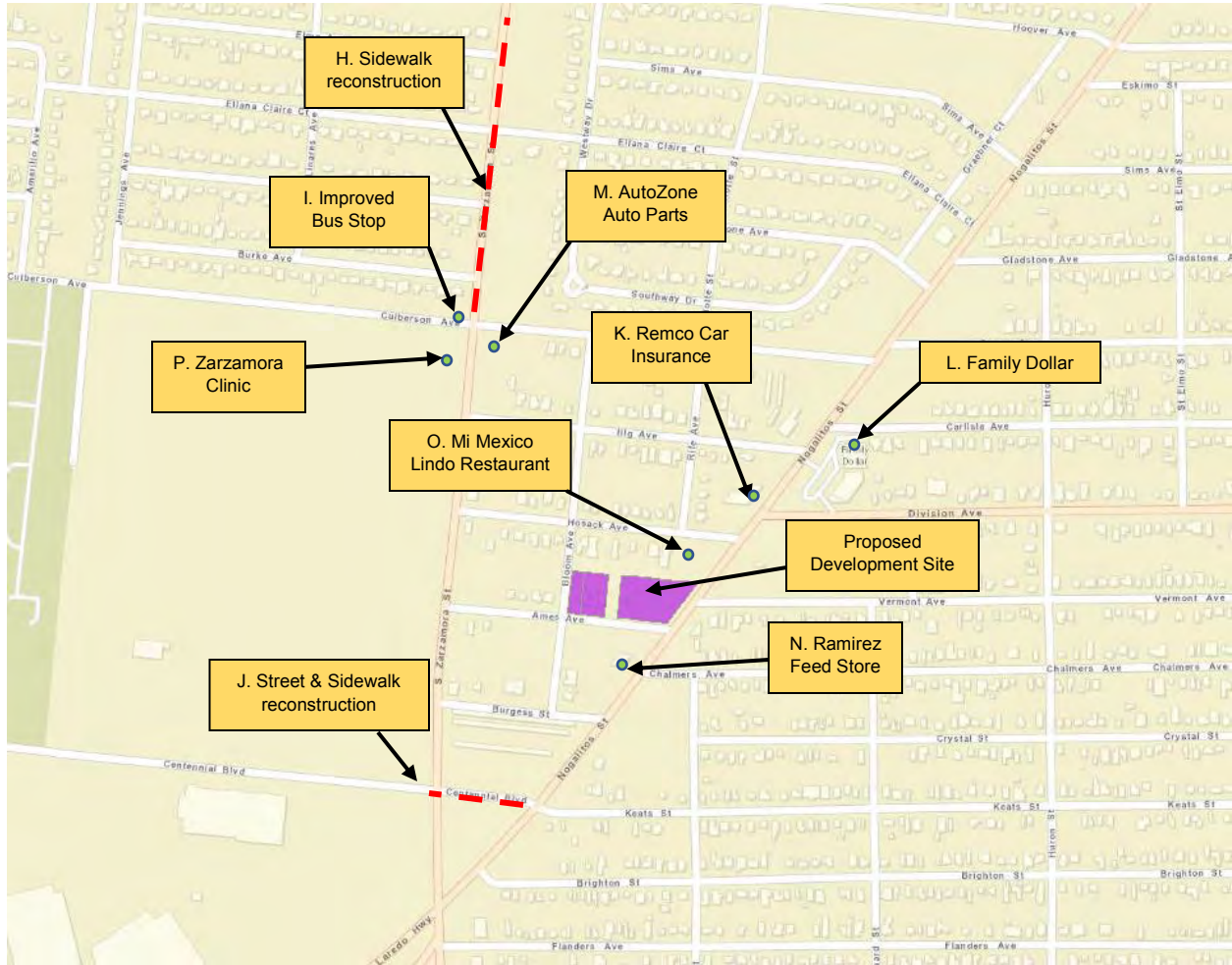


- A. 1444 Division Ave.
- B. 1442 Division Ave.
- C. 1442 Division Ave (used car lot)
- D. Future Site of Centro Med Clinic
- E. 4714 S. Zarzamora St.
- F. 323 Illg Ave.
- G. 4531 S. Zarzamora St.

Note: In the map above (Exhibit A) there are four 1,000-foot buffers. This is because the site is made up of four separate tracts. Each buffer extends 1,000 feet from the edge of each tract.

Exhibit B

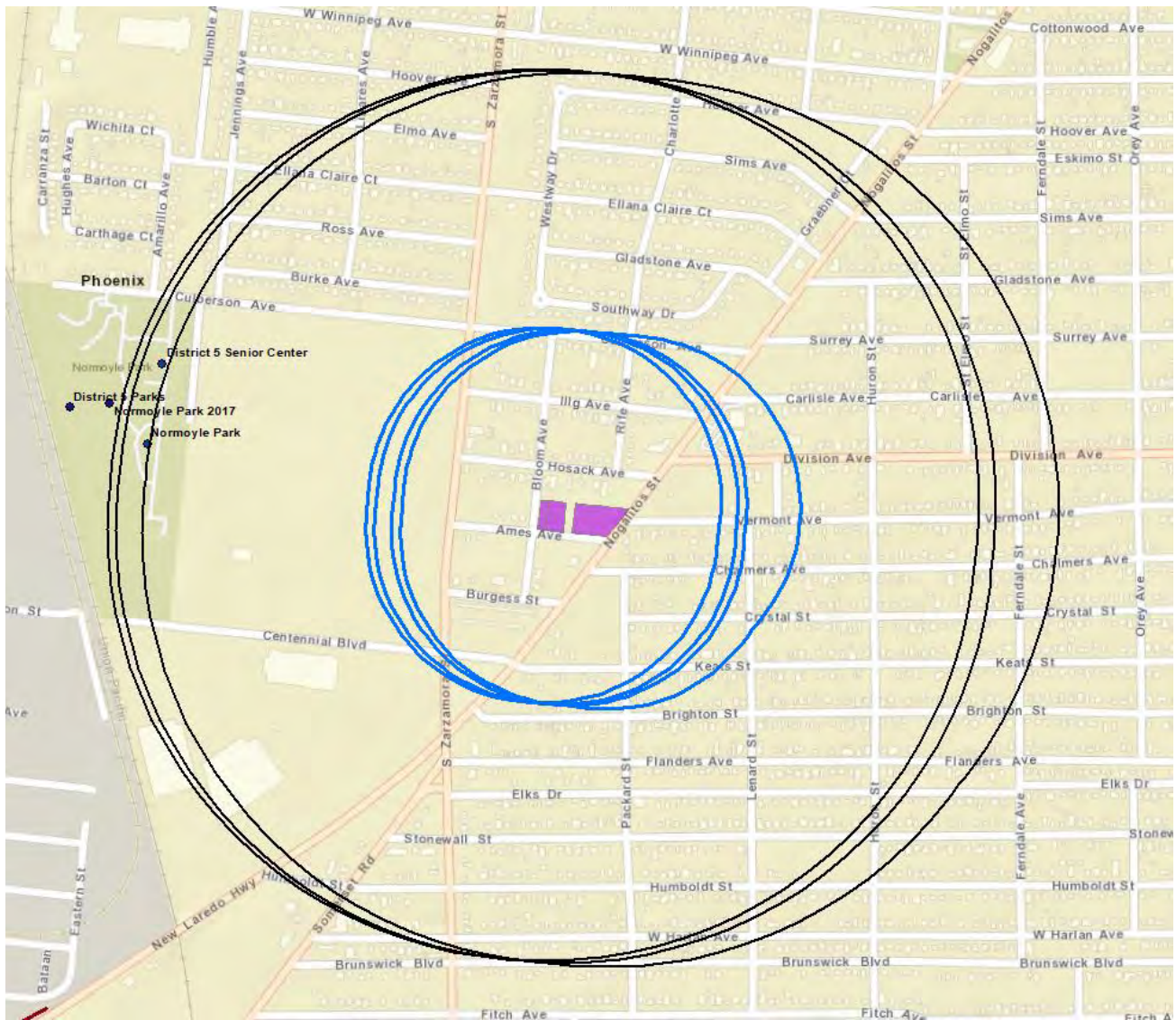
Examples of Neighborhood Improvements & Existing High-Quality Businesses Near Development Site



Note: The map above indicates the location of neighborhood improvements referenced in the images above.

Exhibit C

2012 2017 bond projects within 1,500 ft of the blight boundary



2017 Bond Projects

1. District 5 Parks Improvements (\$1,000,000)
2. Normoyle Park General Improvements (\$1,150,000)

2012 Bond Projects

1. District 5 Senior Center & Renovation of Normoyle Park Community Center (\$2,056,576)
2. Normoyle Park Improvements to Walking Trail and Softball Field (\$498,394)

District 5 Parks

District(s): 05
 Project Manager: Pat Schneider
 Capital Project Officer:

Total Approved Budget

Source	Amount
2017 GO PARKS IMPROVEMENT BOND	\$1,000,000
Total Fund	\$1,000,000

Cost Information

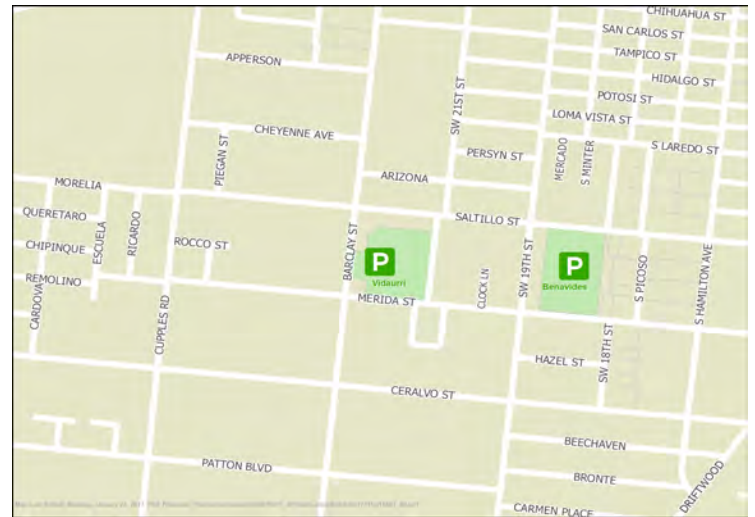
Category	Appropriations *	Expenses To-date
Design	\$165,750	\$73,934
Environmental	\$40,000	\$1,450
Construction	\$794,250	\$0
Total	\$1,000,000	\$75,384

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER DESIGN
Consultant: MP Studio Landscape Architecture
Contractor:
Estimated Project Advertisement: 09/2019
Estimated Construction Start: 12/2019
Estimated Construction Completion: 01/2021

Project Scope:

District 5 Parks -- General park improvements and rehabilitation of Benavides, Collins Garden, Kennedy and Vidaurri Parks.



Normoyle Park

District(s): 05
 Project Manager: Jamaal Moreno
 Capital Project Officer:

Total Approved Budget

Source	Amount
2017 GO PARKS IMPROVEMENT BOND	\$2,718
2017 GO PUBLIC SAFETY IMPROVEMENT BOND	\$143,368
2017 GO PARKS IMPROVEMENT BOND	\$1,003,914
Total Fund	\$1,150,000

Cost Information

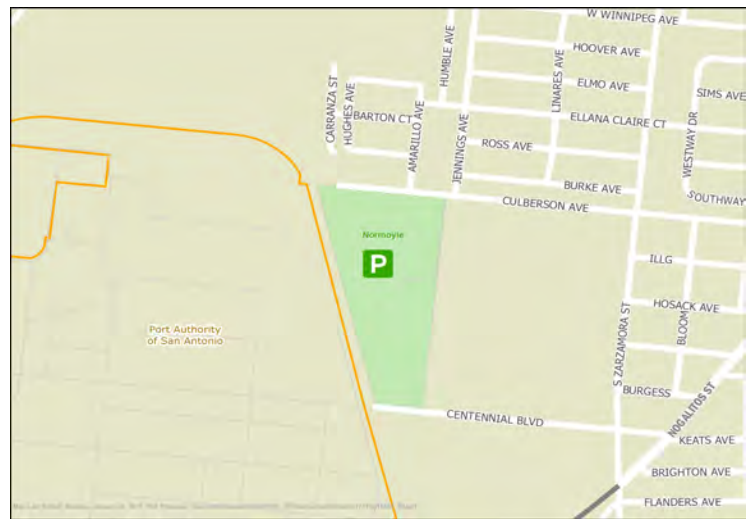
Category	Appropriations *	Expenses To-date
Design	\$141,595	\$123,024
Environmental	\$29,000	\$0
Construction	\$979,405	\$0
Total	\$1,150,000	\$123,024

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER DESIGN
Consultant: Open Air Studios, LLC
Contractor:
Estimated Project Advertisement: 04/2019
Estimated Construction Start: 06/2019
Estimated Construction Completion: 02/2020

Project Scope:

Normoyle Park 2017 -- General park improvements such as rehabilitation of softball facilities for senior softball leagues.



District 5 Senior Center

District(s): 05
 Project Manager: Cathleen Crabb
 Capital Project Officer: RODNEY DZIUK (210) 207-2876

Total Approved Budget

Source	Amount
2012 GO PARKS IMPROVEMENT BOND	\$1,750,000
GENERAL FUND	\$70,000
UNISSUED CERTIFICATES OF OBLIGATION	\$225,000
2015 ISSUED CERTIFICATES OF OBLIGATION	\$3,110
2008 CERTIFICATES OF OBLIGATION	\$8,465
Total Fund	\$2,056,576

Cost Information

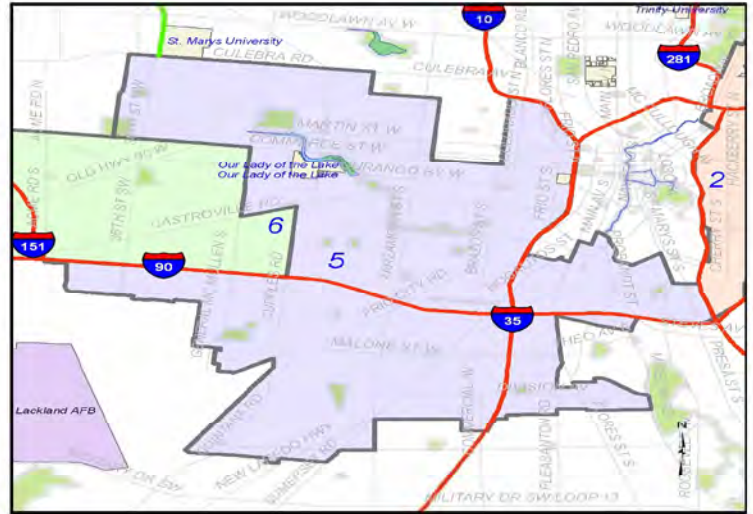
Category	Appropriations *	Expenses To-date
Design	\$322,353	\$321,573
Construction	\$1,564,405	\$1,558,276
Other	\$169,817	\$176,726
Total	\$2,056,576	\$2,056,576

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant: Alvidrez Architecture, Inc.
Contractor: Amstar, Inc.
Estimated Project Advertisement: 06/2014
Estimated Construction Start: 11/2014
Estimated Construction Completion: 09/2015

Project Scope:

District 5 Senior Center Renovation of the Normoyle Park Community Center for multi- generational programming and senior activities in Council District 5. Project may include computer classroom, arts and crafts room, dance and exercise area, kitchen and eating area and outdoor activity space.



Normoyle Park

District(s): 05
 Project Manager: Jamaal Moreno
 Capital Project Officer: RODNEY DZIUK (210) 207-2876

Total Approved Budget

Source	Amount
2012 GO PARKS IMPROVEMENT BOND	\$498,394
Total Fund	\$498,394

Cost Information

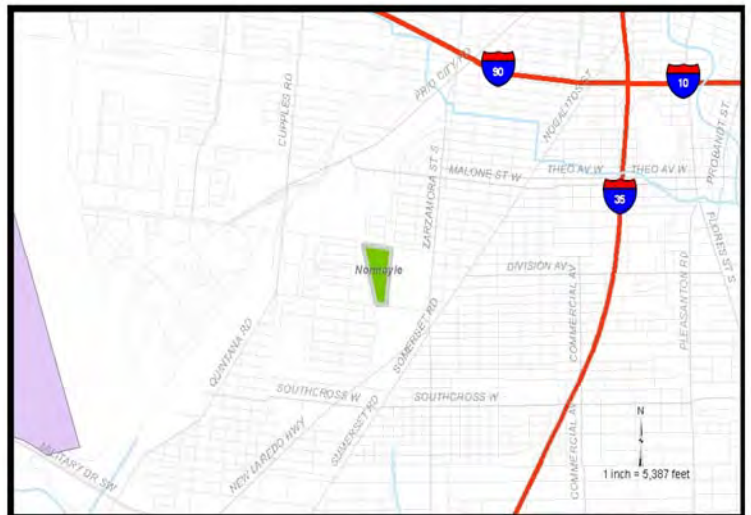
Category	Appropriations *	Expenses To-date
Design	\$59,235	\$59,235
Environmental	\$1,481	\$1,481
Construction	\$437,676	\$437,676
Total	\$498,394	\$498,394

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER CONSTRUCTION
Consultant: BWC Design
Contractor: Amstar, Inc.
Estimated Project Advertisement: 09/2013
Estimated Construction Start: 12/2013
Estimated Construction Completion: 07/2015

Project Scope:

Normoyle Park General park improvements which may include a walking trail and softball field improvements.



Bexar CAD

Property Search > 421223 FAULKNER LEE ROY & LOLA ANN for Year 2019 Tax Year: 2019

Property

Account

Property ID:	421223	Legal Descrip on:	NCB 8701 BLK 20 LOT 9, 10, 11 & 12
Geographic ID:	08701-020-0090	Zoning:	C-3
Type:	Real	Agent Code:	
Property Use Code:	320		
Property Use Descrip on:	STORAGE WAREHOUSE		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Locaon

Address:	4714 S ZARZAMORA ST SAN ANTONIO, TX 78211	Mapsco:	649F4
Neighborhood:	NBHD code12680	Map ID:	
Neighborhood CD:	12680		

Owner

Name:	FAULKNER LEE ROY & LOLA ANN	Owner ID:	320176
Mailing Address:	2310 ROOSEVELT AVE SAN ANTONIO, TX 78210-4921	% Ownership:	100.0000000000%
		Exemp ons:	

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valua on:	+	N/A	N/A
(+) Timber Market Valua on:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value ReducÃon:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: FAULKNER LEE ROY & LOLA ANN
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR COUNTY RD & FLOOD	N/A	N/A	N/A	N/A
08	SAN RIVER AUTH	N/A	N/A	N/A	N/A
09	ALAMO COMM COLLEGE	N/A	N/A	N/A	N/A
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A
11	BEXAR COUNTY	N/A	N/A	N/A	N/A
21	CITY OF SAN ANTONIO	N/A	N/A	N/A	N/A
58	SOUTH SAN ISD	N/A	N/A	N/A	N/A
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

Improvement / Building

All improvements valued at income

Improvement #1: Commercial State Code: F1 Living Area: 10800.0 sq. Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
320	STORAGE WAREHOUSE	S - G	SF	1975	2800.0
320	STORAGE WAREHOUSE	S - G	ME	1975	2100.0
320	STORAGE WAREHOUSE	S - G	ME	1975	3500.0
320	STORAGE WAREHOUSE	S - G	ME	1975	2400.0

Improvement #2: Commercial State Code: F1 Living Area: sq. Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - A		0	520.0

Improvement #3: Commercial State Code: F1 Living Area: sq. Value: N/A

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CON	Concrete	* - A		0	4000.0

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	CSS	Commercial Store Site	0.8090	35240.04	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
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2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$380,970	\$73,650	0	454,620	\$0	\$454,620
2017	\$378,940	\$70,480	0	449,420	\$0	\$449,420
2016	\$249,350	\$70,480	0	319,830	\$0	\$319,830
2015	\$233,810	\$66,960	0	300,770	\$0	\$300,770

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
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2019 data current as of Feb 5 2019 12:41AM.

2018 and prior year data current as of Feb 1 2019 6:04PM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

This year is not certified and ALL values will be represented with "N/A".

Bexar CAD

Property Search > 423055 CITY OF SAN ANTONIO for Tax Year:
 Year 2019

Property

Account

Property ID:	423055	Legal Descrip on:	NCB 8786 BLK LOT S IRR 275.29 FTR OF N 501.69 FT OF TR-E
Geographic ID:	08786-000-0052	Zoning:	C-3
Type:	Real	Agent Code:	
Property Use Code:	5000		
Property Use Descrip on:	EXEMPT - TOTAL EXEMPT		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Locaon

Address:	4531 S ZARZAMORA ST SAN ANTONIO, TX 78211	Mapsco:	649F3
Neighborhood:	NBHD code12680	Map ID:	
Neighborhood CD:	12680		

Owner

Name:	CITY OF SAN ANTONIO	Owner ID:	70010
Mailing Address:	PO BOX 839966 SAN ANTONIO, TX 78283-3966	% Ownership:	100.0000000000%
		Exemp ons:	EX-XV

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valua on:	+	N/A	N/A
(+) Timber Market Valua on:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value ReducÃon:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: CITY OF SAN ANTONIO

% Ownership: 100.0000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	N/A	N/A	N/A	N/A
08	SA RIVER AUTH	N/A	N/A	N/A	N/A
09	ALAMO COM COLLEGE	N/A	N/A	N/A	N/A
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A
11	BEXAR COUNTY	N/A	N/A	N/A	N/A
21	CITY OF SAN ANTONIO	N/A	N/A	N/A	N/A
58	SOUTH SAN ISD	N/A	N/A	N/A	N/A
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

Improvement / Building

No improvements exist for this property.

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	COB	Commercial Office Building	13.7788	600204.53	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$0	\$1,578,540	0	1,578,540	\$0	\$1,578,540
2017	\$0	\$1,500,510	0	1,500,510	\$0	\$1,500,510
2016	\$0	\$1,500,510	0	1,500,510	\$0	\$1,500,510
2015	\$0	\$1,500,510	0	1,500,510	\$0	\$1,500,510

2019 data current as of Feb 5 2019 12:41AM.**2018 and prior year data current as of Feb 1 2019 6:04PM****For property information, contact (210) 242-2432 or (210) 224-8511 or email.****For website information, contact (210) 242-2500.****This year is not certified and ALL values will be represented with "N/A".**

Bexar CAD

Property Search > 404478 EL CENTRO DEL BARRIO for Tax Year:
 Year 2019

Property

Account

Property ID:	404478	Legal Descrip on:	NCB 7921 BLK 2 LOT S 307 FT OF 4
Geographic ID:	07921-002-0070	Zoning:	C-3
Type:	Real	Agent Code:	
Property Use Code:	200		
Property Use Descrip on:	RESTAURANT		

Protest

Protest Status:	
Informal Date:	
Formal Date:	

Locaon

Address:	1444 DIVISION AVE 1 SAN ANTONIO, TX 78225	Mapsco:	649F4
Neighborhood:	NBHD code12680	Map ID:	
Neighborhood CD:	12680		

Owner

Name:	EL CENTRO DEL BARRIO	Owner ID:	308709
Mailing Address:	3750 COMMERCIAL AVE SAN ANTONIO, TX 78221-3117	% Ownership:	100.0000000000%
		Exemp ons:	EX-XV

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valua on:	+	N/A	N/A
(+) Timber Market Valua on:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value ReducÃon:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: EL CENTRO DEL BARRIO

% Ownership: 100.0000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	N/A	N/A	N/A	N/A
08	SA RIVER AUTH	N/A	N/A	N/A	N/A
09	ALAMO COM COLLEGE	N/A	N/A	N/A	N/A
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A
11	BEXAR COUNTY	N/A	N/A	N/A	N/A
21	CITY OF SAN ANTONIO	N/A	N/A	N/A	N/A
53	HARLANDALE ISD	N/A	N/A	N/A	N/A
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

Improvement / Building

Improvement #1:	Commercial	State Code:	F1	Living Area:	17621.0 sq.	Value: N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
200	RESTAURANT	C - A	CB	1977	1240.0
200	RESTAURANT	C - A	SF	1977	6000.0
200	RESTAURANT	C - A	MA	1977	10381.0

Improvement #2:	Commercial	State Code:	F1	Living Area:	sq.	Value: N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - A		1980	400.0

Improvement #3:	Commercial	State Code:	F1	Living Area:	sq.	Value: N/A
-----------------	------------	-------------	----	--------------	-----	------------

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
ASP	Asphalt	* - A		1980	6600.0

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	MIX	Commercial Mixed Use	0.9585	41752.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$968,990	\$179,950	0	1,148,940	\$0	\$1,148,940

2017	\$966,600	\$174,520	0	1,141,120	\$0	\$1,141,120
2016	\$916,360	\$146,550	0	1,062,910	\$0	\$1,062,910
2015	\$790,520	\$139,450	0	929,970	\$0	\$929,970

2019 data current as of Feb 5 2019 12:41AM.

2018 and prior year data current as of Feb 1 2019 6:04PM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

This year is not certified and ALL values will be represented with "N/A".

Bexar CAD

Property Search > 404480 EL CENTRO DEL BARRIO for Tax Year:
 Year 2019

Property

Account

Property ID:	404480	Legal Description:	NCB 7921 BLK 2 LOT 5A, 5B, 6A & 6B
Geographic ID:	07921-002-0090	Zoning:	C-3R
Type:	Real	Agent Code:	
Property Use Code:	390		
Property Use Description:	USED CAR SALES (INDEPENDENT)		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Location

Address:	1442 DIVISION AVE SAN ANTONIO, TX 78225	Mapscod:	649F4
Neighborhood:	NBHD code12680	Map ID:	
Neighborhood CD:	12680		

Owner

Name:	EL CENTRO DEL BARRIO	Owner ID:	308709
Mailing Address:	3750 COMMERCIAL AVE SAN ANTONIO, TX 78221-3117	% Ownership:	100.0000000000%
		Exemptions:	EX-XV

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Value on:	+	N/A	N/A
(+) Timber Market Value on:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: EL CENTRO DEL BARRIO
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	N/A	N/A	N/A	N/A
08	SA RIVER AUTH	N/A	N/A	N/A	N/A
09	ALAMO COM COLLEGE	N/A	N/A	N/A	N/A
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A
11	BEXAR COUNTY	N/A	N/A	N/A	N/A
21	CITY OF SAN ANTONIO	N/A	N/A	N/A	N/A
53	HARLANDALE ISD	N/A	N/A	N/A	N/A
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

Improvement / Building

Improvement #1:	Commercial	State Code:	F1	Living Area:	sq.	Value: N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
ASP	Asphalt	* - A		0	6000.0

Improvement #2:	Commercial	State Code:	F1	Living Area:	sq.	Value: N/A
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Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - A		0	180.0

Improvement #3:	Commercial	State Code:	F1	Living Area:	1400.0 sq.	Value: N/A
------------------------	------------	-------------	----	--------------	------------	------------

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
LA	Living Area	L - WS		1945	1400.0
OP	Attached Open Porch	L - NO		1945	175.0

Improvement #4:	Commercial	State Code:	F1	Living Area:	sqft	Value: N/A
------------------------	------------	-------------	----	--------------	------	------------

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
ASP	Asphalt	* - A		0	7750.0

Improvement #5:	Commercial	State Code:	F1	Living Area:	sqft	Value: N/A
------------------------	------------	-------------	----	--------------	------	------------

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
FEN	Fence	S - F		0	400.0

Improvement	Commercial	State	F1	Living	324.0 sqft	Value: N/A
--------------------	------------	-------	----	--------	------------	------------

#6:	Code:	Area:				
Type	Description	Class CD	Exterior Wall	Year Built	SQFT	
400	OFFICE	D - A	SS	1980	324.0	
CPT	Detached Carport	* - A		1980	144.0	
CPT	Detached Carport	* - A		1980	144.0	

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	MIX	Commercial Mixed Use	1.0501	45742.36	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$59,910	\$192,580	0	252,490	\$0	\$252,490
2017	\$49,050	\$187,090	0	236,140	\$0	\$236,140
2016	\$52,470	\$157,350	0	209,820	\$0	\$209,820
2015	\$50,410	\$149,580	0	199,990	\$0	\$199,990

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1	12/11/2017	SWD	Special Warranty Deed	SPECIA MARY ALICE ETAL	EL CENTRO DEL BARRIO	18895	1636	20170245014
2		Deed	Deed		SPECIA, MARY ALICE ETAL	5776	1144	0

2019 data current as of Feb 5 2019 12:41AM.

2018 and prior year data current as of Feb 1 2019 6:04PM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

This year is not certified and ALL values will be represented with "N/A".

Bexar CAD

Property Search > 135372 GONZALEZ HENRY & for Year 2019

Tax Year:

Property

Account

Property ID:	135372	Legal Descrip on:	NCB 2780 BLK 3 LOT 10 & 11
Geographic ID:	02780-003-0101	Zoning:	R-5
Type:	Real	Agent Code:	
Property Use Code:	001		
Property Use Descrip on:	Single Family		

Protest

Protest Status:
 Informal Date:
 Formal Date:

Locaon

Address:	323 ILLG AVE SAN ANTONIO, TX 78211	Mapsco:	649F3
Neighborhood:	EAST KELLY/SOUTH SAN (SS)	Map ID:	
Neighborhood CD:	95820		

Owner

Name:	GONZALEZ HENRY &	Owner ID:	96181
Mailing Address:	GABRIEL GONZALEZ JR 3203 TRIPLE MDWS SAN ANTONIO, TX 78263-5044	% Ownership:	100.0000000000%

Exemp ons:

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valua on:	+	N/A	N/A
(+) Timber Market Valua on:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value ReducÃon:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: GONZALEZ HENRY &

% Ownership: 100.0000000000%

Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
06	BEXAR CO RD & FLOOD	N/A	N/A	N/A	N/A
08	SA RIVER AUTH	N/A	N/A	N/A	N/A
09	ALAMO COM COLLEGE	N/A	N/A	N/A	N/A
10	UNIV HEALTH SYSTEM	N/A	N/A	N/A	N/A
11	BEXAR COUNTY	N/A	N/A	N/A	N/A
21	CITY OF SAN ANTONIO	N/A	N/A	N/A	N/A
58	SOUTH SAN ISD	N/A	N/A	N/A	N/A
CAD	BEXAR APPRAISAL DISTRICT	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
Taxes w/Current Exemptions:					N/A
Taxes w/o Exemptions:					N/A

Improvement / Building

Improvement #1:	Residential	State Code:	A1	Living Area:	sq.	Value:	N/A
Type	Description	Class CD	Exterior Wall	Year Built	SQFT		
GAR	Detached Garage	F - WS		0	360.0		
CPT	Detached Carport	F - NO		0	360.0		
CPT	Detached Carport	F - NO		0	180.0		
CPT	Detached Carport	F - NO		0	360.0		

Land

#	Type	Description	Acres	Sq.	Eff Front	Eff Depth	Market Value	Prod. Value
1	OTH	Other	0.3765	16400.00	100.00	164.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2019	N/A	N/A	N/A	N/A	N/A	N/A
2018	\$8,640	\$30,340	0	38,980	\$0	\$38,980
2017	\$8,120	\$20,990	0	29,110	\$0	\$29,110
2016	\$3,770	\$13,650	0	17,420	\$0	\$17,420
2015	\$3,190	\$13,650	0	16,840	\$0	\$16,840

Deed History - (Last 3 Deed Transactions)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
1		Deed	Deed		GONZALEZ, HENRY &	6605	1095	0

2019 data current as of Feb 5 2019 12:41AM.

2018 and prior year data current as of Feb 1 2019 6:04PM

For property information, contact (210) 242-2432 or (210) 224-8511 or email.

For website information, contact (210) 242-2500.

This year is not certified and ALL values will be represented with "N/A".

Website version: 1.2.2.24

Database last updated on: 2/5/2019 12:41 AM

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Schools Without 2018 Met
Standard

-

Miguel Carrillo Jr. Elementary
Dwight Middle School



*Empowering families for nearly 25 years
by providing safe, high-quality, affordable housing
and support services.*

February 25, 2019

Mr. David Cervantes
Acting Director
Texas Department of Housing and Community Affairs
Low-Income Housing Tax Credit Program
221 East 11th Street
Austin, Texas 78701

Re: TDHCA No. 19134 – Village at Nogalitos, San Antonio, TX
Site within Attendance Zone of School Not Having 2018 TEA Met Standard

Dear Mr. Cervantes,

I am writing on behalf of the proposed development, Village at Nogalitos, to disclose that the proposed site located at 3727 Nogalitos St., San Antonio, TX is within the attendance zone of Miguel Carrillo Jr. Elementary School and Dwight Middle School of the South San Antonio Independent School District (SSAISD) that does not have a 2018 Texas Education Agency (TEA) Met Standard rating, which is a neighborhood risk factor in accordance with the Qualified Allocation Plan §11.101(3)(A) Neighborhood Risk Factors.

Qualified Allocation Plan §11.101(3)(D)(iv)(I) outlines the requirements for the mitigation of this Neighborhood Risk Factor:

Evidence of mitigation for all of the schools in the attendance zone that have not achieved Met Standard may include, but is not limited to, satisfying the requirements of subclauses (I) – (IV) of this clause.

- *Documentation from a person authorized to speak on behalf of the school district with oversight of the school in question that indicates the specific plans in place and current progress towards meeting the goals and performance objectives identified in the Campus Improvement Plan and in restoring the school(s) to an acceptable rating status. The documentation should include actual data from progress already made under such plan(s) to date demonstrating favorable trends and should speak to the authorized persons assessment that the plan(s) and the data supports a reasonable conclusion that the school(s) will have an acceptable rating by the time the proposed Development places into service.*

Attached please find a letter from Mr. Alexandro Flores, Superintendent of Schools for the South San Antonio Independent School District, who provides oversight of the schools in question and is very familiar with the district's campus improvement plans and efforts towards school improvement. Mr. Flores began his tenure as the Superintendent of Schools for SSAISD in 2017.

First, Carrillo Elementary and Dwight Middle School both attained Met Standard ratings from the TEA the previous three years (2015-2017), earning academic distinctions in categories such as science, mathematics, reading, and postsecondary readiness. In 2017, the SSAISD Board of Trustees experienced significant challenges, including a budget shortfall, low enrollments and replacing the previous Superintendent who was hired in 2014. These hardships stretched the already limited resources of the school district, which impacted the TEA academic ratings in 2018.

The TEA appointed a state conservator in February 2016 to supervise the financial management and governance of SSAISD after the district as a whole received a poor TEA rating. However, the state conservator was removed two years later in February 2018 under the leadership of the newly appointed Board President, Ms. Connie Prado. Under the leadership of Ms. Prado and Superintendent. Flores, the Board implemented the state's Lone Star Governance model to help guide their efforts towards school improvement. The SSAISD Board received a certification in Lone Star Governance after the Board attended a two-day management workshop offered by TEA. This certification prompted the removal of the state conservator, which should serve as evidence that the TEA believed the schools were on track to achieve an acceptable rating status in 2019, as well as when the proposed Development is placed into service.

- *The letter should, to the extent applicable, identify the efforts that have been undertaken to increase student performance, decrease mobility rate, benchmarks for re-evaluation, increased parental involvement, plans for school expansion, plans to implement early childhood education, and long-term trends that would point toward their achieving Met Standard by the time the Development is placed in service.*

There are many positive trends occurring in the school district because of the efforts undertaken to increase student performance. In his letter, Mr. Flores points to the reopening of Athens Elementary (one of three schools in the district that closed in 2017 that will reopen in 2019). Athens Elementary received a Met Standard rating every year since 2014 until it closed in 2017, but the SSAISD Board of Trustees decided to close the school regardless. Reopening Athens Elementary would ensure that class sizes remain small enough to provide students with the attention they need to succeed, which is likely to increase student performance.

- *The letter from such education professional should also speak to why they believe the staff tasked with carrying out the plan will be successful at making progress towards acceptable student performance considering that prior Campus Improvement Plans were unable to do so. Such assessment could include whether the team involved has employed similar strategies at prior schools and were successful.*

The Carrillo Elementary and Dwight Middle School Campus Improvement Plans are both attached. Fortunately, for those students currently attending these schools, measures are being taken to address the systemic root causes of poor student performance identified in the improvement plans, and because each school achieved a Met Standard in the three previous testing years, there is no precedent of the Campus Improvement Plan not achieving their goal of improving student performance. In his letter, Mr. Flores outlines the goals, progress measures, and strategies for improving student performance based on the initiatives found in each Campus Improvement Plan. He also points to a comprehensive needs assessment that was completed at both schools to identify the academic strengths and weaknesses of students in an effort to develop more sophisticated strategies for improvement. Mr. Flores also says that Carrillo Elementary hired a new principal for the 2018-2019 school year who has more than 30 years of teaching experience, as well as a full-time accelerated intervention teacher, and a new math instructional coach.

Finally, in his letter Mr. Flores states that:

“Based on the success of the Lonestar Governance model at schools throughout the state of Texas, the implementation of new performance metrics, increased training opportunities for teachers, and the reopening of Athens Elementary, we firmly believe the district is making significant progress towards achieving a Met Standard rating in 2019 for Carrillo Elementary and Dwight Middle School. Moving forward please keep in, elementary age students who will live in your scheduled complex will attend Athens Elementary (which received a Met Standard rating in 2017 by the time the proposed development is built. I am confident the staff tasked with carrying out these plans will be successful at achieving acceptable student performance by the time the proposed Village at Nogalitos is placed in service.”

At the SSAISD Board meeting held on February 20, 2019, Director of Teaching and Learning Amy Shields presented information to the Board regarding progress measures in reading improvement. The Middle of the Year Report (attached herein), indicates improvement and demonstrates the district achieved their annual goals of:

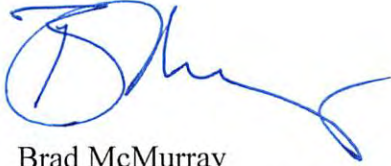
- Decrease non-readers - Goal 2%, Achieved 2%;
- Decrease Levels A-G – Goal 32%, Achieved 27%; and
- Increase percentage of students reading on or above level – Goal 43%, Achieved 55%

The District not only met its annual goals for improving student reading performance but exceeded them in both decreasing the percentage of students performing at the lower levels of A-G and increasing percentage of students reading on or above level. The District has clearly demonstrated its ability to meet and actually exceed its goals in improving student performance.

With this affirmation from Superintendent Flores on behalf of the school district, and the demonstrated student improvement presented at the recent SSAISD Board meeting, it is clear the schools in question will achieve a TEA Met Standard rating by the time the proposed Village at Nogalitos is placed in service.

Please contact me should you have any questions or concerns regarding the information disclosed in this letter. I would be happy to provide you with additional information as needed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad McMurray', with a stylized flourish at the end.

Brad McMurray
VP of Property Development
8610 N. New Braunfels Ave. Suite 500
San Antonio, TX 78217
210-821-4300

2018 TEA Accountability Information



Accountability Data Search Help

Texas Education Agency 2018 Accountability Ratings Overall Summary MIGUEL CARRILLO JR EL (015908112) - SOUTH SAN ANTONIO ISD

	Component Score	Scaled Score	Rating
Overall		53	Improvement Required
Student Achievement		51	Improvement Required
STAAR Performance	25	51	
College, Career and Military Readiness			
Graduation Rate			
School Progress		57	Improvement Required
Academic Growth	58	57	Improvement Required
Relative Performance (Eco Dis: 91.1%)	25	53	Improvement Required
Closing the Gaps	10	43	Improvement Required

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Eligible
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned



Accountability Data Search Help

Texas Education Agency
2018 Accountability Ratings Overall Summary
DWIGHT MIDDLE (015908041) - SOUTH SAN ANTONIO ISD

	Component Score	Scaled Score	Rating
Overall		59	Improvement Required
Student Achievement		58	Improvement Required
STAAR Performance	30	58	
College, Career and Military Readiness			
Graduation Rate			
School Progress		66	Met Standard
Academic Growth	58	58	Improvement Required
Relative Performance (Eco Dis: 90.4%)	30	66	Met Standard
Closing the Gaps	10	59	Improvement Required

Notes:

- This campus received an Improvement Required rating in three of the four areas: Student Achievement; School Progress, Part A: Academic Growth; School Progress, Part B: Relative Performance; or Closing the Gaps. Therefore, the overall scaled score is limited to an 59.

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned



Accountability Data Search Help

Texas Education Agency
2018 Accountability Ratings Overall Summary
SOUTH SAN ANTONIO H S (015908001) - SOUTH SAN ANTONIO ISD

	Component Score	Scaled Score	Rating
Overall		68	Met Standard
Student Achievement		66	Met Standard
STAAR Performance	38	65	
College, Career and Military Readiness	35	67	
Graduation Rate	89.4	65	
School Progress		71	Met Standard
Academic Growth	62	69	Met Standard
Relative Performance (Eco Dis: 77.1%)	37	71	Met Standard
Closing the Gaps	13	61	Met Standard

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned

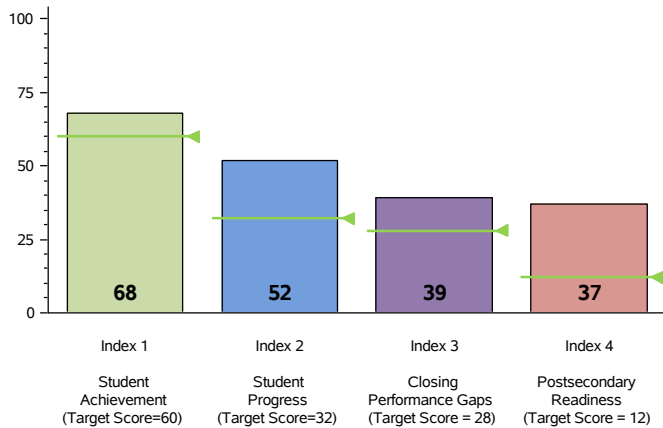
**Texas Education Agency
2016-17 School Report Card
MIGUEL CARRILLO JR EL (015908112)**

District Name: **SOUTH SAN ANTONIO ISD**
Campus Type: **Elementary**

Total Students: **376**
Grade Span: **PK - 05**

2017 Performance Index

State accountability ratings are based on four performance indices: Student Achievement, Student Progress, Closing Performance Gaps, and Postsecondary Readiness. The bar graph below illustrates the index scores for this campus. The score required to meet each index's target is indicated below the index description and as a line on each bar. In 2017, to receive the Met Standard or Met Alternative Standard accountability rating, districts and campuses must meet targets on three indices: Index 1 **or** Index 2 **and** Index 3 **and** Index 4.



2017 Accountability Rating

Met Standard

For 2017 state accountability, campuses are rated as **Met Standard**, **Improvement Required**, or **Not Rated**. The rating, **Met Alternative Standard**, is assigned to charters and alternative education campuses evaluated under alternative education accountability (AEA) provisions.

Distinction Designations

ELA/Reading	Mathematics
Science	Top 25% Student Progress
Top 25% Closing Perform Gaps	Postsecondary Readiness

Campuses that receive a rating of **Met Standard** are eligible for as many as seven distinction designations: **Academic Achievement in English Language Arts (ELA)/Reading, Academic Achievement in Mathematics, Academic Achievement in Science, Academic Achievement in Social Studies, Top 25%: Student Progress, Top 25%: Closing Performance Gaps, and Postsecondary Readiness.**

School and Student Information

This section provides demographic information about the campus, including attendance rates; enrollment percentages for various student groups; student mobility rates; and class size averages at the campus, district, and state level, where applicable.

	Campus	District	State
Attendance Rate (2015-16)	95.7%	94.9%	95.8%
Enrollment by Race/Ethnicity			
African American	0.8%	1.3%	12.6%
Hispanic	98.4%	97.0%	52.4%
White	0.8%	1.3%	28.1%
American Indian	0.0%	0.1%	0.4%
Asian	0.0%	0.2%	4.2%
Pacific Islander	0.0%	0.0%	0.1%
Two or More Races	0.0%	0.2%	2.2%
Enrollment by Student Group			
Economically Disadvantaged	97.3%	90.9%	59.0%
English Language Learners	25.5%	16.0%	18.9%
Special Education	9.8%	8.1%	8.8%
Mobility Rate (2015-16)	23.5%	21.7%	16.2%

	Campus	District	State
Class Size Averages by Grade or Subject			
Elementary			
Kindergarten	21.5	18.9	18.8
Grade 1	17.0	20.4	18.8
Grade 2	22.0	19.8	18.9
Grade 3	18.5	19.4	19.0
Grade 4	22.0	18.9	19.0
Grade 5	22.0	22.2	20.9

School Financial Information (2015-16)

Various financial indicators are reported for the campus, district, and state, where applicable, based on actual data from the prior year. For more information, see <http://tea.texas.gov/financialstandardreports/>.

	Campus	District	State	Campus	District	State	
Instructional Staff Percent	n/a	57.0%	64.6%	Expenditures per Student			
Instructional Expenditure Ratio	n/a	58.3%	63.6%	Total Operating Expenditures	\$7,644	\$9,578	\$9,373
				Instruction	\$5,114	\$5,056	\$5,317
				Instructional Leadership	\$64	\$356	\$143
				School Leadership	\$599	\$528	\$544

		State	District	All Students	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv
STAAR Percent at Approaches Grade Level or Above (Sum of All Grades Tested)												
All Subjects	2017	75%	64%	68%	-	68%	-	-	-	-	-	67%
	2016	75%	64%	70%	-	70%	*	-	-	-	-	69%
Reading	2017	72%	61%	64%	-	64%	-	-	-	-	-	63%
	2016	73%	62%	72%	-	72%	*	-	-	-	-	71%
Mathematics	2017	79%	66%	74%	-	74%	-	-	-	-	-	73%
	2016	76%	63%	70%	-	70%	*	-	-	-	-	69%
Writing	2017	67%	56%	56%	-	56%	-	-	-	-	-	53%
	2016	69%	60%	54%	-	53%	*	-	-	-	-	52%
Science	2017	79%	68%	69%	-	69%	-	-	-	-	-	67%
	2016	79%	70%	80%	-	80%	-	-	-	-	-	80%
STAAR Percent at Meets Grade Level (Sum of All Grades Tested)												
Two or More Subjects	2017	48%	30%	37%	-	37%	-	-	-	-	-	36%
	2016	45%	28%	28%	-	28%	*	-	-	-	-	27%
Reading	2017	48%	32%	39%	-	39%	-	-	-	-	-	38%
	2016	46%	30%	36%	-	36%	*	-	-	-	-	35%
Mathematics	2017	48%	29%	43%	-	43%	-	-	-	-	-	42%
	2016	43%	24%	37%	-	37%	*	-	-	-	-	36%
Writing	2017	38%	23%	24%	-	24%	-	-	-	-	-	23%
	2016	41%	29%	24%	-	23%	*	-	-	-	-	20%
Science	2017	52%	34%	41%	-	41%	-	-	-	-	-	38%
	2016	47%	31%	42%	-	42%	-	-	-	-	-	43%
STAAR Percent at Masters Grade Level (Sum of All Grades Tested)												
All Subjects	2017	20%	9%	19%	-	19%	-	-	-	-	-	17%
	2016	18%	8%	14%	-	14%	*	-	-	-	-	13%
Reading	2017	19%	10%	19%	-	19%	-	-	-	-	-	17%
	2016	17%	9%	14%	-	14%	*	-	-	-	-	13%
Mathematics	2017	23%	9%	23%	-	23%	-	-	-	-	-	22%
	2016	19%	8%	18%	-	18%	*	-	-	-	-	18%
Writing	2017	12%	4%	*	-	*	-	-	-	-	-	*
	2016	15%	6%	*	-	*	*	-	-	-	-	*
Science	2017	19%	9%	19%	-	19%	-	-	-	-	-	15%
	2016	16%	7%	14%	-	14%	-	-	-	-	-	14%
STAAR Percent Met or Exceeded Progress												
All Subjects	2017	61%	55%	71%	-	71%	-	-	-	-	-	71%
	2016	62%	56%	61%	-	61%	*	-	-	-	-	61%
Reading	2017	59%	54%	63%	-	63%	-	-	-	-	-	63%
	2016	60%	56%	61%	-	61%	*	-	-	-	-	61%
Mathematics	2017	64%	56%	79%	-	79%	-	-	-	-	-	79%
	2016	63%	56%	62%	-	62%	*	-	-	-	-	61%

		State	District	Campus	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv
STAAR Percent Exceeded Progress												
All Subjects	2017	19%	16%	42%	-	42%	-	-	-	-	-	41%
	2016	17%	14%	28%	-	29%	*	-	-	-	-	29%
Reading	2017	17%	16%	30%	-	30%	-	-	-	-	-	28%
	2016	16%	15%	19%	-	19%	*	-	-	-	-	19%
Mathematics	2017	20%	16%	55%	-	55%	-	-	-	-	-	54%
	2016	17%	13%	38%	-	38%	*	-	-	-	-	39%
Progress of Prior-Year Non-Proficient Students (Sum of Grades 4-8)												
Reading	2017	35%	34%	36%	-	36%	-	-	-	-	-	36%
	2016	35%	32%	22%	-	22%	-	-	-	-	-	22%
Mathematics	2017	43%	42%	63%	-	63%	-	-	-	-	-	63%
Students Success Initiative												
Grade 5												
Students Approaching Grade Level on First STAAR Administration												
Reading	2017	72%	62%	70%	-	70%	-	-	-	-	-	69%
Mathematics	2017	81%	75%	84%	-	84%	-	-	-	-	-	84%
Students Requiring Accelerated Instruction												
Reading	2017	28%	38%	30%	-	30%	-	-	-	-	-	31%
Mathematics	2017	19%	25%	16%	-	16%	-	-	-	-	-	16%
STAAR Cumulative Met Standard												
Reading	2017	81%	73%	73%	-	73%	-	-	-	-	-	72%
Mathematics	2017	87%	82%	86%	-	86%	-	-	-	-	-	85%

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TEXAS EDUCATION AGENCY
2016 Accountability Summary
 MIGUEL CARRILLO JR EL (015908112) - SOUTH SAN ANTONIO ISD

Accountability Rating

Met Standard

Met Standards on

- Student Achievement
- Student Progress
- Closing Performance Gaps
- Postsecondary Readiness

Did Not Meet Standards on

- NONE

In 2016, to receive a Met Standard or Met Alternative Standard rating, districts and campuses must meet targets on three indexes: Index 1 or Index 2 and Index 3 and Index 4.

Distinction Designation



Academic Achievement in ELA/Reading

NO DISTINCTION EARNED

Academic Achievement in Mathematics

NO DISTINCTION EARNED

Academic Achievement in Science

DISTINCTION EARNED

Academic Achievement in Social Studies

NOT ELIGIBLE

Top 25 Percent Student Progress

NO DISTINCTION EARNED

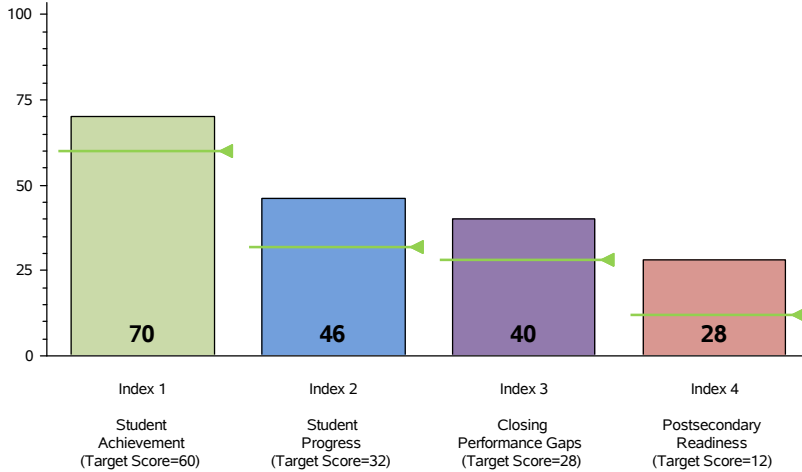
Top 25 Percent Closing Performance Gaps

NO DISTINCTION EARNED

Postsecondary Readiness

NO DISTINCTION EARNED

Performance Index Report



Campus Demographics

Campus Type	Elementary
Campus Size	429 Students
Grade Span	PK - 05
Percent Economically Disadvantaged	97.2
Percent English Language Learners	30.1
Mobility Rate	23.9

Performance Index Summary

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	351	500	70
2 - Student Progress	276	600	46
3 - Closing Performance Gaps	319	800	40
4 - Postsecondary Readiness			
STAAR Score	28.0		
Graduation Rate Score	N/A		
Graduation Plan Score	N/A		
Postsecondary Component Score	N/A		28

System Safeguards

Number and Percentage of Indicators Met

Performance Rates	11 out of 14 = 79%
Participation Rates	8 out of 8 = 100%
Graduation Rates	N/A
Total	19 out of 22 = 86%

For further information about this report, please see the Performance Reporting Division website at <https://rptsvr1.tea.texas.gov/perfreport/account/2016/index.html>

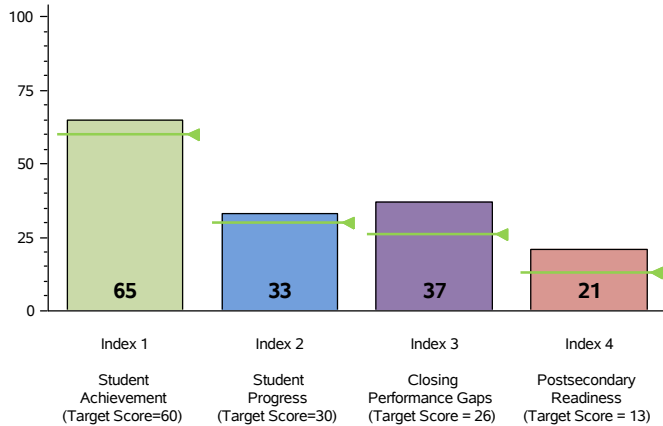
**Texas Education Agency
2016-17 School Report Card
DWIGHT MIDDLE (015908041)**

District Name: **SOUTH SAN ANTONIO ISD**
Campus Type: **Middle School**

Total Students: **461**
Grade Span: **06 - 08**

2017 Performance Index

State accountability ratings are based on four performance indices: Student Achievement, Student Progress, Closing Performance Gaps, and Postsecondary Readiness. The bar graph below illustrates the index scores for this campus. The score required to meet each index's target is indicated below the index description and as a line on each bar. In 2017, to receive the Met Standard or Met Alternative Standard accountability rating, districts and campuses must meet targets on three indices: Index 1 **or** Index 2 **and** Index 3 **and** Index 4.



2017 Accountability Rating

Met Standard

For 2017 state accountability, campuses are rated as **Met Standard**, **Improvement Required**, or **Not Rated**. The rating, **Met Alternative Standard**, is assigned to charters and alternative education campuses evaluated under alternative education accountability (AEA) provisions.

Distinction Designations

Science

Top 25% Closing Perform Gaps

Campuses that receive a rating of **Met Standard** are eligible for as many as seven distinction designations: **Academic Achievement in English Language Arts (ELA)/Reading, Academic Achievement in Mathematics, Academic Achievement in Science, Academic Achievement in Social Studies, Top 25%: Student Progress, Top 25%: Closing Performance Gaps, and Postsecondary Readiness.**

School and Student Information

This section provides demographic information about the campus, including attendance rates; enrollment percentages for various student groups; student mobility rates; and class size averages at the campus, district, and state level, where applicable.

	Campus	District	State
Attendance Rate (2015-16)	95.2%	94.9%	95.8%
Enrollment by Race/Ethnicity			
African American	0.4%	1.3%	12.6%
Hispanic	98.7%	97.0%	52.4%
White	0.9%	1.3%	28.1%
American Indian	0.0%	0.1%	0.4%
Asian	0.0%	0.2%	4.2%
Pacific Islander	0.0%	0.0%	0.1%
Two or More Races	0.0%	0.2%	2.2%
Enrollment by Student Group			
Economically Disadvantaged	97.0%	90.9%	59.0%
English Language Learners	15.0%	16.0%	18.9%
Special Education	7.2%	8.1%	8.8%
Mobility Rate (2015-16)	24.0%	21.7%	16.2%

	Campus	District	State
Class Size Averages by Grade or Subject			
Elementary			
Grade 6	17.6	19.7	20.4
Secondary			
English/Language Arts	23.6	18.4	16.8
Foreign Languages	18.6	21.0	18.7
Mathematics	19.4	20.0	18.0
Science	20.9	19.1	19.0
Social Studies	21.1	21.6	19.4

School Financial Information (2015-16)

Various financial indicators are reported for the campus, district, and state, where applicable, based on actual data from the prior year. For more information, see <http://tea.texas.gov/financialstandardreports/>.

	Campus	District	State	Campus	District	State	
Instructional Staff Percent	n/a	57.0%	64.6%	Expenditures per Student			
Instructional Expenditure Ratio	n/a	58.3%	63.6%	Total Operating Expenditures	\$8,319	\$9,578	\$9,373
				Instruction	\$5,245	\$5,056	\$5,317
				Instructional Leadership	\$16	\$356	\$143
				School Leadership	\$617	\$528	\$544

		State	District	All Students	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv
STAAR Percent at Approaches Grade Level or Above (Sum of All Grades Tested)												
All Subjects	2017	75%	64%	65%	100%	65%	86%	-	-	-	-	64%
	2016	75%	64%	66%	*	66%	91%	*	-	-	*	66%
Reading	2017	72%	61%	62%	*	62%	*	-	-	-	-	62%
	2016	73%	62%	66%	*	66%	*	*	-	-	*	66%
Mathematics	2017	79%	66%	65%	*	65%	*	-	-	-	-	65%
	2016	76%	63%	65%	*	65%	*	*	-	-	*	65%
Writing	2017	67%	56%	54%	-	53%	*	-	-	-	-	54%
	2016	69%	60%	60%	*	60%	*	-	-	-	-	59%
Science	2017	79%	68%	76%	*	76%	*	-	-	-	-	76%
	2016	79%	70%	70%	-	70%	*	*	-	-	*	69%
Social Studies	2017	77%	70%	76%	*	76%	*	-	-	-	-	76%
	2016	77%	69%	71%	-	72%	*	*	-	-	*	71%
STAAR Percent at Meets Grade Level (Sum of All Grades Tested)												
Two or More Subjects	2017	48%	30%	21%	*	21%	*	-	-	-	-	21%
	2016	45%	28%	25%	*	25%	*	*	-	-	*	25%
Reading	2017	48%	32%	24%	*	24%	*	-	-	-	-	23%
	2016	46%	30%	26%	*	26%	*	*	-	-	*	26%
Mathematics	2017	48%	29%	27%	*	27%	*	-	-	-	-	26%
	2016	43%	24%	26%	*	26%	*	*	-	-	*	26%
Writing	2017	38%	23%	12%	-	12%	*	-	-	-	-	12%
	2016	41%	29%	34%	*	34%	-	-	-	-	-	34%
Science	2017	52%	34%	46%	*	47%	*	-	-	-	-	46%
	2016	47%	31%	25%	-	25%	*	*	-	-	*	25%
Social Studies	2017	51%	38%	28%	*	28%	*	-	-	-	-	27%
	2016	47%	33%	26%	-	26%	*	*	-	-	*	25%
STAAR Percent at Masters Grade Level (Sum of All Grades Tested)												
All Subjects	2017	20%	9%	7%	*	7%	*	-	-	-	-	7%
	2016	18%	8%	9%	*	9%	*	*	-	-	*	9%
Reading	2017	19%	10%	8%	*	8%	*	-	-	-	-	7%
	2016	17%	9%	10%	*	10%	*	*	-	-	*	10%
Mathematics	2017	23%	9%	7%	*	6%	*	-	-	-	-	7%
	2016	19%	8%	8%	*	8%	*	*	-	-	*	8%
Writing	2017	12%	4%	*	-	*	*	-	-	-	-	*
	2016	15%	6%	*	*	*	*	-	-	-	-	*
Science	2017	19%	9%	11%	*	12%	*	-	-	-	-	12%
	2016	16%	7%	9%	-	9%	*	*	-	-	*	9%
Social Studies	2017	27%	11%	9%	*	9%	*	-	-	-	-	9%
	2016	22%	10%	16%	-	16%	*	*	-	-	*	16%
STAAR Percent Met or Exceeded Progress												
All Subjects	2017	61%	55%	52%	*	52%	*	-	-	-	-	52%
	2016	62%	56%	54%	*	54%	*	*	-	-	-	54%
Reading	2017	59%	54%	49%	*	49%	*	-	-	-	-	48%
	2016	60%	56%	51%	*	51%	*	*	-	-	-	51%
Mathematics	2017	64%	56%	55%	*	55%	*	-	-	-	-	56%
	2016	63%	56%	57%	*	57%	*	*	-	-	-	57%

		State	District	Campus	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv
STAAR Percent Exceeded Progress												
All Subjects	2017	19%	16%	15%	*	15%	*	-	-	-	-	15%
	2016	17%	14%	11%	*	11%	*	*	-	-	-	11%
Reading	2017	17%	16%	17%	*	17%	*	-	-	-	-	17%
	2016	16%	15%	12%	*	13%	*	*	-	-	-	12%
Mathematics	2017	20%	16%	13%	*	13%	*	-	-	-	-	13%
	2016	17%	13%	9%	*	9%	*	*	-	-	-	9%
Progress of Prior-Year Non-Proficient Students (Sum of Grades 4-8)												
Reading	2017	35%	34%	36%	-	35%	*	-	-	-	-	35%
	2016	35%	32%	30%	-	29%	*	*	-	-	-	30%
Mathematics	2017	43%	42%	48%	-	48%	-	-	-	-	-	49%
Students Success Initiative												
Grade 8												
Students Approaching Grade Level on First STAAR Administration												
Reading	2017	76%	67%	67%	*	66%	*	-	-	-	-	67%
Mathematics	2017	75%	62%	77%	*	76%	-	-	-	-	-	77%
Students Requiring Accelerated Instruction												
Reading	2017	24%	33%	33%	*	34%	*	-	-	-	-	33%
Mathematics	2017	25%	38%	23%	*	24%	-	-	-	-	-	23%
STAAR Cumulative Met Standard												
Reading	2017	85%	79%	82%	*	81%	*	-	-	-	-	82%
Mathematics	2017	85%	77%	82%	*	81%	-	-	-	-	-	83%

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TEXAS EDUCATION AGENCY
2016 Accountability Summary
 DWIGHT MIDDLE (015908041) - SOUTH SAN ANTONIO ISD

Accountability Rating

Met Standard

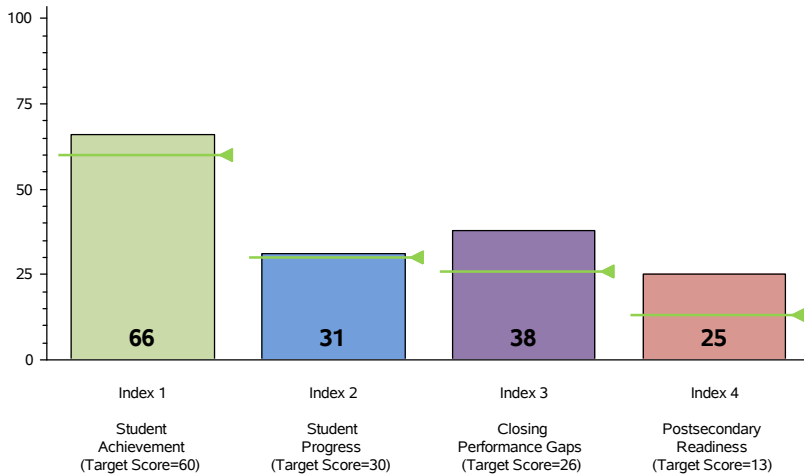
Met Standards on	Did Not Meet Standards on
- Student Achievement - Student Progress - Closing Performance Gaps - Postsecondary Readiness	- NONE
In 2016, to receive a Met Standard or Met Alternative Standard rating, districts and campuses must meet targets on three indexes: Index 1 or Index 2 and Index 3 and Index 4.	

Distinction Designation



Academic Achievement in ELA/Reading
NO DISTINCTION EARNED
Academic Achievement in Mathematics
NO DISTINCTION EARNED
Academic Achievement in Science
NO DISTINCTION EARNED
Academic Achievement in Social Studies
DISTINCTION EARNED
Top 25 Percent Student Progress
NO DISTINCTION EARNED
Top 25 Percent Closing Performance Gaps
DISTINCTION EARNED
Postsecondary Readiness
DISTINCTION EARNED

Performance Index Report



Campus Demographics

Campus Type	Middle School
Campus Size	482 Students
Grade Span	06 - 08
Percent Economically Disadvantaged	98.5
Percent English Language Learners	9.8
Mobility Rate	17.9

Performance Index Summary

Index	Points Earned	Maximum Points	Index Score
1 - Student Achievement	850	1,286	66
2 - Student Progress	248	800	31
3 - Closing Performance Gaps	377	1,000	38
4 - Postsecondary Readiness			
STAAR Score	25.0		
Graduation Rate Score	N/A		
Graduation Plan Score	N/A		
Postsecondary Component Score	N/A		25

System Safeguards

Number and Percentage of Indicators Met	
Performance Rates	15 out of 19 = 79%
Participation Rates	10 out of 10 = 100%
Graduation Rates	N/A
Total	25 out of 29 = 86%

For further information about this report, please see the Performance Reporting Division website at <https://rptsvr1.tea.texas.gov/perfreport/account/2016/index.html>

Letter from SSAISD Official



SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

DIVISION OF ACADEMICS

Dr. Ramiro Nava
Chief Academic Officer

5622 Ray Ellison Drive • San Antonio • Texas • 78242 • (210) 977-7365 • Fax (210) 623-1846

February 20, 2019

Mr. David Cervantes
Acting Director
Texas Department of Housing and Community Affairs
Low-Income Housing Tax Credit Program
221 East 11th Street
Austin, Texas 78701

Re: Village at Nogalitos – Neighborhood Risk Factors – TDHCA Application #19134

Dear Mr. Cervantes:

I am writing to you on behalf of the South San Antonio Independent School District (SSAISD) Board of Trustees and Superintendent of Schools regarding the Village at Nogalitos proposed affordable housing development. I was asked to address the Neighborhood Risk Factor for the above-referenced 2019 9% Housing Tax Credit application, and I would like to inform you of the progress of our school turnaround and redesign initiatives outlined in our Campus Improvement Plans.

The proposed development site, located at 3727 Nogalitos Street, San Antonio, TX, 78211 is within the boundary of the South San Antonio Independent School District and is currently served by the following feeder schools:

- Miguel Carrillo Elementary School
- Dwight Middle School
- South San Antonio High School

South San Antonio High School received a Met Standard rating through the TEA (Texas Education Agency) Accountability Rating System from 2013 through the present rating year of 2018. In fact, South San Antonio High School received Distinction Designations for Science in 2016, and for Science, Reading, and Mathematics in 2017. However, Carrillo Elementary and Dwight Middle School both received an Improvement Required rating in the most recent rating year of 2018 after having received a Met Standard rating the previous three years, creating what I understand to be a Neighborhood Risk Factor for a 9% tax credit application.

The purpose of this letter is to outline South San Antonio ISD's plan to ensure that all students within the attendance zones of this feeder group are served by schools that have all attained a Met Standard rating by the time the proposed Village at Nogalitos is placed in service, which I understand will be no later than December 1, 2021.

In April 2017, the South San Antonio ISD's Board of Trustees voted to close Athens Elementary school to deal with a budget shortfall, despite Athens having received a Met Standard rating from the TEA since 2014. The

district had a significant funding gap at the time and there were concerns over the district's ability to properly maintain the schools at its current enrollment. However, the Board, which added three new members and elected a new President last year, approved a resolution in January 2019 to reopen Athens Elementary to help bring current and new students back to their respective neighborhood campuses. Although the proposed Village at Nogalitos is currently within the attendance zone for Carrillo Elementary, it will transition to being within the attendance zone of Athens Elementary once the school is reopened, which is anticipated to be in August 2019. Therefore, students living at the proposed Village at Nogalitos Apartments would attend Athens Elementary, not Carrillo, once campus is placed in service.

With that in mind, I would like to provide information regarding the efforts undertaken by our staff of teachers and administrators to increase student performance for both Carrillo Elementary and Dwight Middle School, as they have been substantial.

Using the Lone Star Governance model, which is a continuous improvement model used by the TEA, the SSAISD Board of Trustees, in collaboration with the district administration, has adopted three quantitative student outcome goals with progress measures and five strategies to meet those goals. The focus of the goals is to increase "Masters Level" Performance in reading and mathematics in addition to increasing post-secondary readiness across the district. The three Student Outcome Goals with Progress Measures are listed below:

Lone Star Governance Student Outcome Goals and Strategies

- **Goal 1: The percentage of graduates who will qualify for community college/university, military, or industry certification will increase annually 4.5 percentage points from 67.5% to 90% by 2022. (Graduating class of 2022).**
 - **Progress Measures: 72% by 2018; 76.5% by 2019; 81% by 2020; 85.5% by 2021; 90% by 2022**
- **Goal 2: The percent of students who perform at the Masters Grade Level standard for all grades in state mathematics exams will increase 2.2 percentage points each year from 9% to 20% by 2022.**
 - **Progress Measures: 11.2% by 2018; 13.4% by 2019; 15.6% by 2020; 17.8% by 2021, 20% by 2020**
- **Goal 3: The percent of students who perform at the Masters Grade Level standard for all grades in state reading exams will increase 2.4 percentage points each year from 8% to 20% by 2022.**
 - **Progress Measures: 10.4% by 2018; 12.8% by 2019; 15.2% by 2020; 17.6% by 2021; 20% by 2022**

Furthermore, a comprehensive needs assessment was completed for both schools, which revealed their strengths, weaknesses, and opportunities for improvement. Based on the assessments, five strategies were selected for each school to help them achieve their stated goals.

Strategies for Carrillo Elementary:

- **Strategy 1: We will engage all school community members through transparency and effective communication to promote a positive perception and create a strong brand.**
- **Strategy 2: We will establish a system of extraordinary customer service to attract and retain members of our community.**
- **Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.**
- **Strategy 4: We will build partnerships with businesses and the community to promote parental involvement, support opportunities for student success, and increase student attendance and enrollment.**

- **Strategy 5: We will promote and ensure a safe and secure learning environment for all students.**

Carrillo has also hired a new principal with more than 30 years of teaching experience, a full-time Accelerated Intervention teacher, and one new math instructional coach, which provides two instructional coaches now present at the school. In addition, all teachers will attend professional development training on a variety of topics hosted by the TEA, such as balanced literacy/guided reading, empowering writers' workshop, bullying and suicide prevention, and child abuse awareness.

Strategies for Dwight Middle School:

- **Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.**
- **Strategy 2: We will provide innovative instruction that promotes student engagement and higher cognitive thinking.**
- **Strategy 3: We will develop a strong instructional and operational support system across the curriculum to build campus relationships to support student learning that will result in individual success and high academic achievement.**
- **Strategy 4: We will promote a safe, secure, and clean learning and work environment to function as a physical representation of our school pride found throughout our community.**
- **Strategy 5: We will prioritize effective leadership to recruit, attract, retain, and develop high performing teams and sustain a positive school culture.**

Each campus strategy listed above is directly related to "critical success factors" described in detail in both campus improvement plans. The critical success factors describe the key actions to be taken and expected results of those actions to meet the previously stated goals for improving overall student performance. Below are four examples of critical success factors and expected results from the respective campus improvement plans.

For example, Dwight Middle School Strategy 1, Critical Success Factor: Teachers and Administrators will participate in professional development to address the needs of struggling learners, to include Special Education students.

Expected Result: Increased student performance on common assessments, 9 weeks exams, Semester Exams, District Benchmarks, and overall STAAR performance.

Another example, Miguel Carrillo Elementary School Strategy 3, Critical Success Factor: Parents will access updated campus parent and community engagement webpage. Webpages will be updated weekly with new information, relevant dates and monthly events to encourage the home-school connection.

Expected Result: The number of times that the website is accessed by a parent.

Based on the success of the Lonestar Governance model at schools throughout the state of Texas, the implementation of new performance metrics, increased training opportunities for teachers, and the reopening of Athens Elementary, we firmly believe the district is making significant progress towards achieving a Met Standard rating in 2019 for Carrillo Elementary and Dwight Middle School. Moving forward please keep in, elementary age students who will live in your scheduled complex will attend Athens Elementary (which

received a Met Standard rating in 2017) by the time the proposed development is built. I am confident the staff tasked with carrying out these plans will be successful at achieving acceptable student performance by the time the proposed Village at Nogalitos is placed in service.

Enclosed please find electronic versions of the 2018-2019 Campus Improvement Plans for both Miguel Carrillo Elementary and Dwight Middle School.

If you have any questions or require additional information, please contact me at 210-977-7020.

Sincerely,



South San Antonio Independent School District

Dr. Alejandro M. Flores
Superintendent of Schools

Miguel Carrillo Jr. Elementary Campus Improvement Plan

South San Antonio Independent School District
Miguel Carrillo, Jr. Elementary School
2018-2019 Campus Improvement Plan



Mission Statement

All students will enjoy successful education experiences to empower them to make decisions and enrich their lives in the future they create.

Vision

Miguel Carrillo, Jr. Elementary is a positive student-centered environment, which empowers students to be productive lifelong learners through collaboration and innovative education within our school community.

Core Beliefs

- We believe effective communication and collaboration creates strong leadership.
- We believe compassionate and dedicated teachers foster a positive culture which inspires students to become independent learners.
- We believe all members of the community are accountable for student success.
- We believe students are responsible for taking ownership of their learning and achievement.

Lone Star Governance Student Outcome Goals

Goal 1

The percentage of graduates who will qualify for community college/university, military, or industry certification will increase annually 4.5 percentage points from 67.5% to 90% by 2022. (Graduating class of 2022).

Goal 2

The percent of students who perform at the Masters Grade Level standard for all grades in state mathematics exams will increase 2.2 percentage points each year from 9% to 20% by 2022.

Goal 3

The percent of students who perform at the Masters Grade Level standard for all grades in state reading exams will increase 2.4 percentage points each year from 8% to 20% by 2022.

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Comprehensive Needs Assessment

Demographics

Demographics Summary

Miguel Carrillo, Jr. Elementary current enrollment is 459 students from Prekindergarten (3 year olds) - 5th Grade. Our student population is comprised of 98.8% Hispanic with 97.2% economically disadvantaged, 30.1% limited English proficient, 5.4% special education and 75% at-risk. Average class size is 18-22 students. Mobility Rate is: 23.9%. Special Education population includes autism, resource, life-skills and inclusion services. 504 and Rti programs accommodate students with ADHD, Dyslexia, and other medical conditions that may require additional support to ensure that all students are successful.

Demographics Strengths

This principal is very experienced and plans to bring stability to the school. 3rd -5th grade teachers are no longer teaching in a departmentalized manner; this is a strength because they were not prepared or trained to do so. All team leaders/grade level chairs are experienced and should provide leadership and best teaching practices.

This year, Carrillo Elementary has a Math Instructional Coach in addition to an ELAR Instructional Coach. Both are spending a great deal of time with teachers to help improve their craft. This year teachers have a 90 minute uninterrupted block for PLC and planning with the coaches and administrators.

Problem Statements Identifying Demographics Needs

Problem Statement 1: Instructional practices can be enhanced through intentional lesson planning to include LOs & DOLs and multiple response strategies.

Root Cause: Teachers were not afforded high quality lesson planning sessions or extended PLCs for lesson development and practice.

Student Achievement

Student Achievement Summary

3rd Grade Spring 2018 STAAR Scores

Math-21% Meets, 10% Masters

Reading-30% Meets, 20% Masters

4th Grade Spring 2018 STAAR Scores

Math-25% Meets, 13% Masters

Reading-21% Meets, 9% Masters

Writing-11% Meets, 0% Masters

5th Grade Spring 2018 STAAR Scores

Math-5% Meets, 1% Masters

Reading-10% Meets, 2% Masters

Science-4% Meets, 0% Masters

Problem Statements Identifying Student Achievement Needs

Problem Statement 1: The percentage of students receiving a Meets Standard score on their Math STAAR test is 17%. **Root Cause:** The lack of high quality, rigorous and targeted instruction indicates students are inadequately prepared for success in Math.

Problem Statement 2: The percentage of students receiving a Meets Standard score on their Reading STAAR test is 20% **Root Cause:** The lack of high quality, rigorous and targeted instruction indicates students are inadequately prepared for success in Reading.

School Culture and Climate

School Culture and Climate Summary

Miguel Carrillo, Jr. Elementary is striving to develop and foster a positive and collaborative environment in the classroom and school community.

- Parent feedback is positive and students enjoy coming to school every day.
- Many families that attend our school have been generational and have commented on the many positives that the campus and teachers have to offer.
- On a daily basis, our safe and respectful learning environment will foster positive student choices.
- Character building is addressed through our Counselor, Communities in School partnership, PBIS (Positive Behavior Interventions and Supports) support systems, teachers and administrators.
- The Wildcat Student Pledge is recited daily during the morning pledge and announcements. We will continue to join other district campuses as part of our PBIS Climate Grant.
- Classrooms are equipped with tables, as well as desks, to foster collaborative learning environments.
- Teachers attend positive school climate professional developments such as Capturing Kids Hearts.

School Culture and Climate Strengths

As a school community the climate strengths are as follows:

- Parents have access to teachers, counselor, CIS and administrators
- Incorporate and promote multicultural events
- Community based activities such as Fall and Spring Festivals
- Family Nights
- Academic Nights
- Family Movie Nights
- Field Day
- School parades (Halloween, Fiesta)

Problem Statements Identifying School Culture and Climate Needs

Problem Statement 1: Parents and students must feel welcomed in a climate of inclusivity. **Root Cause:** Collective efforts and strategic key actions are needed to welcome parents and students.

Staff Quality, Recruitment, and Retention

Staff Quality, Recruitment, and Retention Summary

- All Carrillo staff are certified in the areas they are assigned making them highly qualified by Every Student Succeeds Act 2015
- Teachers from Athens Elementary and Benavidez Elementary have become part of the Carrillo Team
- Years of experience range from 1 to 28 years of teaching
- Carrillo has hired a full time Accelerated Intervention teacher
- Carrillo has hired 1 new math instructional coach, thus providing two instructional coaches this year
- Carrillo has a new principal, who has 30 years of experience (9 as a teacher and 21 as an administrator).

Staff Quality, Recruitment, and Retention Strengths

- Teachers believe in giving back to the community
- Positive relationships among each other and with students
- Positive parent relationships
- Over half the teachers live far away and are willing to drive to Carrillo to teach
- 4 very effective teachers came from Benavidez Elementary to Carrillo this year

Problem Statements Identifying Staff Quality, Recruitment, and Retention Needs

Problem Statement 1: A number of teachers are new to their grade level. **Root Cause:** Teachers have been moved across grade levels and thus, needing more support.

Curriculum, Instruction, and Assessment

Curriculum, Instruction, and Assessment Summary

Teachers and paraprofessionals will attend staff development in the areas of individual and campus needs in order to provide high quality instruction.

- Principal and Vice Principal will attend District Leadership Academy, TEPSA (June 2019), Principal and Vice Principal Meetings, Region 20 Campus Administrators PD to increase overall student performance and TPESS goals.
- Vice Principal will attend professional development in Bilingual/LPAC, Special Education/ARD, STAAR Testing, Positive Behavior Intervention Support (PBIS) and Gifted and Talented required trainings in order to be certified in these areas.
- All core teachers, counselors and administration will be 100% GT trained by 2018-2019 to ensure HB5 goals are met.
- Teacher will attend professional development on Balanced Literacy/Guided Reading to implement the program into classroom routines to develop interdependence, stamina and accountability and improve school-wide literacy achievement.
- Provide training for Texas Evaluation Support System (TESS) for teachers.
- K-5 Teachers will attend training for Empowering Writers workshop
- Provide Learning for Life Lessons through Boy Scouts and counseling program.
- Hire a Math Instructional Coach to assist with data analysis, lesson planning and model best practices in Math.
- All teachers will identify low performing students and provide focused and targeted interventions in small group settings by tutoring at-risk students after school using Mentoring Minds.
- Teachers will attend FAB 5 training to better serve students
- K-3 teachers will implement Fountas and Pinnell reading assessments
- All faculty and staff will receive training on Bullying, Suicide Prevention and Child Abuse Awareness.

Curriculum, Instruction, and Assessment Strengths

- The school has 2 knowledgeable administrators and 2 knowledgeable instructional coaches.
- The school has hired an accelerated intervention teacher for math and is looking for one for reading.
- All teachers are happy with their grade level placement; none are departmentalized. All are self-contained.
- The school has an experienced Reading Teacher to work with Tier 3 students.

Problem Statements Identifying Curriculum, Instruction, and Assessment Needs

Problem Statement 1: The School has been labeled as I.R. Improvement Required **Root Cause:** Increased rigorous and targeted instruction is required to accelerate student outcomes.

Parent and Community Engagement

Parent and Community Engagement Summary

The Carrillo family strives to involve all parents to promote academic success through home/school collaboration. We will additionally strive to involve more parents and educate them in the importance of parent involvement.

- Parent Volunteers
- Grandparent's Day
- Monthly Cafecito Meetings
- Valentine's Dance
- Fall/Spring Festivals
- Family Fitness Nights
- Multicultural Parade
- Field Day
- Fiesta Float Parade
- Academic Night
- FAST (Family and Schools Together) training

Parent and Community Engagement Strengths

- Parents volunteer at school daily
- Parents participate in PTO
- Parent Volunteers for field trips
- Parents attend FAST (Family and Schools Together) sessions for 8 weeks
- Parents attend FAST Works monthly for 2 years

Problem Statements Identifying Parent and Community Engagement Needs

Problem Statement 1: More strategic efforts are required to make parents and students feel welcomed. **Root Cause:** Athens Elementary School closed and schools were consolidated.

School Context and Organization

School Context and Organization Summary

Although Carrillo ES is now in targeted improvement, students have had numerous successes over the years. A comprehensive analysis was conducted to determine root causes for the drop in scores and corrective actions are in place. Teachers are committed to ensuring academic success for each Carrillo student.

School Context and Organization Strengths

This year we will focus on: creating a positive and welcoming culture for all students and all parents, improving student attendance, good first instruction and teaching all of the TEKS.

The Administration and CILT team used the Campus Needs Assessment, data analysis, RtI, F&P scores, STAAR scores, Eukolos data and attendance data to determine that the following are areas of need for our campus.

- Focus on Early Literacy for K-3(PD needed)
- Guided Reading
- Writing across the curriculum (led by 4th grade team)
- PLC focus on Data Analysis
- More effective LO & DOL which include Rigor
- (TEKS/Lead4ward) Good First Instruction (All the time)
- Multiple Response Strategies (whiteboards, technology, table talk)
- Accountable Talk, Write to Learn, Think Pair Share, Exit Tickets
- Use Mentoring Minds in grades 3rd-5th
- PBIS and Capturing Kids Hearts (led by PBIS Team)
- Improve Attendance and Tardies (incentives, home visits)
- Improve parent communication and engagement activities to increase parent participation and student achievement.

Problem Statements Identifying School Context and Organization Needs

Problem Statement 1: The School has been labeled as I.R. Improvement Required **Root Cause:** More targeted and differentiated instruction is required to meet the needs of every student.

Technology

Technology Summary

Purchase laptops, in-focus, document cameras, and other technology equipment for teachers to use when delivering lessons and creating activities in all subjects that promote critical thinking and problem solving.

Purchase 75 additional chrome-books for all 3rd - 5th graders for daily incorporation into lessons in all subjects for a more conducive student-centered environment. Students will improve reading through programs such as iStation and they will improve math with such programs as Happy Numbers.

Purchase IPADS and COWS for student use in grades K-2.

Technology Strengths

Technology is utilized in the classrooms to broaden student horizons such as using them for the following reasons:

- enrichment purposes
- instructional gains
- enrich lessons

Problem Statements Identifying Technology Needs

Problem Statement 1: Additional technology tools are needed at Carrillo Elementary for all teachers and students. **Root Cause:** Budget constraints have limited the amount of technology devices purchased.

Strategies

Revised/Approved: October 09, 2018







Strategy 1: We will engage all school community members through transparency and effective communication to promote a positive perception and create a strong brand.

Specific Result 1: Establish a communication system that creates a strong brand that is disseminated across the city and state.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 1 CSF 3 CSF 5 CSF 6</p> <p>1) Create a Carrillo Facebook Page that informs parents and community of positive events at school. Use it to promote events for students and families at school.</p>	3.1	Principal, Assistant Principal, Counselor, School Nurse, Faculty and Staff	Positive relationships will develop among faculty, staff, students, parents and community members as we collaborate to create a positive climate.				
<p>Comprehensive Support Key Action Targeted Support Key Action PBMAS Critical Success Factors CSF 1 CSF 3 CSF 5 CSF 6</p> <p>2) Communicate with parents in person, on the telephone, through school website, through teacher websites, via e-mail, through Class DoJo and Facebook.</p>	3.1	Principal, Assistant Principal, Counselor, School Nurse, Faculty and Staff	Effective two way communication will take place. Much about the student's behavior and academic performance, leading toward much improvement.				

<p>Comprehensive Support Key Action Critical Success Factors CSF 3 CSF 5 CSF 6</p> <p>3) Campus website will be kept up-to-date with events taking place at the campus level. All teachers will also keep their individual webpages up-to-date for parents, guardians, and students.</p>	3.1, 3.2	Campus Web Master, Principal and all faculty members.	Parents, guardians, and students will have access to important information regarding their school/class activities. Effective communication will exist from school to families and students.				
<p>Comprehensive Support Key Action Targeted Support Key Action Critical Success Factors CSF 1 CSF 5 CSF 6</p> <p>4) Communicate information to parents through announcements and invitations utilizing monthly school calendars, notes, flyers, newsletters, parents meetings, campus website, school messenger, digital signage, school marquee and Class DoJo.</p>	2.6, 3.1, 3.2	Principal, Assistant Principal, Counselor, School Nurse, Faculty and Staff	To communicate with parents about decisions made that affect the school community. Awareness of opportunities for students that affect their future choices. Inform parents of student behavior and academic progress.				
<p style="text-align: center;">  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Specific Result 1 Problem Statements:

School Culture and Climate
<p>Problem Statement 1: Parents are not happy, they felt unwelcome, uninformed and unheard. Many students are not respectful, behavior problems and absenteeism is high Root Cause 1: Lack of administrative experience and stability, parents and students feeling unwelcome, concerns not heard and lack of respect from all sides</p>
Parent and Community Engagement
<p>Problem Statement 1: Some parents did not feel welcome at school by previous administration. Root Cause 1: Athens Elementary School closed and parents from that school were upset.</p>

Strategy 1: We will engage all school community members through transparency and effective communication to promote a positive perception and create a strong brand.

Specific Result 2: Implement school community feedback tools.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

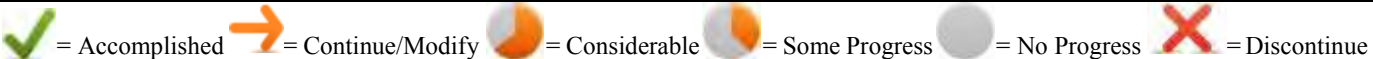
Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Targeted Support Key Action Critical Success Factors CSF 1 CSF 3 CSF 5 CSF 6</p> <p>1) Utilize district and campus climate surveys to improve school climate.</p>		Principal, Assistant Principal, Counselor, Faculty, Staff and parents.	Positive relationships will develop as parents and community members feel heard and given the chance to express themselves.				

Strategy 1: We will engage all school community members through transparency and effective communication to promote a positive perception and create a strong brand.

Specific Result 3: Expand parent engagement programs that utilize staff, students, and community members.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
1) Purchase snacks, supplies or materials for the parent room (204) and parent engagements events and cafecitos.		Principal, Assistant Principal, Counselor and Secretary	Increase parent engagement to educate parents about the importance of parent involvement.				
<p>Comprehensive Support Key Action</p> <p>Targeted Support Key Action</p> <p>Critical Success Factors CSF 3 CSF 5 CSF 6</p> <p>2) Staff will post all upcoming events at the district and campus levels. We will partner with UTSA and Texas A&M, SSAISD Parent Center, Communities In Schools, SA Youth and other organizations that help the school, students, parents and community. We will use our website, school marquee, Facebook and Community News Bulletin Boards to promote all events.</p>	3.1, 3.2	Principal, Assistant Principal, Counselor, Secretary and PTO	<p>Increase communication and awareness in order to foster parent engagement.</p> <p>Parents will also have more opportunities for their children to participate in at venues such as UTSA, Texas A&M, and San Antonio City events.</p> <p>Parent Involvement at the district, campus and city levels will increase.</p>				
3) The campus will pay for Parents to attend a Parent and Community Symposium at Region 20. Parents will learn to promote student success through family engagement.		Principal, Assistant Principal and Counselor.	Educate parents about the importance of parent involvement to increase student success.				
							

Strategy 2: We will establish a system of extraordinary customer service to attract and retain members of our community.

Specific Result 1: Utilize a variety of communication and feedback tools that appeal to the audiences in the school community.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
1) Utilize district and campus climate surveys to improve school climate.	3.1, 3.2						
<p>Critical Success Factors CSF 5 CSF 6</p> 2) Create and foster a collaborative PTO that involves the school and community.	3.1, 3.2	Principal, Assistant Principal, all faculty, staff, Head Start Family Facilitator and parents.	Increase parent and teacher participation in PTO meetings and events. Sign-in sheets Increased parent activities.				

Specific Result 1 Problem Statements:

School Culture and Climate
<p>Problem Statement 1: Parents are not happy, they felt unwelcome, uninformed and unheard. Many students are not respectful, behavior problems and absenteeism is high Root Cause 1: Lack of administrative experience and stability, parents and students feeling unwelcome, concerns not heard and lack of respect from all sides</p>

Strategy 2: We will establish a system of extraordinary customer service to attract and retain members of our community.

Specific Result 2: Develop a system of accountability measuring the quality of customer service.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Strategy 2: We will establish a system of extraordinary customer service to attract and retain members of our community.

Specific Result 3: Create procedures and protocols for all campuses and departments that ensure high quality customer service.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Strategy 2: We will establish a system of extraordinary customer service to attract and retain members of our community.

Specific Result 4: Create training programs on relevant customer service models for all staff and students.

Evaluation Data Source(s) 4:

Summative Evaluation 4:







Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 1: Implement a collaborative instructional model that integrates technology and hands-on experiences.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June

1) Purchase student chromebooks. Teachers will include technology in lessons to promote critical thinking and creative learning experiences to motivate student learning.		Campus Admin, Instructional Coaches and Classroom Teachers	Integrating technology in the classroom will improve student academic performance.				
 = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue							

Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 2: Establish a system that provides consistent and ongoing feedback in support of all instructional initiatives.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 3: Create programs that inform and support parental involvement in district initiatives.

Evaluation Data Source(s) 3:

Summative Evaluation 3:







Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 4: Create strategic professional learning aligned to district initiatives and campus needs based on student outcomes.

Evaluation Data Source(s) 4:

Summative Evaluation 4:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
Critical Success Factors CSF 1 1) Utilize Mentoring Minds to develop DOL's and Campus Based Assessments	2.4	Campus Administration and Instructional Coaches	Increase Student Outcomes in reading and math in grades 3-5				
		Principal and Assistant Principal	Increase student outcomes in all grade levels.				
2) Professional development to improve librarian impact on students by improving support and learning through advancing their leadership capacity.							







3) Trainings and support in the areas of student data management software and data disaggregation.		Campus Administration and Instructional Coaches	Target accelerated instruction from lesson plans and disaggregate student data analysis.				
4) Kinder thru 2nd Training and technical assistance to implement Math TEKS by analyzing data and improve instruction of students.		Campus Administration and Instructional Coaches	Increase Math outcomes of Kinder thru 2nd grade students.				
5) Teachers will attend Empowering Writers Professional Development geared towards increasing reading and writing instructional strategies.		Campus Administration and Instructional Coaches	Increase Reading and Writing outcomes of students in all grade levels.				
Critical Success Factors CSF 1 CSF 2 CSF 3 CSF 4 CSF 6 CSF 7 6) Purchase STAAR Accountability Recognition Plaques for Met Standards with Distinctions for "Campus Wall of Achievement" to promote student accountability and achievements.	2.4, 2.5, 2.6	Principal, Assistant Principal, Counselor, Faculty and Staff	Develop positive district and campus culture and climate				
Critical Success Factors CSF 1 CSF 2 CSF 3 CSF 4 7) Principal, Assistant Principal. and Counselor will attend professional development in Bilingual/LPAC, Special Education/ARD, STAAR Testing, Positive Behavior Intervention Support Grant (PBIS), and Gifted and Talented GT in order to stay updated on regulations and procedures.	2.4, 2.5, 2.6	Principal, Assistant Principal, Counselor, Bilingual Director and Facilitator, Testing Coordinator, GT Director, PBIS Director and Facilitator	Attend professional development. The goal is to efficiently manage all programs and initiatives.				
Comprehensive Support Key Action Critical Success Factors CSF 3 CSF 6 CSF 7 8) Teachers and Admin will attend training workshops at Region 20. Training will improve teaching and learning.	2.4	Principal, Assistant Principal, and all teachers.	Training will improve teaching and learning.				
 = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue							

Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 5: Establish and sustain the middle schools as Academies of Choice: Fine Arts, Health Sciences, and STEM.

Evaluation Data Source(s) 5:

Summative Evaluation 5:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 5 CSF 6</p> <p>1) Recruit a student choir to perform at a variety of functions, such as Winter and Spring Concerts, Mother's Day, Fiesta, etc. Prepare students who might want to attend the Fine Arts MS Academy.</p>	2.4, 2.5	Music Teacher, Principal, Asst. Principal	Provide different and positive learning experiences for students.				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							







Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 6: Provide accelerated instruction for struggling and at-risk students.

Evaluation Data Source(s) 6:

Summative Evaluation 6:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
Critical Success Factors CSF 1 1) Utilize Mentoring Minds to develop DOL's and Campus Based Assessments	2.4	Campus Administration and Instructional Coaches	Increase Student Outcomes in reading and math in grades 3-5				
2) Purchase classroom instructional materials for students to utilize for multiple response strategies. Materials to develop skills in writing, reading, math and science		Campus Administration	Increase Student Outcomes in all grade levels.				
Comprehensive Support Key Action Targeted Support Key Action Critical Success Factors CSF 1 CSF 2 CSF 3 CSF 4 CSF 6 CSF 7 3) Hire a full time Accelerated Intervention Teacher with a minimum of 5 years of experience in a STAAR tested grade.	2.4, 2.5, 2.6	Principal, Asst. Principal and Teachers	Filling the learning gaps that students have and increasing their learning				

 = Accomplished
  = Continue/Modify
  = Considerable
  = Some Progress
  = No Progress
  = Discontinue







Strategy 3: We will develop a strong support system which will provide meaningful and innovative instruction that promotes critical thinking and problem solving.

Specific Result 7: Implement teaching strategies that promote high levels of student engagement.

Evaluation Data Source(s) 7:

Summative Evaluation 7:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Comprehensive Support Key Action Targeted Support Key Action Critical Success Factors CSF 1 CSF 2 CSF 3 CSF 4 CSF 6 CSF 7</p> <p>1) Utilize TEKS Resource provided by SSAID for all Teachers. Resource has all TEKS organized, provides information, lesson ideas, test questions and a variety of other resources for teachers. PLCs need to plan meaningful instruction for students.</p>	2.4, 2.5, 2.6	Campus Administration and Instructional Coaches	Help prepare more rigorous, well rounded lessons. Increase Student Outcomes in all grade levels.				
<p>2) Purchase classroom instructional materials for students to improve reading level, vocabulary and comprehension development for emerging readers.</p>		Campus Administration and Instruction Coaches	Increase reading levels in all grade levels.				
<p>Critical Success Factors CSF 1 CSF 2 CSF 4 CSF 6</p> <p>3) Purchase STAAR Accountability Recognition Medals for students in grades 3-5 who earned Met or Masters Standards.</p>	2.4, 2.5, 2.6	Principal, Assistant Principal, Counselor, Secretary, PE Coach, Teachers	Motivate students and develop a positive campus culture and climate.				
<p>Critical Success Factors CSF 1 CSF 2 CSF 5 CSF 6</p> <p>4) Have Award Ceremonies at end of every nine weeks for all grade levels to celebrate student successes. Purchases awards and decorations.</p>	2.4, 2.5, 2.6	Principal, Assistant Principal, Counselor, Secretary, PE Coach, Teachers	Motivate students and develop a positive campus culture and climate.				

<p>Comprehensive Support Key Action</p> <p>Critical Success Factors CSF 1 CSF 6 CSF 7</p> <p>5) All core teachers, counselors, and administration will be 100% GT trained by 2017-2018 through Region 10 GT Cohort to ensure that HB5 goal is met.</p>	<p>2.4, 2.5</p>	<p>Principal, Assistant Principal, GT Lead Teachers, GT Coordinator</p>	<p>Teachers will attend Region 20 PD.</p> <p>Region 20 will provide GT Certificate of Completion</p> <p>The goal is create more rigor and challenge students.</p>				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 4: We will build partnerships with businesses and the community to promote parental involvement, support opportunities for student success, and increase student attendance and enrollment.

Specific Result 1: Establish a volunteer program that utilizes staff, student and community membership.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Strategy 4: We will build partnerships with businesses and the community to promote parental involvement, support opportunities for student success, and increase student attendance and enrollment.

Specific Result 2: Implement mentor programs and internship that offer student leadership.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Strategy 4: We will build partnerships with businesses and the community to promote parental involvement, support opportunities for student success, and increase student attendance and enrollment.

Specific Result 3: Create recognition programs that celebrate student and district successes.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Strategy 4: We will build partnerships with businesses and the community to promote parental involvement, support opportunities for student success, and increase student attendance and enrollment.

Specific Result 4: We will grow reciprocal business partnerships that offers the school community real world experiences.

Evaluation Data Source(s) 4:

Summative Evaluation 4:

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 1: Create and implement safety standards that promote safe facilities and equipment across the district.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 2: Develop a wellness program to encourage participation from all members of the school community in healthy pursuits.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 5</p> <p>1) Provide holistic services to support the physical, health and mental well-being of students to ensure optimal opportunities for student achievement. (Mason Lodge for Dental classes (Gr. 1), health screenings (Gr. K, 1, 3 & 5), Growth and Development Class (Gr. 5).</p>	2.6	Principal, Assistant Principal, Counselor, School Nurse and PE Teacher.	Nurse coordinates, documents program reports, Rti Forms, sends out parent permission slips				
<p>Critical Success Factors CSF 1 CSF 5 CSF 6</p> <p>2) CIS will provide support in the areas of Supportive Guidance, Health and Human Services, Parental and Family Engagement, Enrichment Activities and Academic Support by offering resources that will foster growth and development to support a nurturing and safe environment.</p>	2.6, 3.1, 3.2	Administrative staff, counselor, and CIS staff	Meet the physical, emotional and psychological needs of our most at-risk students. The result is to help students and families and develop a more positive and nurturing environment.				







= Accomplished
 = Continue/Modify
 = Considerable
 = Some Progress
 = No Progress
 = Discontinue

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 3: Implement a structured program to connect and involve the home within the school setting.

Evaluation Data Source(s) 3:

Summative Evaluation 3:







Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 1 CSF 5 CSF 6</p> <p>1) Continue collaboration with Communities in Schools, San Antonio Youth site coordinators, and Head Start Family Facilitator in order to create a well-balanced child.</p>	2.5, 2.6, 3.1	Principal, Assistant Principal, all faculty and staff, CIS representative, SA Youth representative, and Head Start Family Facilitator	Program data collection through surveys and assessments will show program effectiveness and improvement of individual children's social and emotional well-being, as well as improved students achievement. School community relationships will strengthen.				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 4: Establish systemic plans and procedures that ensure a safe learning environment for all.

Evaluation Data Source(s) 4:

Summative Evaluation 4:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 1 CSF 4 CSF 6</p> <p>1) Continue Character Building Lessons through Scouts (boys & girls in K-5) and counseling program</p>	2.4, 2.5, 2.6	Principal, Assistant Principal, Counselor, PE Coach, all K-5 grade Teachers	Weekly activities with Scout leaders; Counselor leads Character development classes to improve student behavior. Reduce the number of referrals.				
<p>Critical Success Factors CSF 3 CSF 5 CSF 6</p> <p>2) Implement District and Campus Emergency Operations Plan for building and community emergencies through fire drills, lock down drills, evacuation drills, etc. Emergency Team Members will use two way radios to communicate effectively during drills</p>	2.4, 3.1	Principal, Assistant Principal, Crisis Emergency Team, Nurse, Counselor, PE Coach, all Teachers and Staff	We will have a safe campus. Students and Staff will know exactly what to do in case of an emergency.				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 5: Implement and strengthen a new teacher and principal mentor program to provide comprehensive support.

Evaluation Data Source(s) 5:







Summative Evaluation 5:

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 6: Create clear policies and procedures for student conduct, incorporating Positive Behavior Intervention Supports (PBIS)

Evaluation Data Source(s) 6:

Summative Evaluation 6:







Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 1 CSF 2 CSF 3 CSF 4 CSF 5 CSF 6 CSF 7</p> <p>1) Campus Positive Behavior Interventions System (PBIS) team members will continue to implement the program at the campus level by attending collaborative training's, team planning meetings, and continue to train staff at faculty at PBIS meetings once a month.</p>		Principal, Assistant Principal, Counselor, Faculty and Staff, PBIS Director, PBIS Facilitator and PBIS Team.	Monthly meetings and walk-throughs will show improved student behavior and a positive school culture and climate.				
<p>Comprehensive Support Key Action Targeted Support Key Action PBMAS Critical Success Factors CSF 1 CSF 4 CSF 6</p> <p>2) Operate PBIS/PRIDE store every 2 weeks to promote positive behavior throughout the campus. Students will be able to redeem their tickers for prizes and awards.</p>	2.4, 2.5, 2.6	Principal, Assistant Principal, Counselor, Faculty and Staff, PBIS Director, PBIS Facilitator and PBIS Team.	Teachers and Staff will issue red tickets to all students' exhibits positive behavior. Students will be able to redeem their ticket. The goal is to have improved student behavior and a more positive school culture and climate.				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 5: We will promote and ensure a safe and secure learning environment for all students.

Specific Result 7: Improve Culture and Climate

Evaluation Data Source(s) 7:

Summative Evaluation 7:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 6</p> <p>1) The campus will divide all Faculty & Staff into groups that host a Breakfast for all other members of the staff.</p>		Principal, Assistant Principal, Office personnel, all Faculty and Staff	Host a Breakfast for all other members of the staff. The objective is to promote and develop a positive campus climate.				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Comprehensive Support Key Actions

Strategy	Specific Result	Key Action	Description
1	1	2	Communicate with parents in person, on the telephone, through school website, through teacher websites, via e-mail, through Class DoJo and Facebook.
1	1	3	Campus website will be kept up-to-date with events taking place at the campus level. All teachers will also keep their individual webpages up-to-date for parents, guardians, and students.
1	1	4	Communicate information to parents through announcements and invitations utilizing monthly school calendars, notes, flyers, newsletters, parents meetings, campus website, school messenger, digital signage, school marquee and Class DoJo.
1	3	2	Staff will post all upcoming events at the district and campus levels. We will partner with UTSA and Texas A&M, SSAISD Parent Center, Communities In Schools, SA Youth and other organizations that help the school, students, parents and community. We will use our website, school marquee, Facebook and Community News Bulletin Boards to promote all events.
3	4	8	Teachers and Admin will attend training workshops at Region 20. Training will improve teaching and learning.
3	6	3	Hire a full time Accelerated Intervention Teacher with a minimum of 5 years of experience in a STAAR tested grade.
3	7	1	Utilize TEKS Resource provided by SSAID for all Teachers. Resource has all TEKS organized, provides information, lesson ideas, test questions and a variety of other resources for teachers. PLCs need to plan meaningful instruction for students.
3	7	5	All core teachers, counselors, and administration will be 100% GT trained by 2017-2018 through Region 10 GT Cohort to ensure that HB5 goal is met.
5	2	2	CIS will provide support in the areas of Supportive Guidance, Health and Human Services, Parental and Family Engagement, Enrichment Activities and Academic Support by offering resources that will foster growth and development to support a nurturing and safe environment.
5	6	2	Operate PBIS/PRIDE store every 2 weeks to promote positive behavior throughout the campus. Students will be able to redeem their tickers for prizes and awards.

Dwight Middle School
Campus Improvement Plan

South San Antonio Independent School District
Dwight Middle School
2018-2019 Campus Improvement Plan



Mission Statement

Dwight Middle School fosters independence, responsibility and self-reliance by focusing on an integrated results-based curriculum. Through a supportive environment, students are encouraged to confidently take risks using innovation to become the leaders of tomorrow.

Vision

Our vision is to create a supportive environment that inspires students to reach their full potential by accepting responsibility and creating future leaders within the community.

Core Beliefs

1. We believe in transcending our classroom by fostering a relationship with the community built upon integrity and honor to create successful student leaders.
2. We believe through innovation and technology coupled with high expectations and student engagement will produce higher cognitive thinking.
3. We believe building a positive trusting relationship between students and teachers will result in individual success and high academic achievement.
4. We believe that the appearance of our campus should be physical representation of our school pride found throughout our community.
5. We believe that effective leadership is essential to meeting high academic expectations and sustaining a positive school culture.

Lone Star Governance Student Outcome Goals

Goal 1

The percentage of graduates who will qualify for community college/university, military, or industry certification will increase annually 4.5 percentage points from 67.5% to 90% by 2022. (Graduating class of 2022).

Goal 2

The percent of students who perform at the Masters Grade Level standard for all grades in state mathematics exams will increase 2.2 percentage points each year from 9% to 20% by 2022.

Goal 3

The percent of students who perform at the Masters Grade Level standard for all grades in state reading exams will increase 2.4 percentage points each year from 8% to 20% by 2022.

System of Great Schools

South San Antonio ISD was selected to participate in a System of Great Schools Technical Support Network in the spring of 2017. As a System of Great Schools, South San Antonio ISD is committed to increasing the number and percent of students in high performing schools while reducing the number and percent of students in low performing schools.

South San Antonio ISD in a System of Great Schools will:

- Set clear performance expectations for schools and regularly report progress with all stakeholders
- Empower school leaders with supports and resources to achieve performance expectations
- Execute strategic school actions to increase the number of successful schools by providing intensive support for low performing campuses
- Expand access to high quality schools and programs for all families regardless home address

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Comprehensive Needs Assessment

Demographics

Demographics Summary

Dwight Middle School Demographics

Dwight serves 650 students from the southwest constituency of San Antonio, Texas. Since 1958, Dwight has been considered the “Pride of the Southside.” Although the demographics have change considerably over the decades, our focus to provide our community with high quality instruction, an array of student and parent support services and safe, nurturing school environments have remained at the forefront of our mission.

We receive Title I, Part A school-wide funding, since our students are:

- 98.5% are Economically Disadvantaged
- 9.8% are English Language Learners (ELL)
- 73.4% are At-Risk
- 17.9 % Transient

In 2017-2018, the campus employed approximately 32 teachers, 3 professional support staff, 2 campus administrators, 6 educational aides, and 16 auxiliary staff for a total of 59 employees. The teacher turnover rate is 9%.

Demographics Strengths

Student population continues to increase in academic achievement

Problem Statements Identifying Demographics Needs

Problem Statement 1: Lack of resources in order to better serve student population **Root Cause:** Lack of funding

Student Achievement

Student Achievement Summary

Texas Education Agency 2018 STAAR Performance Data Table DWIGHT MIDDLE (015908041) - SOUTH SAN ANTONIO ISD

	All Students	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv	EL (Current)	EL (Current & Monitored)	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled
All Subjects															
Percent of Tests															
% at Approaches GL Standard or Above	59%	*	60%	56%	-	-	-	*	58%	36%	60%	*	*	62%	51%
% at Meets GL Standard or Above	24%	*	24%	33%	-	-	-	*	22%	14%	26%	*	*	25%	19%
% at Masters GL Standard	8%	*	8%	28%	-	-	-	*	8%	3%	9%	*	*	8%	8%
Number of Tests															
# at Approaches GL Standard or Above	1,006	*	995	10	-	-	-	*	882	74	247	*	*	789	217
# at Meets GL Standard or Above	398	*	392	6	-	-	-	*	335	28	106	*	*	319	79
# at Masters GL Standard	141	*	136	5	-	-	-	*	118	7	38	*	*	107	34
Total Tests	1,692	*	1,667	18	-	-	-	*	1,516	205	411	*	*	1,267	425
ELA/Reading															
Percent of Tests															
% at Approaches GL Standard or Above	58%	*	58%	*	-	-	-	*	57%	*	60%	*	*	61%	50%
% at Meets GL Standard or Above	23%	*	23%	*	-	-	-	*	22%	*	22%	*	*	25%	19%
% at Masters GL Standard	11%	*	11%	*	-	-	-	*	10%	*	11%	*	*	11%	10%
Number of Tests															
# at Approaches GL Standard or Above	330	*	326	*	-	-	-	*	289	*	83	*	*	256	74
# at Meets GL Standard or Above	132	*	130	*	-	-	-	*	111	*	31	*	*	104	28
# at Masters GL Standard	63	*	61	*	-	-	-	*	52	*	15	*	*	48	15
Total Tests	569	*	560	*	-	-	-	*	511	*	138	*	*	422	147
Mathematics															
Percent of Tests															
% at Approaches GL Standard or Above	66%	*	66%	*	-	-	-	*	65%	*	65%	*	*	70%	55%
% at Meets GL Standard or Above	21%	*	21%	*	-	-	-	*	19%	*	24%	*	*	24%	13%
% at Masters GL Standard	5%	*	5%	*	-	-	-	*	5%	*	6%	*	*	6%	3%
Number of Tests															
# at Approaches GL Standard or Above	379	*	374	*	-	-	-	*	337	*	92	*	*	298	81
# at Meets GL Standard or Above	121	*	119	*	-	-	-	*	98	*	34	*	*	102	19
# at Masters GL Standard	31	*	30	*	-	-	-	*	25	*	8	*	*	26	5
Total Tests	574	*	565	*	-	-	-	*	517	*	141	*	*	426	148
Writing															
Percent of Tests															
% at Approaches GL Standard or Above	48%	*	48%	-	-	-	-	-	47%	*	*	*	*	*	*
% at Meets GL Standard or Above	23%	*	23%	-	-	-	-	-	23%	*	*	*	*	*	*

	All Students	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Econ Disadv	EL (Current)	EL (Current & Monitored)	Special Ed (Current)	Special Ed (Former)	Continuously Enrolled	Non-Continuously Enrolled
% at Masters GL Standard	3%	*	3%	-	-	-	-	-	3%	*	*	*	*	*	*
Number of Tests															
# at Approaches GL Standard or Above	90	*	**	-	-	-	-	-	78	*	*	*	*	*	*
# at Meets GL Standard or Above	44	*	**	-	-	-	-	-	38	*	*	*	*	*	*
# at Masters GL Standard	5	*	**	-	-	-	-	-	5	*	*	*	*	*	*
Total Tests	189	*	**	-	-	-	-	-	166	*	*	*	*	*	*
Science															
Percent of Tests															
% at Approaches GL Standard or Above	58%	-	59%	*	-	-	-	-	57%	*	53%	*	*	58%	58%
% at Meets GL Standard or Above	37%	-	37%	*	-	-	-	-	36%	*	42%	*	*	35%	42%
% at Masters GL Standard	14%	-	14%	*	-	-	-	-	13%	*	19%	*	*	13%	16%
Number of Tests															
# at Approaches GL Standard or Above	105	-	**	*	-	-	-	-	92	*	23	*	*	80	25
# at Meets GL Standard or Above	66	-	**	*	-	-	-	-	58	*	18	*	*	48	18
# at Masters GL Standard	25	-	**	*	-	-	-	-	21	*	8	*	*	18	7
Total Tests	180	-	**	*	-	-	-	-	161	*	43	*	*	137	43
Social Studies															
Percent of Tests															
% at Approaches GL Standard or Above	57%	-	57%	*	-	-	-	-	53%	*	52%	*	*	57%	55%
% at Meets GL Standard or Above	19%	-	19%	*	-	-	-	-	19%	*	25%	*	*	20%	19%
% at Masters GL Standard	9%	-	9%	*	-	-	-	-	9%	*	14%	*	*	8%	14%
Number of Tests															
# at Approaches GL Standard or Above	102	-	**	*	-	-	-	-	86	*	23	*	*	79	23
# at Meets GL Standard or Above	35	-	**	*	-	-	-	-	30	*	11	*	*	27	8
# at Masters GL Standard	17	-	**	*	-	-	-	-	15	*	6	*	*	11	6
Total Tests	180	-	**	*	-	-	-	-	161	*	44	*	*	138	42

Problem Statement 1: The percentage of students receiving an advanced score on their STAAR/EOC test is 8% in Math. **Root Cause:** The lack of high quality, rigorous and targeted instruction indicates students are inadequately prepared for post-secondary success.

Problem Statement 2: The percentage of students receiving an advanced score on their STAAR/EOC test is 9% in Reading. **Root Cause:** The lack of high quality, rigorous and targeted instruction indicates students are inadequately prepared for post-secondary success.

Problem Statement 3: The number of students that attend college/university, join the military or qualify for an industry certification is below the state average. **Root Cause:** Course sequences for College and Career Pathways need to be further established for coherence and rigorous content.

School Culture and Climate

School Culture and Climate Summary

School Safety, Culture & Climate

- Update campus crisis plans and conduct monthly drills to improve Emergency Operations Plans at the district and campus levels
- Implement the Positive Behavior Intervention Support strategies for reinforcing positive behaviors and promoting a constructive climate
- Conduct climate surveys in the fall and spring to all district employees
- Conduct climate surveys in the fall and spring to all parents
- Brought UCSA (United Communities of SA) to conduct group work with students

School Culture and Climate Strengths

Third year of Implementation of Positive Behavior Intervention Support strategies for reinforcing positive behaviors and promoting a constructive climate.

Easy accessibility to campus due to a lack of perimeter fence.

Problem Statements Identifying School Culture and Climate Needs

Problem Statement 1: School safety is a concern due to easy accessibility due to a lack of perimeter fence. **Root Cause:** Lack of perimeter fence and lack of additional cameras in high student traffic locations.

Staff Quality, Recruitment, and Retention

Staff Quality, Recruitment, and Retention Summary

Human Resources

- Implement systems & training programs to recruit and retain highly qualified staff
- Update record management processes for employee service records & salary schedules

In 2017-2018, the campus employed approximately 32 teachers, 3 professional support staff, 2 campus administrators, 6 educational aides, and 16 auxiliary staff for a total of 59 employees. The teacher turnover rate is 9%.

Staff Quality, Recruitment, and Retention Strengths

Increase in staff retention and improved morale

Problem Statements Identifying Staff Quality, Recruitment, and Retention Needs

Problem Statement 1: Non-competitive wages **Root Cause:** Teacher base salary higher in neighboring districts

Parent and Community Engagement

Parent and Community Engagement Summary

Parent & Community Relations

- Engage all school community members through transparency and effective communication
- Establish and maintain programs and partnerships that foster student achievement & adult learning
- Extend participation at the district's parent center

Parent and Community Engagement Strengths

Established Academic Nights in all Core Contents

Started annual Community Fair

Problem Statements Identifying Parent and Community Engagement Needs

Problem Statement 1: Continue to build up parental involvement **Root Cause:** Low parental involvement

School Context and Organization

School Context and Organization Summary

Business & Finance

- Update processes, procedures & regulations to align with federal and state mandates
- Implement controls over cash management procedures to ensure all reimbursement requests are accurate, complete, timely and supported by recorded expenditures
- Maintain original and complete documentation for all expenditures
- Establish monitoring and oversight processes to ensure federal, state and local expenditures are approved and allowable activities
- Train all business and finance staff on regulations and documentation requirements

Facilities

- Establish a Facilities Advisory Committee to assess district facilities and provide recommendations
- Maintain a tracking system to identify work orders and monitor completion

School Context and Organization Strengths

Resources allocated to promote student achievement

Problem Statements Identifying School Context and Organization Needs

Problem Statement 1: Streamline financial approval process **Root Cause:** Frequent changes to approval processes and length of time to receive approval

Technology

Technology Summary

Technology

- Upgrade technology at all campuses to include laptops, digital tablets and wireless access points
- Determine a technology standard for teachers, students, administrators and classrooms
- Evaluate and monitor software programs for usage and efficacy

Technology Strengths

Chromebook carts for all core subjects

Expanded video camera system

Problem Statements Identifying Technology Needs

Problem Statement 1: Key areas still not under video monitoring **Root Cause:** More security cameras needed







Strategies

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 1: Objective 1.1: Design a professional development plan that supports the implementation of a rigorous curriculum, relevant teaching, and effective relationships resulting in student learning, leadership, and success for all who impact student learning (principals, assistant principals, teachers, and para-professionals).

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p style="text-align: center;">Critical Success Factors CSF 7</p> <p>1) Department Chairs and Technology Applications teacher will coach teachers in creating viable technology lessons that support, extend and enhance the core content area lessons.</p>		Principal and Assistant Principal	Increased use of technology by students in the classroom.				
<p>2) Teachers and Administrators will participate in professional development to address the needs of struggling learners, to include Special Education students. Lead4ward Rockin' Review Conference</p>		Principal and Assistant Principal	Increased student performance on common assessments, 9 weeks exams, Semester Exams, District Benchmarks, and overall STAAR performance.				
<p style="text-align: center;">Critical Success Factors CSF 1</p> <p>3) Provide professional development for teachers in Closing the Achievement Gap and Purposeful Lesson Planning.</p>	2.4	Principal					
 = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue							

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 2: Objective 1.2: Establish resources to create student leadership opportunities campus-wide.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 3: Objective 1.3: Create Campus Instructional Leadership Team to establish and maintain campus programs that foster student leadership and design the student learner profile.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 4: Objective 1.4: Establish and expand initiatives that promote effective school community relationships and meaningful two-way communication using phone messenger, marquee, websites, social media, and news flyers.

Evaluation Data Source(s) 4:

Summative Evaluation 4:







Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
1) Parents will access updated campus parent and community engagement webpage. Webpages will be updated weekly with new information, relevant dates and monthly events to encourage the home-school connection.		Campus Principal	The number of times that the website is accessed by a parent				

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 5: Objective 1.5: Establish and maintain programs and partnerships that foster classroom to community relationships.

Evaluation Data Source(s) 5:

Summative Evaluation 5:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 4</p> <p>1) Provide an after school enrichment program that provides homework and tutorial assistance, recreational activities, enrichment activities and a safe place for students to interact.</p>		After school club/organization sponsors, Assistant Principal, and Principal	Increased student performance for the students who participate in the program				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 6: Objective 1.6: Utilize parents/guardians as partners in student academic success.

Evaluation Data Source(s) 6:

Summative Evaluation 6:

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 7: Objective 1.7: Communicate all school action to the school community.

Evaluation Data Source(s) 7:

Summative Evaluation 7:

Strategy 1: We will transcend our classrooms by engaging in relationships with the community to create successful student leaders.

Specific Result 8: Objective 1.8: Create climate surveys at all levels of the school community.

Evaluation Data Source(s) 8:

Summative Evaluation 8:







Strategy 2: We will provide innovative instruction that promotes student engagement and higher cognitive thinking.

Specific Result 1: Objective 2.1: Utilize technology to support instruction and facilitate learning.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June







<p align="center">Critical Success Factors CSF 1</p> <p>1) Students in 6th - 8th grade will participate in engaging technology lessons for the purpose of improving reading, writing, math, science, and social studies instruction.</p>	Classroom teachers, Technology Applications teacher, Instructional Facilitator, Assistant Principal, and Principal.	Technology products created by students				
<p align="center">Critical Success Factors CSF 1</p> <p>2) Students will utilize technology to extend and/or enhance lessons in the classroom.</p>	Department Chairs, Technology Applications Teacher, Assistant Principal, and Principal	Increased student achievement in core content areas.				
<p>3) Teachers will implement Thinking Maps in order to visualize students thinking to create images of abstract thoughts in order to help them reach higher levels of critical and creative thinking.</p>	Principal, Assistant Principal, and Department Chairs	Increased student achievement in core content areas.				
<p>4) 4) Teachers will engage in professional development for the school-wide implementation of Thinking Maps in order to provide our students with the essential components of 21st century education.</p>	Principal, Assistant Principal, and Department Chairs	Increased student achievement in core content areas.				
<p align="center">  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>						

Strategy 2: We will provide innovative instruction that promotes student engagement and higher cognitive thinking.

Specific Result 2: Objective 2.2: Implement a standards-based curriculum that promotes critical thinking and problem-solving.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 1</p> <p>1) Classroom teachers, Instructional Facilitator, and Special Education teachers, will participate in intensive department planning sessions utilizing newly adopted resources, good first instruction strategies, and learning protocols to ensure appropriate vertical alignment, vocabulary development, depth, and complexity. (Lead4Ward)</p>		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal.	Student performance on CBAs and STAAR				
<p>Critical Success Factors CSF 1</p> <p>2) Students will employ problem-solving strategies when solving multi-step word problems in math and comprehension read strategies while reading authentic literature.</p>		Math and Reading Department Chairs, Instructional Facilitator, Assistant Principal, and Principal.	Students will use strategies presented in lead4ward when solving problems and completing reading selections				
<p>Critical Success Factors CSF 1</p> <p>3) Incorporate writing strategies as an essential element of critical thinking in 6th - 8th grade. Accelerate Learning Stem Scopes</p>		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Increased evidence of writing products across all content areas in grades 6th - 8th				
<p>4) 4) Family Services Association YAGA</p>		Principal	Student attendance, discipline, and performance on CBAs and STAAR				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							







Strategy 2: We will provide innovative instruction that promotes student engagement and higher cognitive thinking.

Specific Result 3: Objective 2.3: Implement teaching strategies that promote high levels of student engagement.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
Critical Success Factors CSF 1 1) Implement GT Texas Performance Standards Project.		Lead GT Teacher, Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Completion of project for every GT student				
Critical Success Factors CSF 1 2) Classroom teachers will implement hands-on, engaging lessons in all content areas of math, science, ELAR and social studies using a variety of learning protocols.		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Student performance on curriculum based assessments and STAAR				
Critical Success Factors CSF 1 3) Students will be engaged in the understanding of the TEKS based lessons through the implementation of Fundamental 5 strategies.		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Use of student focused Fundamental 5 strategies by students in the classroom				
Critical Success Factors CSF 1 4) Implement primary sources to build critical thinking, analysis, and writing skills in social studies classes in grades 6th - 8th.		Social Studies department chair, Instructional Facilitator, Assistant Principal, and Principal	Student performance on curriculum based assessments and STAAR				

<p align="center">Critical Success Factors CSF 1</p> <p>5) Students will be engaged in the understanding of the TEKS based lessons through the implementation of Dinah Zike's foldables.</p>		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Use of student focused Dinah Zike's foldables by students in the classroom				
<p align="center">  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							







Strategy 2: We will provide innovative instruction that promotes student engagement and higher cognitive thinking.

Specific Result 4: Objective 2.4: Increase student academic achievement using data-driven instruction.

Evaluation Data Source(s) 4:

Summative Evaluation 4:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 2</p> <p>1) Create and implement a Data Den at the campus as a data analysis process of monitoring students' progress and growth in each of the tested content areas and discipline data.</p>		Department Chairs, Instructional Facilitator, Special Education Teachers, Librarian, Counselor, Assistant Principal, and Principal	Student performance on curriculum based assessments and STAAR				
<p>Critical Success Factors CSF 2</p> <p>2) Student performance will be monitored and reviewed through the Monitor, Adjust, and Plan (MAPing) process. Data from campus goals will be reviewed.</p>		Assistant Principal and Principal	Student performance on curriculum based assessments and STAAR				
<p>Critical Success Factors CSF 2</p> <p>3) Implement Curriculum-Based Assessments and Benchmarks to monitor student progress in TEKS mastery throughout the school year.</p>		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Student performance on curriculum based assessment and STAAR				
<p>Critical Success Factors CSF 2</p> <p>4) Increase expertise in TEKS through development of supplemental materials, assessment, data analysis, development, and review.</p>		Department Chairs, Instructional Facilitator, Assistant Principal, and Principal	Student performance on curriculum based assessments and STAAR				
<p>5) Special Education teachers will use individual student data to determine instructional needs for students to provide differentiated instruction to address students' needs.</p>		Special Education teachers, Assistant Principal, and Principal	Increased academic performance for students participating in special education				


<p>Critical Success Factors CSF 1</p> <p>6) Interventions will be delivered in conjunction with individual student need. Interventions will be tracked in Eduphoria.</p>		<p>Counselor, Assistant Principal, and Principal</p>	<p>Increased academic performance for students receiving academic interventions</p>				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 3: We will develop a strong instructional and operational support system across the curriculum to build campus relationships to support student learning that will result in individual success and high academic achievement.

Specific Result 1: Objective 3.1: Create a needs based budget that supports the guidance of student future choices.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
1) Utilize the C.I.L.T. to manage campus budget to ensure that funds are allocated and spent according to student/campus needs and district guidelines.		Campus Administration	Allocation of campus budget, requisitions/POs				
							







Strategy 3: We will develop a strong instructional and operational support system across the curriculum to build campus relationships to support student learning that will result in individual success and high academic achievement.

Specific Result 2: Objective 3.2: Implement a timely delivery of effective coordinated solutions for the cognitive, physical, emotional, and social development of students.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 6</p> <p>1) Implement anti-bullying curriculum in 6th - 8th classrooms.</p>		School Counselor Principal and Assistant Principal	Decrease in incidents of bullying				
<p>Critical Success Factors CSF 5</p> <p>2) Utilize an online reporting system to give students and parents an additional option for reporting bullying situations for students. This allows for a quicker response time from a designated staff member.</p>		Counselor Assistant Principal Principal	Increase the number of situations handled in 24 hours				
<p>Critical Success Factors CSF 6</p> <p>3) Counselor and CIS staff will conduct morning, lunch, and after school groups targeting social skills and organizational skills.</p>		Counselor and Principal	Decrease in the number of discipline referrals				
<p>Critical Success Factors CSF 6</p> <p>4) Counselor will provide college and career readiness information and services to students and parents. Counselor will host monthly meetings with parents and provide snacks and refreshments.</p>		Counselor and Principal	Decrease in the number of discipline referrals				
<p>Critical Success Factors CSF 6</p> <p>5) Counselor will organize events to celebrate student success.</p>		Counselor and Principal	Decrease in the number of discipline referrals				

<p>Critical Success Factors CSF 6</p> <p>6) Counselor and Teachers will implement sex education in conjunction with the city of San Antonio.</p>		<p>Counselor and Middle School Teacher Representative</p>	<p>Decrease in the teenage pregnancy rate</p>				
<p>Critical Success Factors CSF 5</p> <p>7) School nurse will teach parents about overall health and help to connect parents to resources that will provide assistance for follow-ups to failed screenings.</p>		<p>School Nurse and Principal</p>	<p>Decrease in the number of failed screenings that are not addressed</p>				
<p>Critical Success Factors CSF 5</p> <p>8) School nurse will work with outside organizations to help connect parents to follow-up services.</p>		<p>Nurse and Principal</p>	<p>Decrease in the number of failed screenings that are not addressed</p>				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 3: We will develop a strong instructional and operational support system across the curriculum to build campus relationships to support student learning that will result in individual success and high academic achievement.

Specific Result 3: Objective 3.3: Establish efficient, effective, and immediate solutions for technology and safety services that support student learning.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Strategy 4: We will promote a safe, secure, and clean learning and work environment to function as a physical representation of our school pride found throughout our community.

Specific Result 1: Objective 4.1: Implement and promote a collaborative approach to school and community safety.

Evaluation Data Source(s) 1:

Summative Evaluation 1:

Strategy 4: We will promote a safe, secure, and clean learning and work environment to function as a physical representation of our school pride found throughout our community.

Specific Result 2: Objective 4.2: Use Positive Behavior Intervention Supports to promote the district learner profile.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Strategy 4: We will promote a safe, secure, and clean learning and work environment to function as a physical representation of our school pride found throughout our community.

Specific Result 3: Establish systemic plans and procedures that ensure a safe learning environment for all.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Strategy 5: We will prioritize effective leadership to recruit, attract, retain, and develop high performing teams and sustain a positive school culture.

Specific Result 1: Objective 5.1: Provide support to 100% of newly hired teachers with 0-3 years of experience in their position.

Evaluation Data Source(s) 1:







Summative Evaluation 1:

Strategy 5: We will prioritize effective leadership to recruit, attract, retain, and develop high performing teams and sustain a positive school culture.

Specific Result 2: Objective 5.2: Increase the utilization of the Eduphoria Campus Walkthrough system to monitor and provide feedback to all teachers.

Evaluation Data Source(s) 2:

Summative Evaluation 2:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
<p>Critical Success Factors CSF 2</p> <p>1) Classroom Walkthroughs will be conducted in all classrooms to include differentiated instructional strategies, varied learning protocols, student outcomes, Dinah Zike's foldables, and sheltered instruction strategies.</p>		Assistant Principal and Principal	Student instruction that is differentiated and specific to learners				
<p>  = Accomplished  = Continue/Modify  = Considerable  = Some Progress  = No Progress  = Discontinue </p>							

Strategy 5: We will prioritize effective leadership to recruit, attract, retain, and develop high performing teams and sustain a positive school culture.

Specific Result 3: Objective 5.3: Provide Team Building and a culture of high expectations.

Evaluation Data Source(s) 3:

Summative Evaluation 3:

Key Action Description	ELEMENTS	Monitor	Strategy's Expected Result/Impact	Reviews			
				Formative			Summative
				Nov	Jan	Mar	June
Critical Success Factors CSF 3 1) Provide ROPES training to teachers to create a sense of "Team". (CIS)							



SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

Agenda Item Summary

Meeting Date: February 20, 2019

Purpose: Presentation/Report Recognition Discussion/ Possible Action

Closed/Executive Session Work Session Discussion Only Consent

From: Amy Shields, Director of Teaching & Learning

Item Title: Middle of the Year Report on Progress Measure 3.3: Percent of K-2 students reading on or above grade level

Description:

Progress Measure 3.3: The percent of K-2 students reading on or above grade level will increase yearly by 9.25 percentage points from 48% to meet the goal of 85% by 2022 (using Fountas & Pinnell Benchmark Assessment System).

57.25% by 2019
66.5% by 2020
75.75% by 2021
85% by 2022

Recommendation:

Report only.

District Goal/Strategy:

Goal 3 The percent of students who perform at the Masters Grade Level standard for all grades in state reading exams will increase from 9% to 20% by 2022.

Funding Budget Code and Amount:

CFO Approval

N/A

APPROVED BY:

SIGNATURE

DATE

Chief Officer:

2-9-19

Superintendent:

2/12/19

Middle of Year Reading Data Goal Progress Measure 3.3

**Amy Shields,
Director of Teaching & Learning**

Division of Academics

GPM 3.3

The percent of K-2 students reading on or above grade level will increase yearly by 9.25 percentage points from 48% to meet the goal of 85% by 2022.

57.25% by 2019

66.5% by 2020

75.75% by 2021

85% by 2022

Data

- **Fountas and Pinnell Benchmark Assessment System is used to assess students**
 - **Administered one on one**
 - Kinder is assessed in December and May
 - Grades 1-2 are assessed in September, January, and May
 - **Gives teacher an instructional reading level which a letter A-Z**
 - Letter A is a beginning reader and level of difficulty increases as students attain higher levels
 - **Teacher uses data/reading level to create guided reading groups and establish reading goals for the group and individual students**
 - **Progress monitoring occurs between administrations**
-

Kindergarten District Data

	Number of Students Assessed	Students working on pre-reading skills	Meets Expectation Level A	Exceeds Expectation Level B+
MOY December 2018	561	191	149	221



66% Meeting or Exceeding Expectation

Middle Of Year Kindergarten Campus Data

	Number of Students Assessed	Students working on pre-reading skills	Meets	Exceeds
			Level A	Level B+
Armstrong	43	14	21	8
Benavidez	77	37	20	20
Carrillo	77	45	13	19
Five Palms	56	13	14	29
Hutchins	62	22	20	20
Kindred	59	8	11	40
Madla	65	15	8	42
Palo Alto	58	10	24	24
Price	64	27	18	19
District	561	191	149	221

End Of Year Kinder Goals

- Decrease non-readers to 10%
 - Decrease Level A to 10%
 - Decrease Level B to 10%
 - 66% of students reading on a Level D or above
-

First Grade District Data

	Number of Students Assessed	Non-readers	Does Not Meet Expectations	Approaches Expectations	Meets Expectation	Exceeds Expectation
BOY September 2018	513	114	115 Level A	80 Level B	61 Level C	142 Level D+
MOY January 2019	520	31	205 Levels A-D	57 Level E	48 Level F	179 Level G+

BOY = Beginning of Year

MOY = Middle of Year

Middle Of Year 1st Grade Campus Data

	Number of Students Assessed	Non Readers	Does Not Meet Expectations	Approaches	Meets	Exceeds
			Levels A-D	Level E	Level F	Level G+
Armstrong	41	3	14	3	9	12
Benavidez	82	1	34	7	13	27
Carrillo	57	8	21	7	7	14
Five Palms	68	2	22	6	3	35
Hutchins	57	4	26	10	5	12
Kindred	36	2	20	3	1	10
Madla	63	5	28	7	5	18
Palo Alto	58	0	15	10	4	29
Price	58	6	25	4	1	22
District	520	31	205	57	48	179

Middle Of Year 1st Grade Goals

- Decrease non-readers to 10% (6%) ✓
 - Decrease Level A to 7% (6%) ✓
 - Decrease Level B to 10% (8%) ✓
 - Increase percentage of students reading on or above level to 45% (44%)
-

End Of Year 1st Grade Goals

- Decrease non-readers to 3%
 - 70% of students reading below level will grow three levels by May
 - Increase percentage of students reading on or above level from 44% to 50%
-

2nd Grade District Data

	Number of Students Assessed	Non-readers	Does Not Meet Expectations	Approaches Expectations	Meets Expectation	Exceeds Expectation
BOY September 2018	550	26	286 Levels A-G	25 Level H	36 Level I	177 Level J+
MOY January 2019	548	4	205 Levels A-K	35 Level J	52 Level K	252 Level L+

BOY = Beginning of Year

MOY = Middle of Year

Middle of Year 2nd Grade Campus Data

	Number of Students Assessed	Non Readers	Does Not Meet Expectations	Approaches	Meets	Exceeds
			Levels A-I	Level J	Level K	Level L+
Armstrong	48	0	19	4	4	21
Benavidez	81	1	31	6	7	36
Carrillo	59	1	33	3	6	16
Five Palms	64	2	13	4	7	38
Hutchins	62	0	13	10	6	33
Kindred	48	0	20	0	2	26
Madla	53	0	21	6	9	17
Palo Alto	60	0	28	1	3	28
Price	73	0	27	1	8	37
District	548	4	205	35	52	252

Middle Of Year 2nd Grade Goals

- Decrease non-readers to 2% (2%) ✓
 - Decrease Levels A-G to 32% (27%) ✓
 - Increase percentage of students reading on or above level to 43% (55%) ✓
-

End Of Year 2nd Grade Goals

- Decrease non-readers to 0%
 - 70% of students reading below level will grow three levels by May
 - Increase percentage of students reading on or above level from 55% to 60%
-

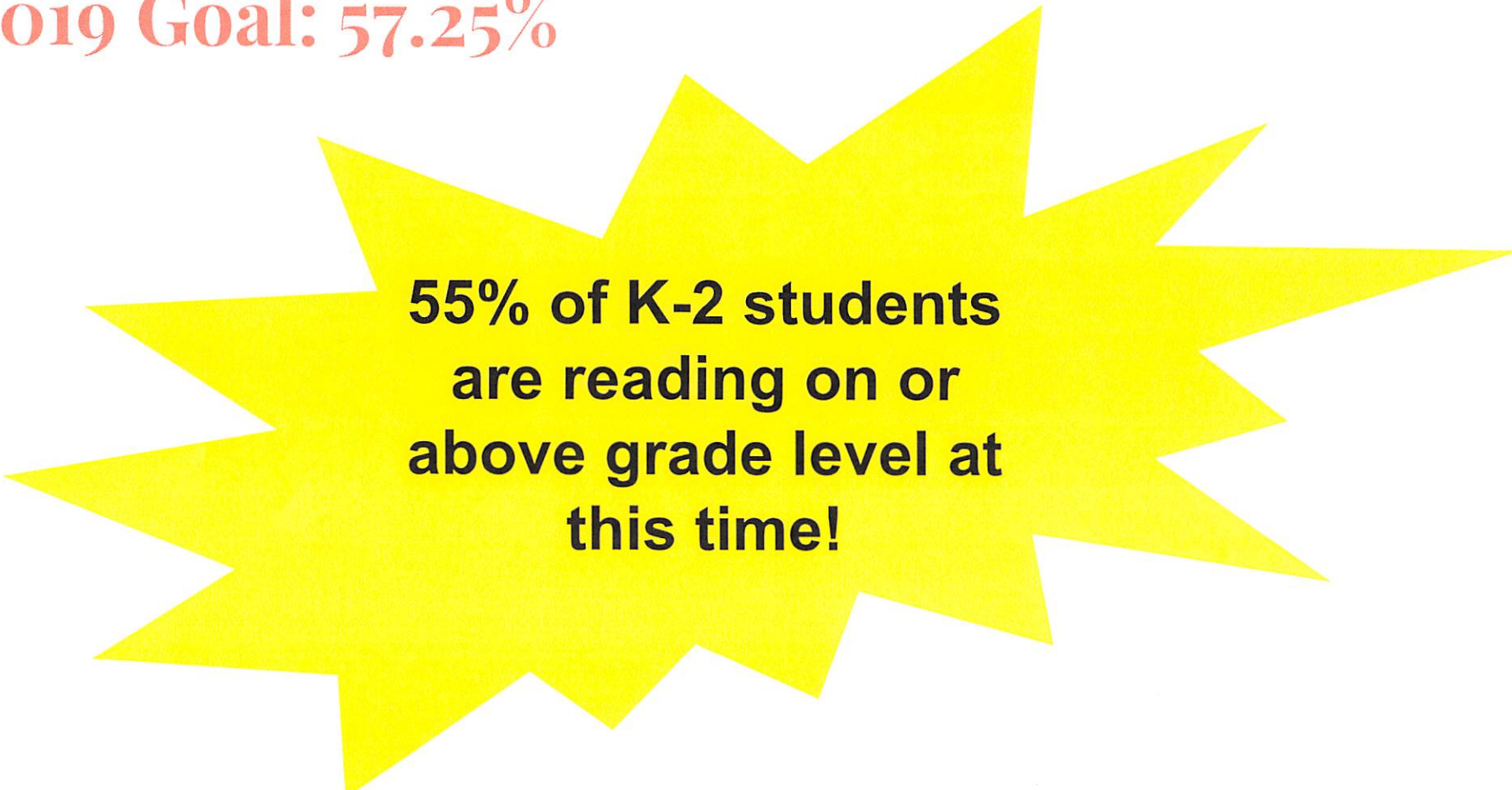
Response to Data

- After Middle of Year testing, teachers analyzed data during Balanced Literacy training to form groups, identify goals for each group, and create plans of action for each group.
 - Students who are reading below level receive guided reading instruction more frequently.
 - Students who are reading below level are also served by reading teachers or paraprofessionals who are trained to help students achieve their reading goals and move to the next level.
 - Reading teachers, SPED teachers, and paraprofessionals were trained to use the Leveled Literacy Intervention kits, which are prescriptive and intended to help struggling students accelerate learning.
-

Response to Data

- Director of Teaching and Learning reviewed data with Instructional Coaches to discuss targeted support for teachers and students
 - Director of Teaching and Learning meets with each Principal and Instructional Coach to review a plan of action for each grade level to ensure student growth
 - Follow up training for the LLI kits is scheduled for February 27 to address any questions and continue the learning for the Reading teachers, SPED teachers, and paraprofessionals who are serving students reading below level using the kits.
-

2019 Goal: 57.25%



**55% of K-2 students
are reading on or
above grade level at
this time!**

Assessments

Neighborhood Risk Factor Report

Assessments

While a complete detail of all households and existing rental market inventory for the PMA identified in the attached Market Analysis Summary and PMA Map is provided in greater detail within the Market Feasibility Study for the Village at Nogalitos to be provided separately, the following is applicable to the provided assessments:

- Primary Market Area (PMA) is a total of 21.95 square miles and includes 16 census tracts;
- There are a total of 1,023 income restricted units within the PMA with an occupancy of 97.7%;
- In 2019 the PMA includes a total of 24,964 households including 9,102 renters or 36.4% and 15,844 owners or 63.6%.
- The Village at Nogalitos is located within Census Tract 480291505.01 (1505.01)
- Census Tract 1505.01 has a median income of 35,526 which is in the 4th income quartile of the San Antonio-New Braunfels MSA.
- The total comparable market rate multifamily units in the “Neighborhood” or PMA is 850 and their occupancy is 91.4%.

The current income restricted units within the PMA only compose 4.1% of the total households and only 11.2% of the total rental households. Given these low percentages, combined with the fact only 261 units have been constructed in the PMA since 2010 with no current developments underway, we do not believe that there is a concentration of affordable units within the PMA especially given it is almost 22 square miles in size.

Given Census Tract 1505.01 is classified as a Qualified Census Tract, it is not unusual that only approximately that this Census Tract is in the 4th quartile of San Antonio – New Braunfels MSA. While there is a higher concentration of homes in need of affordable housing than other parts of the city of San Antonio, the overall capture rate of 1.5% for the proposed Village at Nogalitos supports the significant need for the proposed development. This need is further augmented by the increasing gentrification of the immediate neighborhood surrounding the site of the proposed Village at Nogalitos as evidenced by the escalating Bexar County Appraisal District assessed values outlined in the potential blight discussion of this report.

The total comparable market units of 850 with an occupancy of 91.4% support the existence of a strong overall rental market.

Village at Nogalitos
3727 Nogalitos San Antonio, Tx 78211

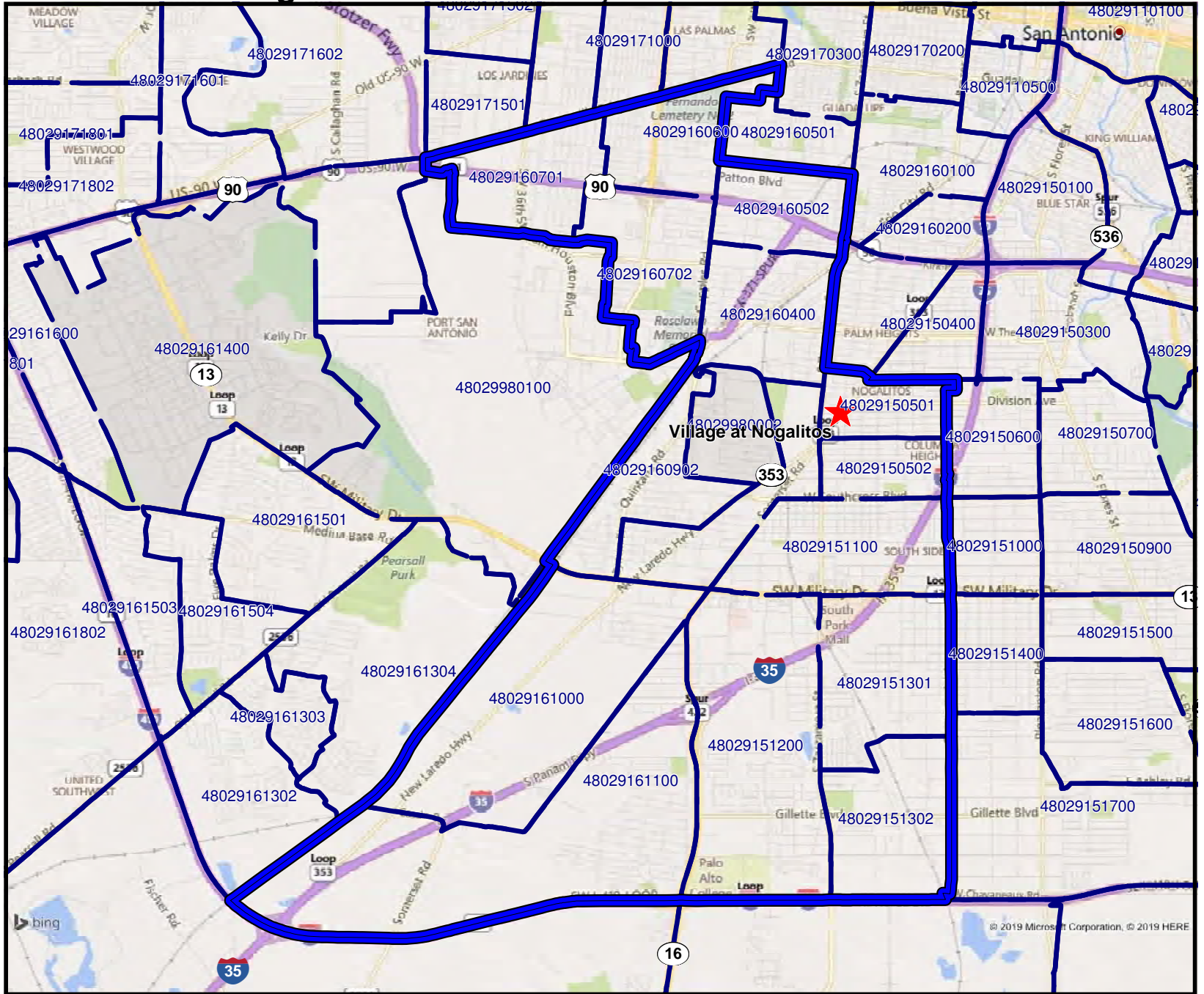
Legend

- Site
- Custom Boundary
- CENSUS TRACTS
- County Boundaries
- State Boundaries

Site Coordinates

Longitude/X: -98.531385
Latitude/Y: 29.378399

Miles



MARKET ANALYSIS SUMMARY

Provider: Date:
 Contact: Phone:
 Development: Target Population:
 Definition of Elderly Age:
 Site Location: City: County:
 Site Coordinates: Latitude Longitude (decimal degree format)

Primary Market Area (PMA) page 35-36

Square Miles

CENSUS TRACTS

480291505.01	480291505.02	480291511.00	480291512.00	480291513.01	480291513.02
480291604.00	480291605.02	480291606.00	480291607.01	480291607.02	480291609.01
480291609.02	480291610.00	480291611.00	480299800.02	0.00	0.00

ELIGIBLE HOUSEHOLDS BY INCOME page 66

HH Size		1	2	3	4	5	6	7+
30% AMGI	Min	\$11,280	\$11,280	\$13,530	\$13,530	\$15,630	\$15,630	\$0
	Max	\$14,040	\$16,050	\$18,060	\$20,040	\$21,660	\$23,250	\$0
50% AMGI	Min	\$18,780	\$18,780	\$22,560	\$22,560	\$26,040	\$26,040	\$0
	Max	\$23,400	\$26,750	\$30,100	\$33,400	\$36,100	\$38,750	\$0
60% AMGI	Min	\$22,560	\$22,560	\$27,090	\$27,090	\$31,260	\$31,260	\$0
	Max	\$28,080	\$32,100	\$36,120	\$40,080	\$43,320	\$46,500	\$0

AFFORDABLE HOUSING INVENTORY in PMA page 58

	# Developments	Total Units	Avg Occupancy
All LIHTC Developments	7	1,023	97.7%

Proposed, Under Construction, and Unstabilized Comparable Developments in PMA

TDHCA #	Development	Status	Type	Target Population	Comp Units	Total Units	Occupancy

Other Affordable Developments in PMA

TDHCA #	Development	Status	Type	Target Population	Comp Units	Total Units	Occupancy	*
54	Hunter's Glen Townhomes	In Service	New Const	General	n/a	144	95%	
60409	Artisan at Mission Creek	In Service	New Const	General	n/a	252	100%	
60422	Costa Mirada	In Service	New Const	General	n/a	212	93%	
5160/8048	Alhambra Senior	In Service	New Const	Elderly	n/a	140	100%	
10058	Guild Park	In Service	Rehab	General	n/a	114	97%	
12415	Gardens at San Juan Square	In Service	New Const	General	n/a	108	100%	
15404	Darson Marie Terrace	In Service	New Const	Elderly	n/a	57	98%	

Check box if this development is included in the calculation of the average physical occupancy to qualify for the 15% GCR for Tax-Exempt Bond Developments per §10.302(i)(1). Attach a PMA map, with affordable developments labeled, showing the 20 minute drive time ring. *See footnote 1

Average occupancy of affordable housing in 20 minute drive time ring. %

PMA DEMOGRAPHIC DATA

Note: For developments targeting Seniors, fill in Population and Household data for both the General population and the Senior population

GENERAL			SENIORS		
current year	place-in-service	five year	current year	place-in-service	five year
2019	2021	2024	2019	2021	2024
78,495	79,304	80,519	20,289	21,248	22,685

Population p. 81

Households p. 83-84

	2019	2021	2024	2019	2021	2024
Total HH	24,964	25,596	26,544	11,234	11,560	12,049
Renter HH	9,120	9,347	9,688	2,122	2,169	2,240
Homeowner HH	15,844	16,249	16,856	9,112	9,391	9,809

DEMAND CALCULATION p. 71-72

	Program Only Restricted Units	Assisted Units		Program Only Restricted Units	Assisted Units
Subject Units	78	0	* See footnote 2		
Unstabilized Comparable Units	0			Min Income	\$ 11,280
				Max Income	\$ 46,500
				Potential Demand	4,635 0
				10% External Demand	463 0
				Other Demand	
RELEVANT SUPPLY	78	0		GROSS DEMAND	5,098 0

RELEVANT SUPPLY / GROSS DEMAND = GROSS CAPTURE RATE **1.5% #DIV/0!**

CAPTURE RATE BY AMGI BAND p. 73

* include program only restricted units

AMGI Band Capture Rates	Demand	10% External Demand	Subject Units	Comp Units	Capture Rate
30% AMGI	1,291	129	9	0	0.6%
50% AMGI	1,231	123	32	0	2.4%
60% AMGI	2,113	211	37	0	1.6%

CAPTURE RATE BY UNIT p. 75

* include program only restricted units

SUBJECT UNIT MIX				PROPOSED RENT		p. 109	DEMAND by UNIT TYPE p. 75				
AMI Level	Beds	Baths	Size (sqft)	Gross	Net	MARKET RENT	Demand	10% External Demand	Subject Units	Comp Units	Unit Capture Rate
30%	1	1	661	\$376	\$285	\$1035	227	23	3	0	1.2%
50%	1	1	661	\$626	\$535	\$1035	293	29	9	0	2.8%
60%	1	1	661	\$752	\$661	\$1035	202	20	10	0	4.5%
30%	2	2	887	\$451	\$347	\$1299	326	33	5	0	1.4%
50%	2	2	887	\$752	\$648	\$1299	511	51	20	0	3.6%
60%	2	2	887	\$903	\$799	\$1299	272	27	23	0	7.7%
30%	3	2	1187	\$521	\$394	\$1650	240	24	1	0	0.4%
50%	3	2	1187	\$868	\$741	\$1650	419	42	3	0	0.7%
60%	3	2	1187	\$1,042	\$915	\$1650	181	18	4	0	2.0%

19136

Luna Flats

19136 Luna Flats

Neighborhood Risk Factor Report

2019 9% Housing Tax Credit Cycle
Luna Flats Ltd.



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11. 8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # _____ Development Name _____

Application Disclosure: Application # 19136 Development Name Luna Flats

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

Please see the attached documentation packet that has underlined hyperlinks in the table of contents and has been bookmarked for ease of navigation.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

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February 14, 2019

Marni Holloway
Director of Multifamily Finance
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701

Re: Application #19136, Luna Flats - Neighborhood Risk Factor Report

Dear Ms. Holloway,

I am writing to provide the TDHCA with additional information regarding the Neighborhood Risk Factor disclosure for Application #19136, Luna Flats, in accordance with 11.101(a)(3)(B)(iii), as the site may not meet the TDHCA's standards for blight. Though instances of blight are minor, we feel that full disclosure is best in all cases.

This letter, along with the Neighborhood Risk Factor Report, should provide a clearer impression of the North Central Neighborhood community, and more specifically the Edison neighborhood, and the revitalization efforts that are already underway to improve this community. More information is available in the Concerted Revitalization Packet that was uploaded to the FTP site for Luna Flats as well. Please let me know if there is any additional information that you would like to see.

Introduction to the Neighborhood

The proposed Luna Flats site is located at 4415 San Pedro Avenue, in North Central San Antonio, specifically on the eastern edge of the Edison neighborhood. This neighborhood is bounded by San Pedro Avenue to the East, West Hildebrand Avenue to the South, Blanco Road to the West, and West Wildwood to the North. See attached neighborhood map. Edison is a historic neighborhood originally platted in 1923 by B. H. Irish and was known as Blanco Terrace at the time. The neighborhood was formally annexed by the City of San Antonio in 1940, which spurred the expansive residential and commercial development that is largely intact even now. Today, Edison Neighborhood is part of the larger North Central Communities, which put forth a Neighborhood Plan that has been guiding further development and land use in the neighborhood since 2002.

Neighborhood Land Use

Edison Neighborhood is predominantly characterized by residential land use, with two neighborhood schools located in the heart of the neighborhood and some commercial enterprises located on the main corridors at the edge of the neighborhood. This is illustrated in the Land Use Map enclosed in the documentation packet. The housing stock in the census tract in which Luna Flats will be located is overwhelming single-family and almost 90% of that housing was built prior

to 1970. Age alone suggests that homes in the area are consistently undergoing renovations and repairs due to the limited lifespan on building materials.

The commercial uses along the edges of the neighborhood consist primarily of locally-owned retail and professional service businesses, including HEB Grocery, insurance offices, banks, several automotive repair shops and affiliated services, gas stations, convenience stores and multiple restaurants.

Neighborhood Risk Factors

- **Blight:** See page 36 of the documentation packet for examples of potential blight and examples of the considerable improvement that has occurred near Luna Flats. With all of the investment that the City of San Antonio has in the neighborhoods surrounding Luna Flats, I believe that the minor instances of blight currently near the development site will be inconsequential to the success of the proposed Luna Flats development by the time that it is placed in service.

Besides blight, the neighborhood objectively surpasses TDHCA's standards for all the remaining Neighborhood Risk Factors.

- **Low Poverty:** The census tract that contains Luna Flats has a poverty rate that barely surpasses that of a high opportunity census tract, with just 22.4% of households living below the poverty level in 2016.
- **Low Crime:** Violent crime in the neighborhood, which sits at 11.20 crimes per 1,000 persons, is also well below TDHCA's Neighborhood Risk Factor crime rate of 18 crimes per 1,000 persons. The adjacent census tract within 500 feet of the development site, similarly, has a crime rate below TDHCA's threshold.
- **Good Schools:** Students who live at Luna Flats will be served by the Rogers Academy, which serves grades PK through 8, and Edison High School, which serves grades 9 through 12. The Rogers Academy has consistently received a 'Met Standard' rating from the Texas Education Agency in 2016, 2017, and 2018. Edison High School is a particularly well-performing campus, consistently receiving a 'Met Standard' rating and a total of four Distinction Designations over the past three school years. Additionally, Edison High School has a four-year graduation rate of 98.1%, which is well above San Antonio Independent School District's rate of 83.1% and the State's four-year completion rate of 89.7%.
- **High Property Values for Surrounding Areas:** Additionally, Luna flats is within one mile of Olmos Park and Monte Vista, two of San Antonio's most affluent neighborhoods with homes valued into the millions.

Home Repair Partnerships

In the instances of deferred maintenance included in this packet, the region has multiple community wide clean-up and repair programs available to the area residents. The repair and remediation programs include:

- Green and Healthy Homes (SAGHH) – offers guidance to homeowners and landlords of properties that are older than 40 years old by correcting safety hazards such as lead-based paint, mold, household asthma triggers, and fire hazards.

- Minor Repair Program – assists with plumbing, electrical, non-working utilities, broken windows, damaged doors, and other items in need of repair
- Owner-Occupied Rehabilitation – helps homeowners bring their homes into code compliance by providing deferred, forgivable loans
- Under 1 Roof – replaces worn and damaged roofs
- Students Together Achieving Revitalization (STAR) - the San Antonio Office of Historic Preservation coordinates a program for student-led revitalization projects that includes yard work, exterior painting, and basic repairs.
- Community Tool Shed - San Antonio Code Enforcement Department provides a collection of tools that can be used by residents free of charge to clean and improve their properties.

Neighborhood Revitalization

In addition to offering a helping hand to individual property owners discussed above, the City of San Antonio has a big picture revitalization plan for the neighborhood. The North Central Neighborhoods Community Plan has been steering community revitalization efforts in the Edison Neighborhood and its surrounding neighborhoods since 2002. The plan, which was developed in coordination with six different neighborhoods, lays out 15 goals that pivot around the following key objectives:

- Neighborhood and Economic Development,
- Transportation and Infrastructure, and
- Community Facilities and Quality of Life

These goals have been implemented through funding from various partners, but the most notable contributor is the City of San Antonio Capital Improvement Program. Over the past decade, over \$67 million in projects have been completed, are under construction, or are currently being designed. These capital improvements include park renovations, extensive street improvements, projects to enhance pedestrian mobility. Please see page 18 of the documentation packet for examples of Capital Improvement Projects from the 2012-2017 and 2017-2022 City of San Antonio Bond Programs. More information is available in the North Central Communities Concerted Revitalization Plan Packet that is uploaded to the FTP site.

Existing Rental Inventory Affordable and Market Rate

The Primary Market Area for Luna Flats consists of 18 census tracts located northwest of Downtown San Antonio. While this area represents over 9,000 acres of land within the San Antonio City Limits, there are only 4 existing affordable housing developments in the primary market area, or just over 700 affordable rental units. This is particularly significant when you consider that the primary market area has over 14,000 households, almost half of which are cost-burdened by HUD's standards; in other words, households are spending more than 30% of their income on housing. This metric points to a severely underserved market area where there is a considerable lack of affordable housing units and major demand for developments such as Luna Flats. Please refer to page 29 in the documentation packet to review the American Community Survey 5-year Estimates for Gross Rent as a Percentage of Household Income in the Past 12 Months.

The Edison Neighborhood has a considerable lack of multifamily housing stock. Data from 2012-2016 American Community Survey 5-Year Estimates indicate that there are just 55 non-single-family housing units in the census tract that contains Luna Flats. Of these 55 units, 39 are duplexes and 16 of the units are reportedly in complexes with 3 or more units in them. An aerial Google Earth assessment does not clearly identify where these units are located within the Neighborhood, but ACS data estimates that rents in the census tract are \$600 for one-bedroom units, \$938 for two-bedroom units, and \$1,083 for three-bedroom units. These market rents are \$150 more than LIHTC rents for two-bedroom units and almost \$200 more than LIHTC rents for three-bedroom units, for residents earning 60% of the area median income. This means that residents earning less than 60% of the area median income will have an even harder time affording market rate rents in the Luna Flats census tract.

Household Income

ACS data estimates that the median household income in the San Antonio-New Braunfels Metro area is \$54,638. In the census tract containing Luna Flats, approximately 40% of households have incomes equal to or greater than the Metro area's income. This points to a need for lower cost housing choices in the area relative to residents' lower and moderate incomes in order to reverse and prevent further cost-burden.

Summary

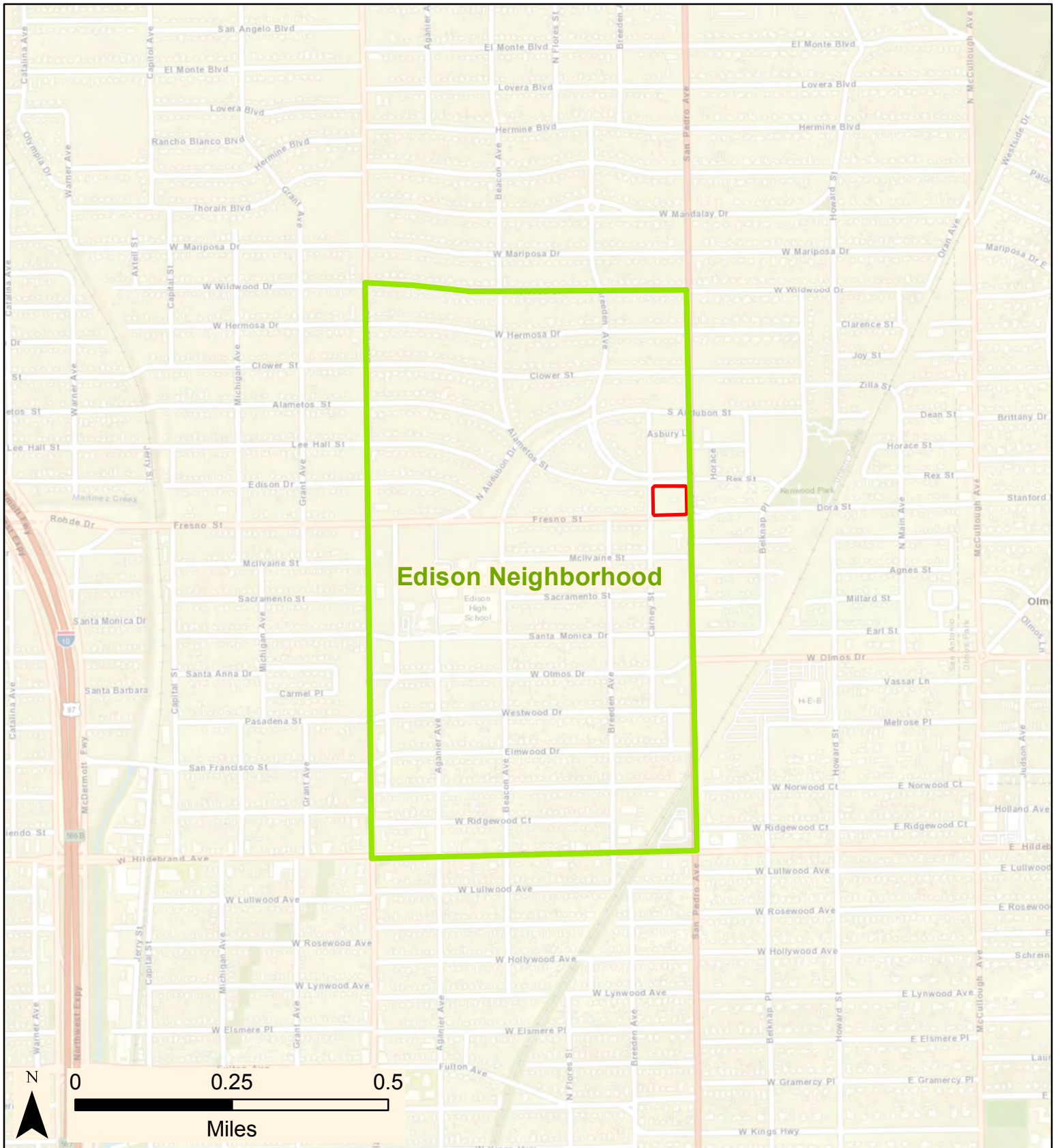
I have referred to the instances of Luna Flats only potential risk factor, potential blight, as minor because it involves only a few structures and these instances in the process of being mitigated through the City of San Antonio's public investment efforts. In addition to over \$67 million in Capital Improvement Program Bond funding that has been awarded towards improvement projects in the North Central Communities area since 2007, the City of San Antonio Neighborhood and Housing Services Department operates several home repair and remediation programs. I hope that you find the risk for the neighborhood negligible or non-existent as demonstrated above and with the attached documentation.

Thank you for reviewing this report and for your consideration. Please let me know should you have any questions or concerns at sarah@structuretexas.com or at (512) 698-3369.

Sincerely,



Sarah Andre, Consultant to the Project
sarah@structuretexas.com
(512) 698-3369



Edison Neighborhood

Luna Flats

4415 South San Pedro Ave
San Antonio, Texas

 Neighborhood
 Site

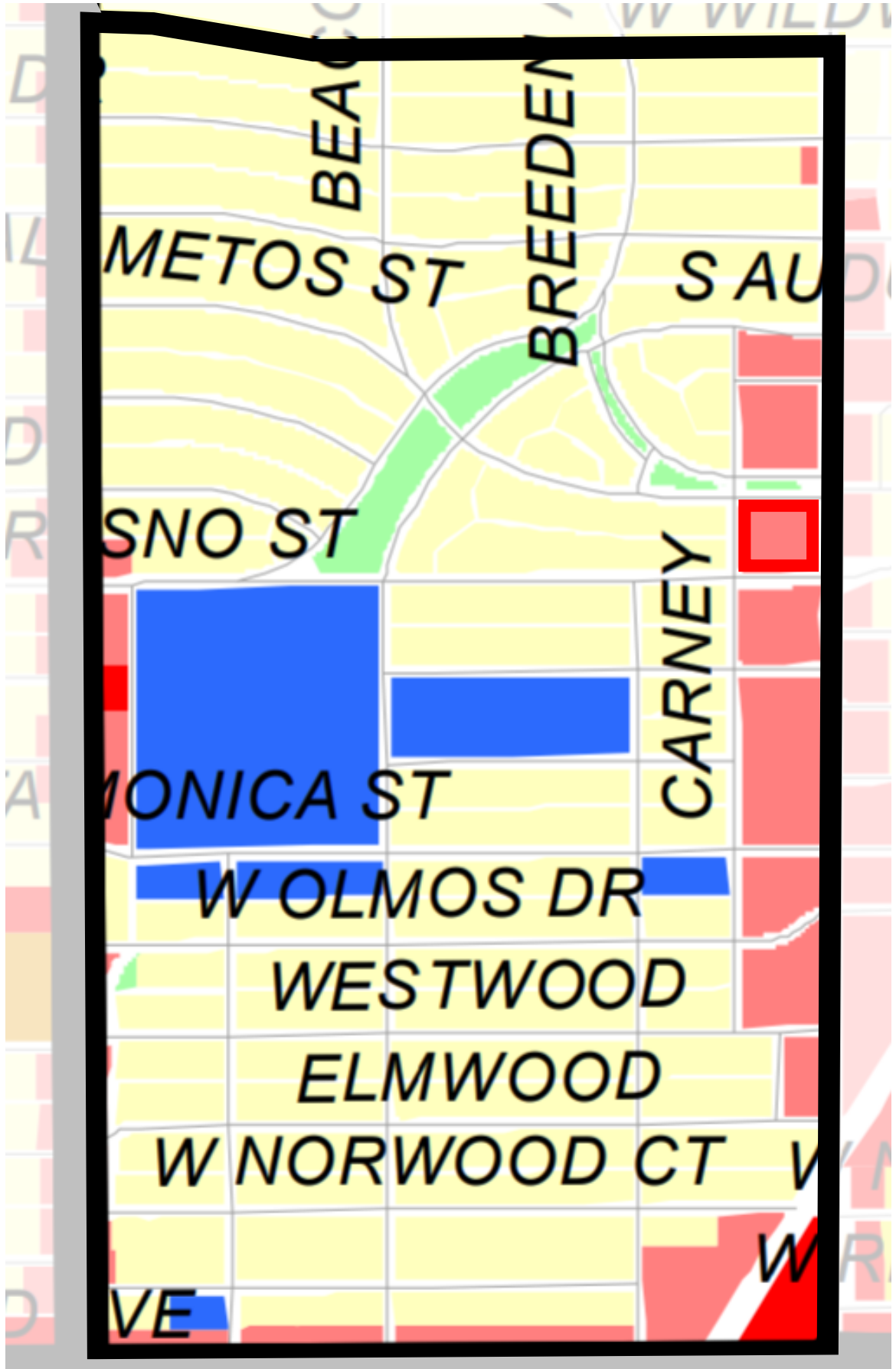


Edison Neighborhood Land Use Map

Edison Neighborhood



Luna Flats



The majority of land in the area is low-density residential

Low Density Residential Estate	Agricultural	Regional Commercial	Light Industrial	Medium Density Mixed Use	Parks/Open Space	No Future Land Use in Plan	City of San Antonio	City Council Districts
Low Density Residential	Business Park	Neighborhood Commercial	Heavy Industrial	High Density Mixed Use	Vacant	Airport	Other Cities and Towns	
Medium Density Residential	Commercial	Public/ Institutional	Mixed Use	Office	Transit Oriented Development	Completed Future Land Use Plan	BEXAR County	
High Density Residential	Community Commercial	Industrial	Low Density Mixed Use	Rural Living	Military	Completed No Future Land Use in Plan	Limited Purpose Annexation	
						Future Land Use Plan in Progress		

City of San Antonio
Future Land Use Plan 2019

Data Revisions

Land Use	Date	Ordinance
Future Land Use Plan	June 10, 2013	2013-06-10-02049
City Council	Dec 13, 2016	2016-12-13-02049
City Council Districts	Dec 13, 2016	2016-12-13-02049

City of San Antonio
 Information Technology Services Department
 GIS/Publisher Services Division



DP04

SELECTED HOUSING CHARACTERISTICS

2012-2016 American Community Survey 5-Year Estimates

Note: This is a modified view of the original table.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Tell us what you think. Provide feedback to help make American Community Survey data more useful for you.

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

A processing error was found in the Year Structure Built estimates since data year 2008. For more information, please see the errata note #110.

947 units, or 92% of all units, are Single Family

880 Units, or almost 90% of units were built before 1970

Subject	Census Tract 1906.03, Bexar County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
HOUSING OCCUPANCY				
Total housing units	1,020	+/-32	1,020	(X)
Occupied housing units	944	+/-53	92.5%	+/-4.3
Vacant housing units	76	+/-44	7.5%	+/-4.3
Homeowner vacancy rate	0.0	+/-5.6	(X)	(X)
Rental vacancy rate	9.9	+/-9.2	(X)	(X)
UNITS IN STRUCTURE				
Total housing units	1,020	+/-32	1,020	(X)
1-unit, detached	899	+/-47	88.1%	+/-4.3
1-unit, attached	48	+/-29	4.7%	+/-2.9
2 units	39	+/-28	3.8%	+/-2.7
3 or 4 units	11	+/-17	1.1%	+/-1.7
5 to 9 units	5	+/-8	0.5%	+/-0.8
10 to 19 units	0	+/-13	0.0%	+/-3.6
20 or more units	0	+/-13	0.0%	+/-3.6
Mobile home	18	+/-22	1.8%	+/-2.1
Boat, RV, van, etc.	0	+/-13	0.0%	+/-3.6
YEAR STRUCTURE BUILT				
Total housing units	1,020	+/-32	1,020	(X)
Built 2014 or later	0	+/-13	0.0%	+/-3.6
Built 2010 to 2013	0	+/-13	0.0%	+/-3.6
Built 2000 to 2009	12	+/-13	1.2%	+/-1.3
Built 1990 to 1999	37	+/-33	3.6%	+/-3.2
Built 1980 to 1989	56	+/-35	5.5%	+/-3.4
Built 1970 to 1979	35	+/-28	3.4%	+/-2.7

Subject	Census Tract 1906.03, Bexar County, Texas			
	Estimate	Margin of Error	Percent	Percent Margin of Error
Built 1960 to 1969	50	+/-33	4.9%	+/-3.2
Built 1950 to 1959	236	+/-78	23.1%	+/-7.6
Built 1940 to 1949	481	+/-80	47.2%	+/-7.4
Built 1939 or earlier	113	+/-52	11.1%	+/-5.1
HOUSING TENURE				
Occupied housing units	944	+/-53	944	(X)
Owner-occupied	644	+/-68	68.2%	+/-7.9
Renter-occupied	300	+/-85	31.8%	+/-7.9

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

Households not paying cash rent are excluded from the calculation of median gross rent.

Telephone service data are not available for certain geographic areas due to problems with data collection of this question that occurred in 2015 and 2016. Both ACS 1-year and ACS 5-year files were affected. It may take several years in the ACS 5-year files until the estimates are available for the geographic areas affected.

While the 2012-2016 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

1. An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.
2. An '-' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.
3. An '-' following a median estimate means the median falls in the lowest interval of an open-ended distribution.
4. An '+' following a median estimate means the median falls in the upper interval of an open-ended distribution.
5. An '***' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.
6. An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.
7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.

Census Tract containing Luna Flats



4415 San Pedro Ave, San Antonio, TX 78212
Report date Thursday, November 29, 2018

THE 4415 SAN PEDRO AVE NEIGHBORHOOD CRIME

67 Vital Statistics. 6 Condition Alerts found.

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

5

(100 is safest) ⚡

Safer than 5% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	33	216	249
Crime Rate (per 1,000 residents)	11.20	73.32	84.52

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

10

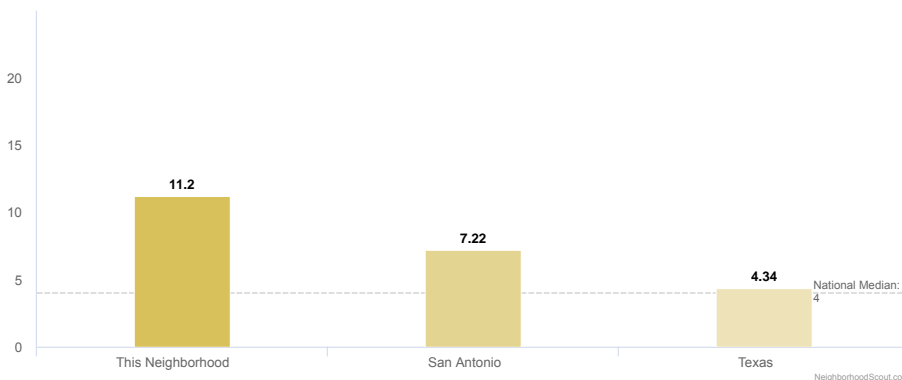
(100 is safest) ⚡

Safer than 10% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE

MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
15	7	15	8
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)



MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME

1 IN 89 ⚡	1 IN 139	1 IN 230
in this Neighborhood	in San Antonio	in Texas

Census Tract within 500 feet of Luna Flats



2215 Belknap Pl, San Antonio, TX 78212
Report date Friday, October 05, 2018

THE 2215 BELKNAP PL NEIGHBORHOOD CRIME

67 Vital Statistics. 7 Condit

NEIGHBORHOOD CRIME DATA

TOTAL CRIME INDEX

2

(100 is safest) ⚡

Safer than 2% of U.S. neighborhoods.

NEIGHBORHOOD ANNUAL CRIMES			
	VIOLENT	PROPERTY	TOTAL
Number of Crimes	46	272	318
Crime Rate (per 1,000 residents)	15.03	88.89	103.92

NEIGHBORHOOD VIOLENT CRIME

VIOLENT CRIME INDEX

6

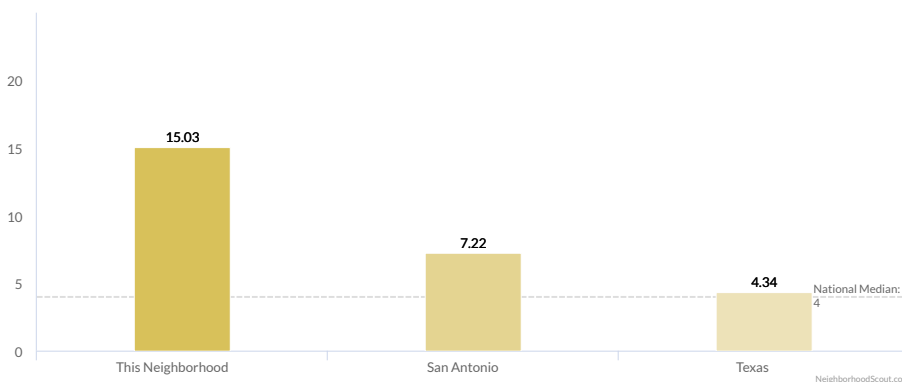
(100 is safest) ⚡

Safer than 6% of U.S. neighborhoods.

VIOLENT CRIME INDEX BY TYPE

MURDER INDEX	RAPE INDEX	ROBBERY INDEX	ASSAULT INDEX
8	5	9	5
100 is safest	100 is safest	100 is safest	100 is safest

VIOLENT CRIME COMPARISON (PER 1,000 RESIDENTS)

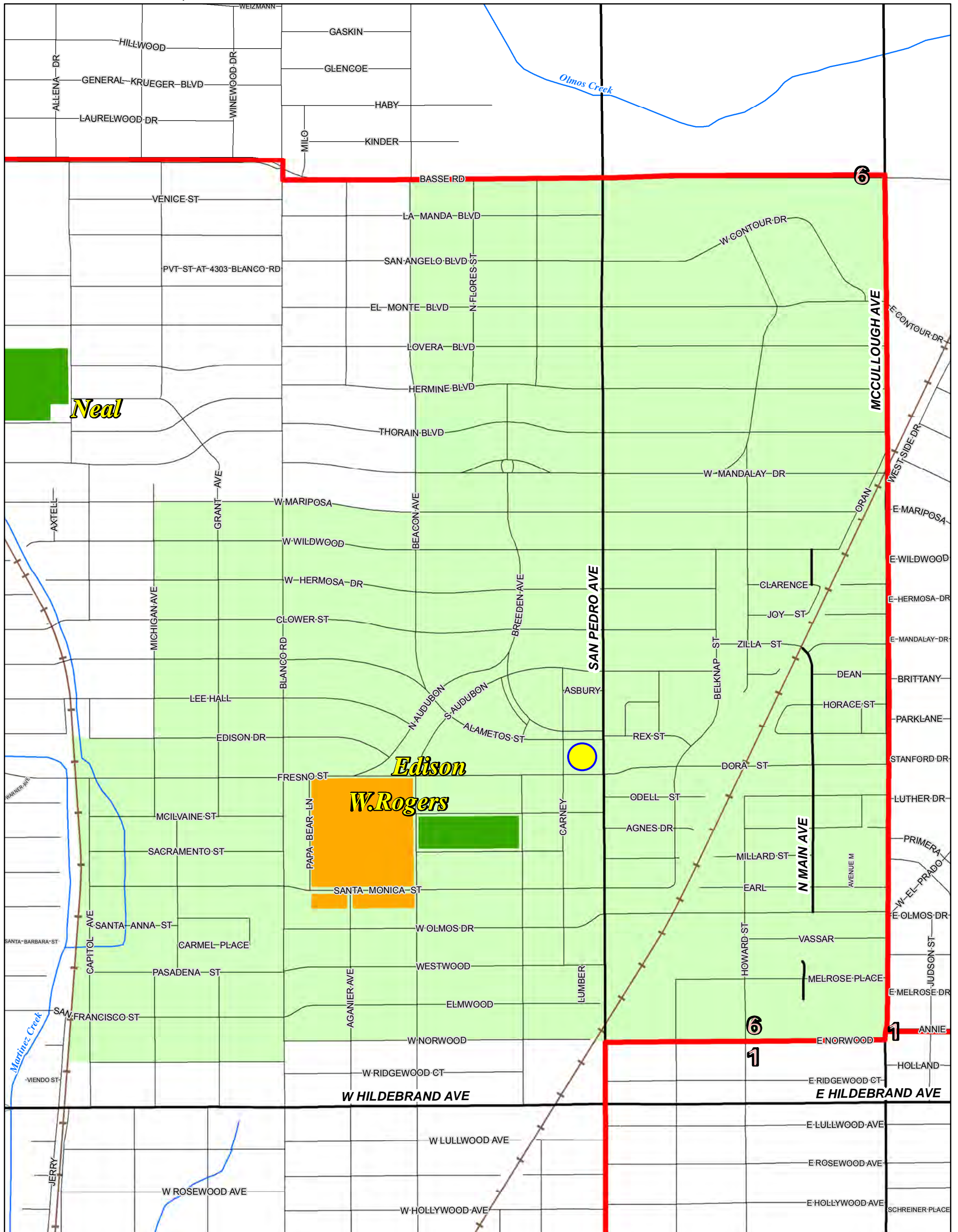
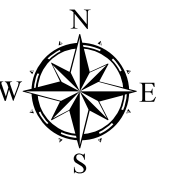


MY CHANCES OF BECOMING A VICTIM OF A VIOLENT CRIME

1 IN 67 ⚡	1 IN 139	1 IN 230
in this Neighborhood	in San Antonio	in Texas

**W.ROGERS PK7
620 MCILVAINE ST
SAN ANTONIO, TX 78212**

As of 2017-18



LEGEND

1 inch equals 0.15 miles

SAISD Facilities		Boundaries		Route Network		Water Bodies			
	Administrative		High		Attendance		Main Streets		Lakes
	Early Childhood		Middle		Trustee		Regular		Rivers_and_Creeks
	Elementary		PK8				Highway		Luna Flats
							Railroads		

Texas Education Agency

2018 Accountability Ratings Overall Summary

ROGERS ACADEMY (015907161) - SAN ANTONIO ISD

	Component Score	Scaled Score	Rating
Overall		63	Met Standard
Student Achievement		58	Improvement Required
STAAR Performance	33	58	
College, Career and Military Readiness			
Graduation Rate			
School Progress		62	Met Standard
Academic Growth	63	59	Improvement Required
Relative Performance (Eco Dis: 91.1%)	33	62	Met Standard
Closing the Gaps	35	65	Met Standard

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Eligible
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Not Earned

Texas Education Agency

2018 Accountability Ratings Overall Summary

TWIN MIDDLE (015907058) - SAN ANTONIO ISD

	Component Score	Scaled Score	Rating
Overall		88	Met Standard
Student Achievement		67	Met Standard
STAAR Performance	36	67	
College, Career and Military Readiness			
Graduation Rate			
School Progress		91	Met Standard
Academic Growth	81	91	Met Standard
Relative Performance (Eco Dis: 90.6%)	36	79	Met Standard
Closing the Gaps	67	80	Met Standard

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Not Earned
Comparative Academic Growth	Earned
Postsecondary Readiness	Not Earned
Comparative Closing the Gaps	Earned

Texas Education Agency
2018 Accountability Ratings Overall Summary
EDISON H S (015907003) - SAN ANTONIO ISD

	Component Score	Scaled Score	Rating
Overall		75	Met Standard
Student Achievement		76	Met Standard
STAAR Performance	37	64	
College, Career and Military Readiness	47	79	
Graduation Rate	98.1	95	
School Progress		77	Met Standard
Academic Growth	59	65	Met Standard
Relative Performance (Eco Dis: 88.4%)	42	77	Met Standard
Closing the Gaps	29	70	Met Standard

Distinction Designations

ELA/Reading	Not Earned
Mathematics	Not Earned
Science	Not Earned
Social Studies	Earned
Comparative Academic Growth	Not Earned
Postsecondary Readiness	Earned
Comparative Closing the Gaps	Not Earned

Evidence of Past Committed Funding from the 2012-2017 Bond Program & Evidence of Current Committed Funding from the 2017-2022 Bond Program

Please see pages 19-26 for Information Sheets on each of the Capital Improvement Projects




North Central Communities Plan



Luna Flats

← → ↻ <https://gis.sanantonio.gov/TCI/BondProjects/index.html> ☆ 📄 🗨️ 📄 📄 📄 📄

📄 Apps 📧 Structure Texas Mail 🌐 9% Housing Tax Credit 📄 2019 Checklist Guide 📄 Client Template Full S 📄 2019 Client Pipelines »

 CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

Search an Address 🔍 GIS Home SanAntonio.gov

Content

Basemaps Street View Help

Bond Projects

- 2017 Bond Program
 - Public Safety Facilities Improvements
 - Library and Cultural Facilities Improvement
 - Parks, Recreation, and Open Space Improvement
 - Streets, Bridges, and Sidewalk Improvement
 - Streets, Bridges, and Sidewalk Improvement
 - Drainage and Flood Control Improvement
 - Drainage and Flood Control Improvement
- 2012 Bond Program
 - Public Safety Projects
 - Facilities and Libraries Projects
 - Parks Projects
 - Streets Projects
 - Streets Projects
 - Drainage Projects
 - Drainage Projects

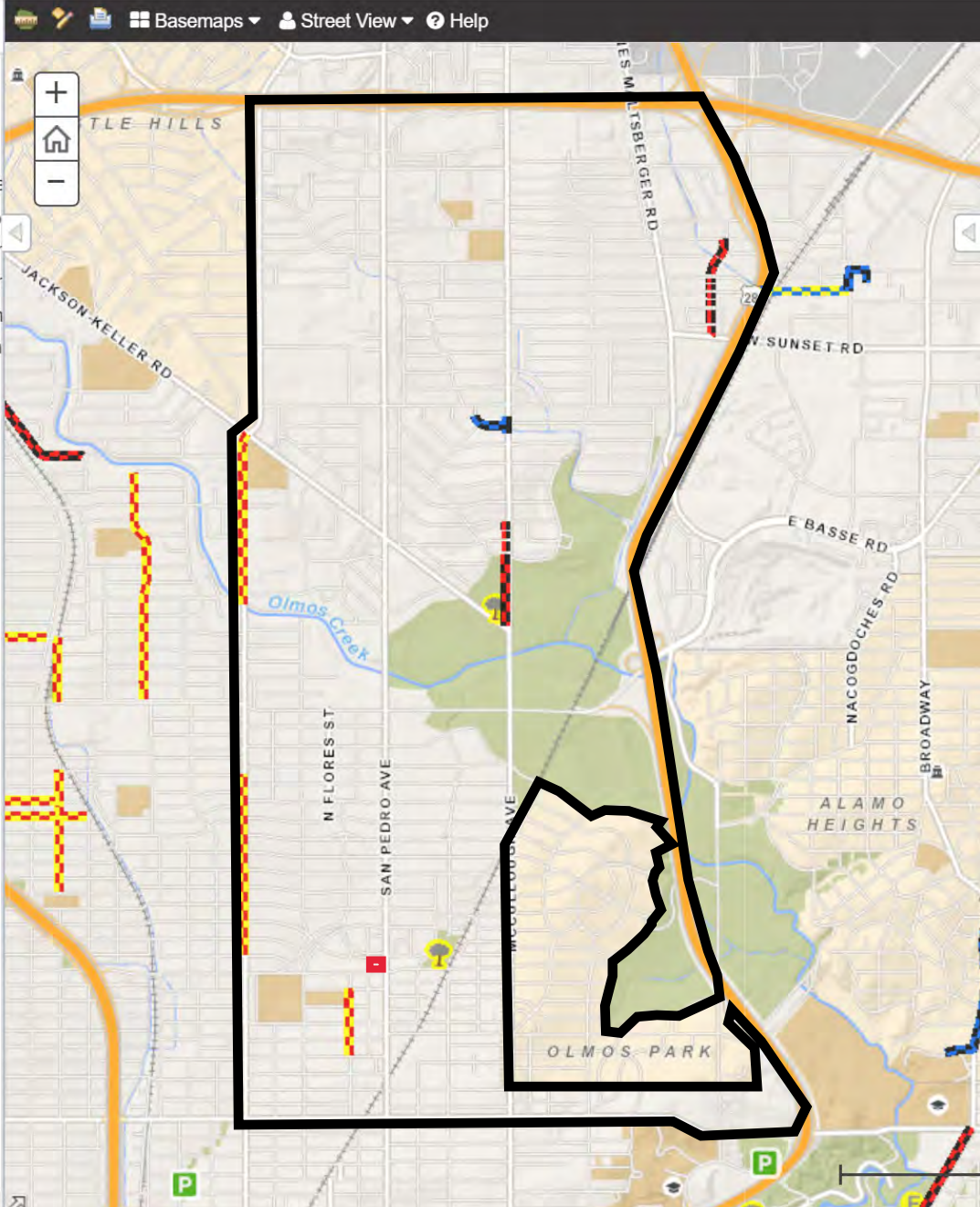
Search Search the selected layers

above by status and/or keyword.

Status: ALL

Keywords:

Search Clear



The map displays various project locations in San Antonio, Texas, including Olmos Park, Alamo Heights, and Tule Hills. A large black outline highlights the North Central Communities Plan area, and a red solid area highlights the Luna Flats area. The map includes street names such as Jackson-Keller Rd, N Flores St, San Pedro Ave, McCullough Ave, E Basse Rd, Nacogdoches Rd, Broadway, and W Sunset Rd. The Olmos Creek is also visible. The map interface includes a search bar, a legend, and navigation controls.

Ave Maria Outfall (Ave Maria to Burwood)

District(s): 01
 Project Manager: Richard Grochowski
 Capital Project Officer: Richard Casiano (210) 207-8218

Total Approved Budget

Source	Amount
2007 GO DRAINAGE IMPROVEMENT BOND	\$558,244
2007 ISSUED TAX NOTES	\$3,990
SAN ANTONIO WATER SYSTEM	\$26,842
Total Fund	\$589,077

Cost Information

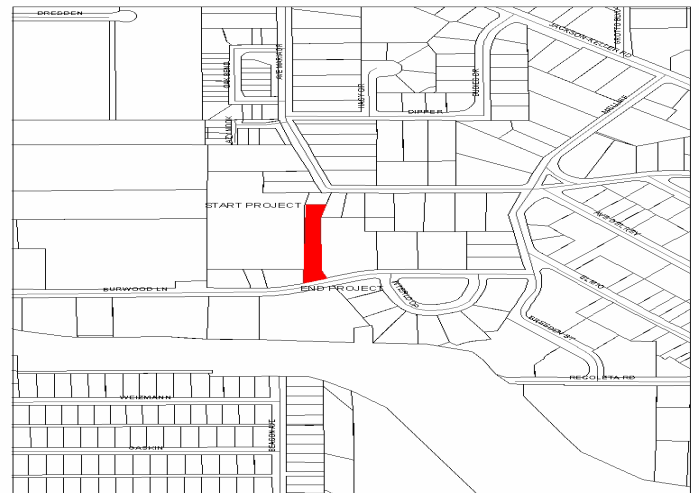
Category	Appropriations *	Expenses To-date
Design	\$192,228	\$192,228
Environmental	\$19,928	\$19,928
Construction	\$376,920	\$376,920
Total	\$589,077	\$589,077

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant: Denham-Ramones Engineering
Contractor: Lassen Inc. dba Mike Larson Co.
Estimated Project Advertisement: 08/2009
Estimated Construction Start: 02/2010
Estimated Construction Completion: 08/2010

Project Scope:

Ave Maria Outfall (Ave Maria to Burwood) Improve drainage channel outfall from Ave Maria to Burwood and upgrade the culvert at Burwood.



Blanco Rd (Hildebrand to Jackson Keller)

District(s): 01
 Project Manager: Fitz Sanchez
 Capital Project Officer: Richard Casiano (210) 207-8218

Total Approved Budget

Source	Amount
2007 GO STREET IMPROVEMENT BOND	\$21,305,268
2008 ISSUED TAX NOTES	\$75,305
SAN ANTONIO WATER SYSTEM	\$1,914,994
CITY PUBLIC SERVICE	\$1,013,324
Total Fund	\$24,308,893

Cost Information

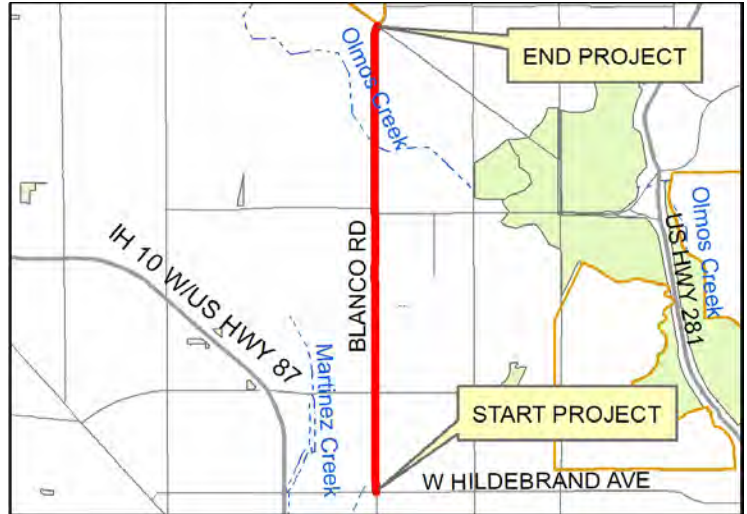
Category	Appropriations *	Expenses To-date
Design	\$4,838,784	\$4,838,784
Right of Way	\$265,656	\$265,656
Environmental	\$605,330	\$605,330
Construction	\$13,539,631	\$13,539,631
Asset Purchased	\$5,059,490	\$5,059,490
Total	\$24,308,893	\$24,308,893

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant: Civil Engineering Consultants
Contractor: E-Z Bel Construction, Ltd.
Estimated Project Advertisement: 01/2012
Estimated Construction Start: 09/2012
Estimated Construction Completion: 09/2014

Project Scope:

Blanco Rd (Hildebrand to Jackson Keller) Reconstruct and widen Blanco Road, with curbs, sidewalks, driveway approaches, turn lanes at major intersections, and necessary drainage and traffic signal improvements.



Blanco Rd Ph II (Edison-EI Monte & Olmos)

District(s): 01
 Project Manager: Chris Alonso
 Capital Project Officer: Richard Casiano (210) 207-8218

Total Approved Budget

Source	Amount
SAN ANTONIO WATER SYSTEM	\$2,562,751
CITY PUBLIC SERVICE	\$1,208,020
2012 GO STREET IMPROVEMENT BOND	\$13,937,400
Total Fund	\$17,708,172

Cost Information

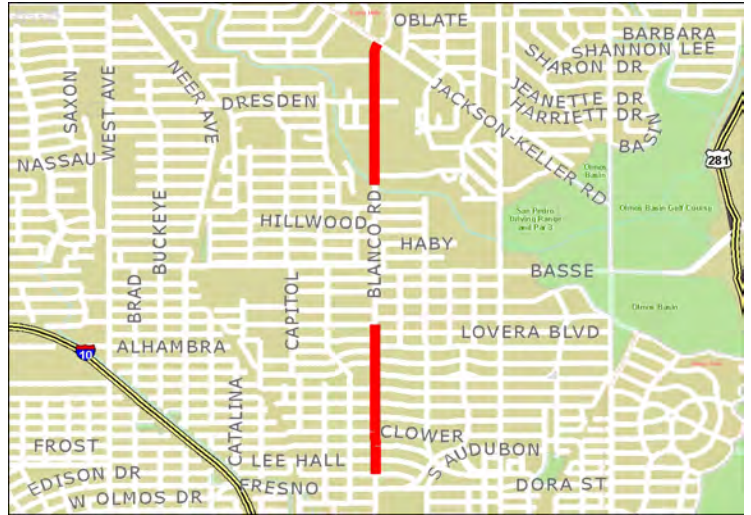
Category	Appropriations *	Expenses To-date
Design	\$553,027	\$553,027
Right of Way	\$447,855	\$447,855
Environmental	\$157,092	\$157,092
Construction	\$16,550,197	\$16,550,197
Total	\$17,708,172	\$17,708,172

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant: Civil Engineering Consultants
Contractor: E-Z Bel Construction, Ltd.
Estimated Project Advertisement: 12/2014
Estimated Construction Start: 08/2015
Estimated Construction Completion: 07/2017

Project Scope:

Blanco Rd Ph II (Edison-EI Monte & Olmos) This project provides funding to reconstruct Blanco between Edison and El Monte, and between Olmos Creek and Jackson Keller with curbs, sidewalks, driveway approaches and necessary drainage and traffic signal improvements. This is a continuation of a 2007-2012 bond project in the same area. This project may include acquisition of necessary right of way.



District 1 Area Pedestrian Mobility & Street Improvements

District(s): 01
 Project Manager: Juan Martinez
 Capital Project Officer: Hugh Guillen (210) 207-8230

Total Approved Budget

Source	Amount
2012 GO STREET IMPROVEMENT BOND	\$6,068,000
Total Fund	\$6,068,000

Cost Information

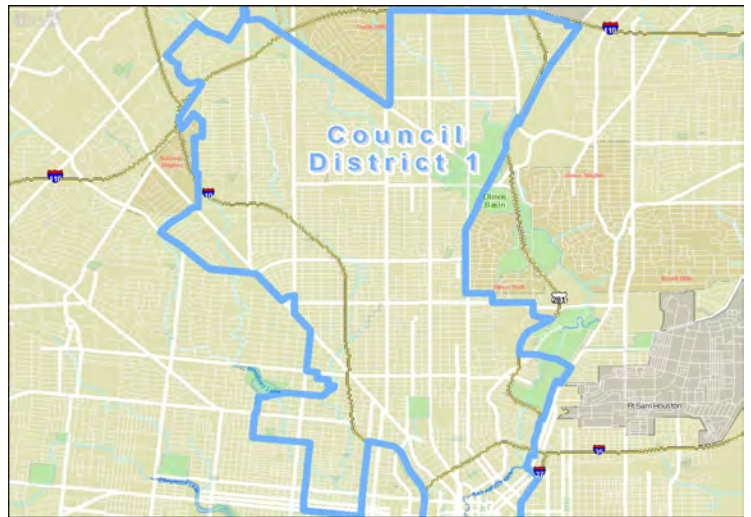
Category	Appropriations *	Expenses To-date
Design	\$246,226	\$227,448
Environmental	\$3,306	\$3,306
Construction	\$5,818,467	\$4,926,706
Total	\$6,068,000	\$5,157,461

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant:
Contractor:
Estimated Project Advertisement: 03/2013
Estimated Construction Start: 05/2013
Estimated Construction Completion: 08/2018

Project Scope:

District 1 Area Pedestrian Mobility & Street This project provides funding to construct pedestrian mobility and street improvement projects.



District 1 includes Luna Flats

Kenwood Park

District(s): 01
 Project Manager: Pat Schneider
 Capital Project Officer: Rodney Dziuk (210) 207-2876

Total Approved Budget

Source	Amount
2012 GO PARKS IMPROVEMENT BOND	\$148,714
Total Fund	\$148,714

Cost Information

Category	Appropriations *	Expenses To-date
Design	\$16,635	\$16,635
Environmental	\$1,518	\$1,518
Construction	\$130,560	\$130,560
Total	\$148,714	\$148,714

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant: Terra Design Group, Inc.
Contractor: The GFP Group
Estimated Project Advertisement: 09/2013
Estimated Construction Start: 12/2013
Estimated Construction Completion: 09/2014

Project Scope:

Kenwood Park General park improvements, to possibly include basketball court renovations, playground shade and/or portable restroom enclosure development.



Olmos Basin Park

District(s): 01
 Project Manager: Mark Wittlinger
 Capital Project Officer: Rodney Dziuk (210) 207-2876

Total Approved Budget

Source	Amount
2012 GO PARKS IMPROVEMENT BOND	\$496,172
Total Fund	\$496,172

Cost Information

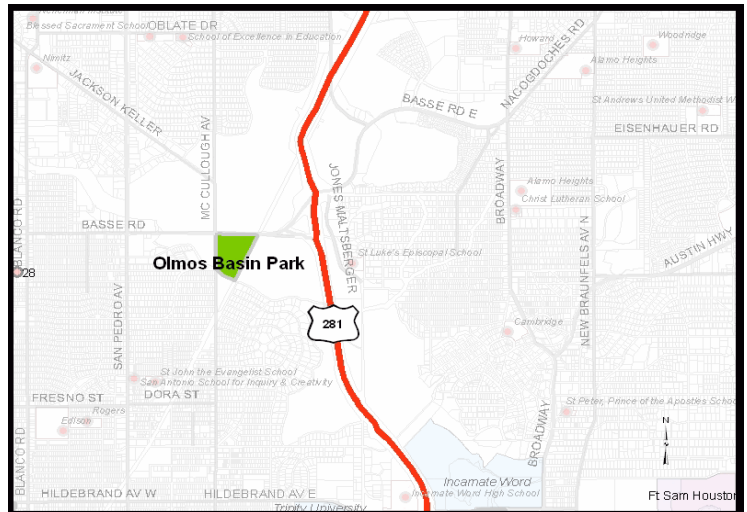
Category	Appropriations *	Expenses To-date
Design	\$82,777	\$82,777
Environmental	\$225	\$225
Construction	\$413,169	\$413,169
Total	\$496,172	\$496,172

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: COMPLETE
Consultant: Coltrane, Fernandez, Zavala Group
Contractor: Consolidated Installation Services
Estimated Project Advertisement: 09/2014
Estimated Construction Start: 02/2015
Estimated Construction Completion: 08/2015

Project Scope:

Olmos Basin Park General park improvements to include security lighting, trail and parking amenities in proximity to the Jackson-Keller & McCullough Avenue area.



District 1 Pedestrian Mobility & Streets

District(s): 01
 Project Manager: Eric Salazar
 Capital Project Officer: Jeremy Hodson (210) 207-2799

Total Approved Budget

Source	Amount
2017 GO STREET IMPROVEMENT BOND	\$9,000,000
Total Fund	\$9,000,000

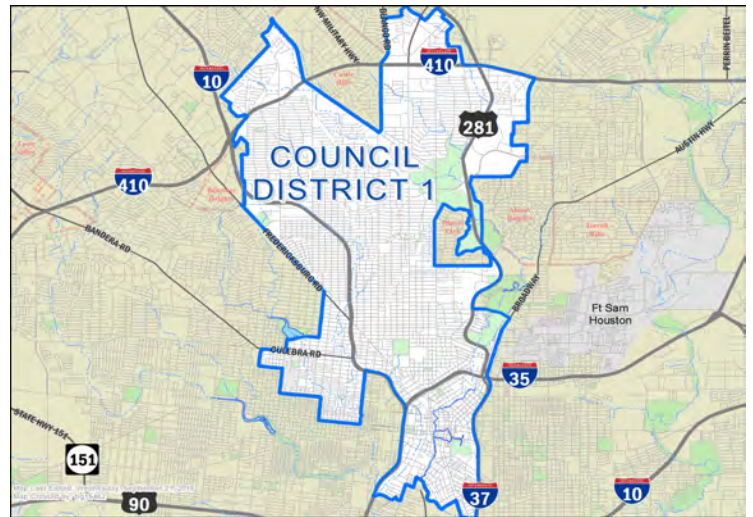
Cost Information

Category	Appropriations *	Expenses To-date
Design	\$1,258,280	\$155,738
Environmental	\$54,000	\$7,153
Construction	\$7,787,720	\$321,057
Total	\$9,100,000	\$483,950

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER CONSTRUCTION
Consultant: MW Cude Engineers, LLC
Contractor: Various
Estimated Project Advertisement: 05/2020
Estimated Construction Start: 08/2018
Estimated Construction Completion: 05/2022

Project Scope:
 District 1 Pedestrian Mobility & Streets -- Construct pedestrian mobility and street improvement projects.



District 1 includes Luna Flats

Barbara Drive Drainage Phase 2

District(s): 01
 Project Manager: Sean Strong
 Capital Project Officer: Richard Casiano (210) 207-8218

Total Approved Budget

Source	Amount
2017 GO DRAINAGE IMPROVEMENT BOND	\$8,700,000
Total Fund	\$8,700,000

Cost Information

Category	Appropriations *	Expenses To-date
Design	\$1,104,732	\$523,681
Environmental	\$145,555	\$8,634
Construction	\$7,513,725	\$102,344
Total	\$8,764,013	\$634,659

* Ordinances will be reflected in the appropriations column 10 days after council approval.

Project Status: UNDER DESIGN
Consultant: Half Associates, INC.
Contractor:
Estimated Project Advertisement: 05/2019
Estimated Construction Start: 09/2019
Estimated Construction Completion: 03/2021

Project Scope:

Barbara Drive Drainage Phase 2 -- Continuation of a multi-phase improvement project to relocate the floodplain away from structures. This proposed phase will replace a section of existing undersized storm drain system to include curbs, sidewalks and driveway approaches as needed.



Luna Flats

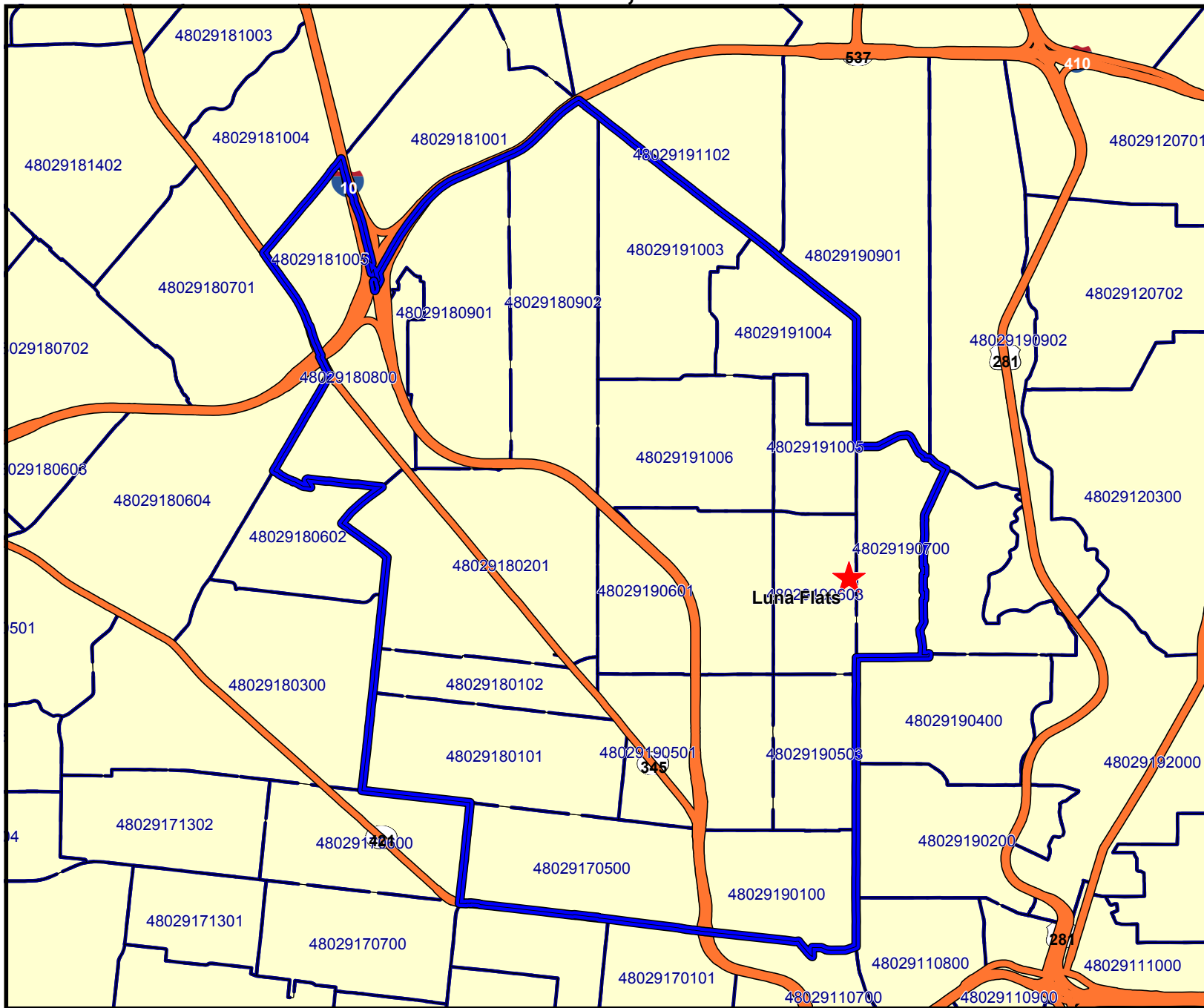
4415 San Pedro Ave San Antonio, Texas 78212

Legend

- ★ Site
- ▣ Custom Boundary
- ▭ TDHCA - All Census Tracts
- ▭ CENSUS TRACTS
- ▭ County Boundaries
- ▭ State Boundaries

Site Coordinates
Longitude/X: -98.500040
Latitude/Y: 29.474730

Miles



Year_	TDHCA#	AMD_Name	Development_Name	Population_Served	Total_Units	LIHTC_Units	Straight Line Distance
1997		Parque de Oro (Bond)	Babcock Villa Apartments FKA Parque De Oro	General	198	196	2.15 miles
2003	3441	Primrose at Monticello Park (Bond-Sr)	Primrose at Jefferson Plaza	Elderly	248	248	2.05 miles
2007	7452	Elan Gardens (Bond)	Enclave Gardens Apartments	General	228	228	2.68 miles
2013	13193	Balcones Lofts (LIHTC)	Balcones Lofts	General	84	50	3.47 miles

Total Number of LIHTC Developments = 4

Total Number of LIHTC Units = 722 Units



B25070

GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME IN THE PAST 12 MONTHS

Universe: Renter-occupied housing units
2012-2016 American Community Survey 5-Year Estimates

Gross Rent as a percentage of income for all census tracts in the Primary Market Area

Note: This is a modified view of the original table.

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Total Households: 14,290

**Total Households that are
Cost-Burdened: 6,880**

		Total:				
		30.0 to 34.9 percent	35.0 to 39.9 percent	40.0 to 49.9 percent	50.0 percent or more	
Census Tract 1705, Bexar County, Texas	Estimate	714	174	54	57	62
Census Tract 1801.01, Bexar County, Texas	Estimate	571	52	23	55	191
Census Tract 1801.02, Bexar County, Texas	Estimate	319	4	19	0	127
Census Tract 1802.01, Bexar County, Texas	Estimate	1,162	78	37	146	255
Census Tract 1808, Bexar County, Texas	Estimate	1,029	141	89	119	165
Census Tract 1809.01, Bexar County, Texas	Estimate	635	29	48	50	132
Census Tract 1809.02, Bexar County, Texas	Estimate	731	0	30	140	204
Census Tract 1810.05, Bexar County, Texas	Estimate	1,690	117	119	103	367
Census Tract 1901, Bexar County, Texas	Estimate	857	62	49	41	149
Census Tract 1905.01, Bexar County, Texas	Estimate	389	93	28	40	57
Census Tract 1905.03, Bexar County, Texas	Estimate	678	18	27	94	157
Census Tract 1906.01, Bexar County, Texas	Estimate	512	76	28	38	143
Census Tract 1906.03, Bexar County, Texas	Estimate	300	13	0	0	73
Census Tract 1907, Bexar County, Texas	Estimate	705	102	29	22	116
Census Tract 1910.03, Bexar County, Texas	Estimate	1,846	78	52	245	647
Census Tract 1910.04, Bexar County, Texas	Estimate	997	63	178	89	232
Census Tract 1910.05, Bexar County, Texas	Estimate	254	0	31	6	62
Census Tract 1910.06, Bexar County, Texas	Estimate	901	53	120	170	212

Percentage of Households that are Cost-Burdened: 48%

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of

error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables.

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Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

Explanation of Symbols:

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7. An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.
8. An '(X)' means that the estimate is not applicable or not available.



B19013

MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)

Universe: Households

2012-2016 American Community Survey 5-Year Estimates

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Median Household Income in the MSA: \$54,638

	Census Tract 1906.03, Bexar County, Texas		San Antonio-New Braunfels, TX Metro Area, Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Median household income in the past 12 months (in 2016 inflation-adjusted dollars)	40,588	+/-6,085	54,638	+/-462

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Estimates of urban and rural population, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

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B19001 HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2016 INFLATION-ADJUSTED DOLLARS)
 Universe: Households
 2012-2016 American Community Survey 5-Year Estimates

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366 Households out of 944 = 39% of Households in the Census Tract have incomes equal to or greater than the Median Household Income in the MSA

	Census Tract 1906.03, Bexar County, Texas		San Antonio-New Braunfels, TX Metro Area; Texas	
	Estimate	Margin of Error	Estimate	Margin of Error
Total:	944	+/-53	786,156	+/-2,540
Less than \$10,000	88	+/-41	55,192	+/-1,825
\$10,000 to \$14,999	66	+/-42	37,032	+/-1,343
\$15,000 to \$19,999	93	+/-50	38,614	+/-1,404
\$20,000 to \$24,999	61	+/-39	41,543	+/-1,359
\$25,000 to \$29,999	58	+/-34	40,513	+/-1,509
\$30,000 to \$34,999	54	+/-28	37,935	+/-1,335
\$35,000 to \$39,999	40	+/-21	37,349	+/-1,280
\$40,000 to \$44,999	60	+/-40	36,468	+/-1,499
\$45,000 to \$49,999	58	+/-35	34,328	+/-1,185
\$50,000 to \$59,999	127	+/-48	66,790	+/-1,793
\$60,000 to \$74,999	107	+/-42	81,493	+/-2,051
\$75,000 to \$99,999	40	+/-28	98,208	+/-2,063
\$100,000 to \$124,999	66	+/-39	66,943	+/-1,625
\$125,000 to \$149,999	13	+/-19	40,482	+/-1,361
\$150,000 to \$199,999	0	+/-13	37,611	+/-1,194
\$200,000 or more	13	+/-13	35,655	+/-1,207

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B25031

MEDIAN GROSS RENT BY BEDROOMS For Luna Flats Census Tract

Universe: Renter-occupied housing units paying cash rent
2012-2016 American Community Survey 5-Year Estimates

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	Census Tract 1906.03, Bexar County, Texas	
	Estimate	Margin of Error
Median gross rent --		
Total:	1,016	+/-123
No bedroom	-	**
1 bedroom	600	+/-139
2 bedrooms	938	+/-182
3 bedrooms	1,083	+/-76
4 bedrooms	-	**
5 or more bedrooms	-	**

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Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

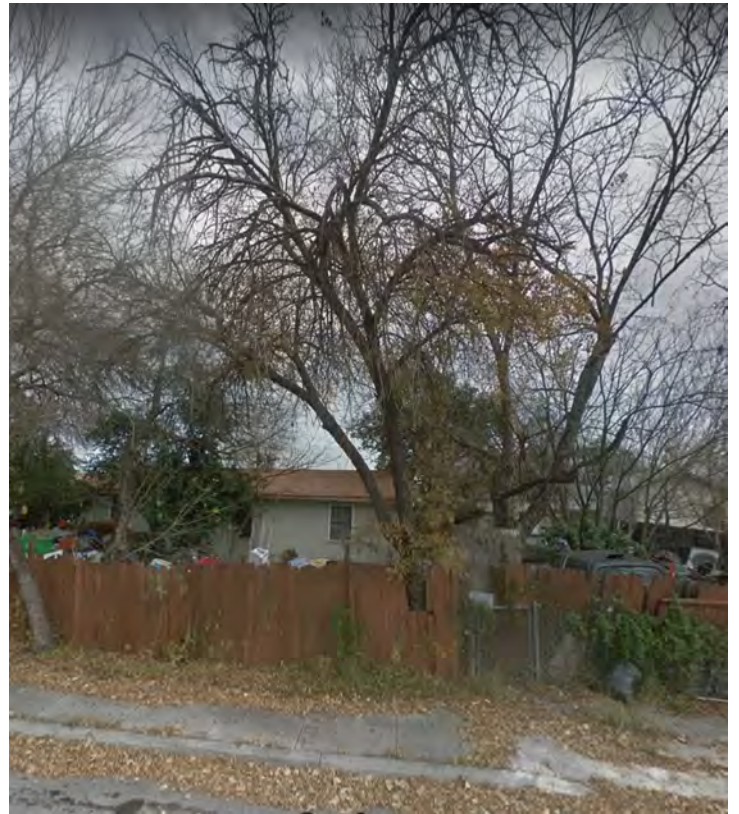
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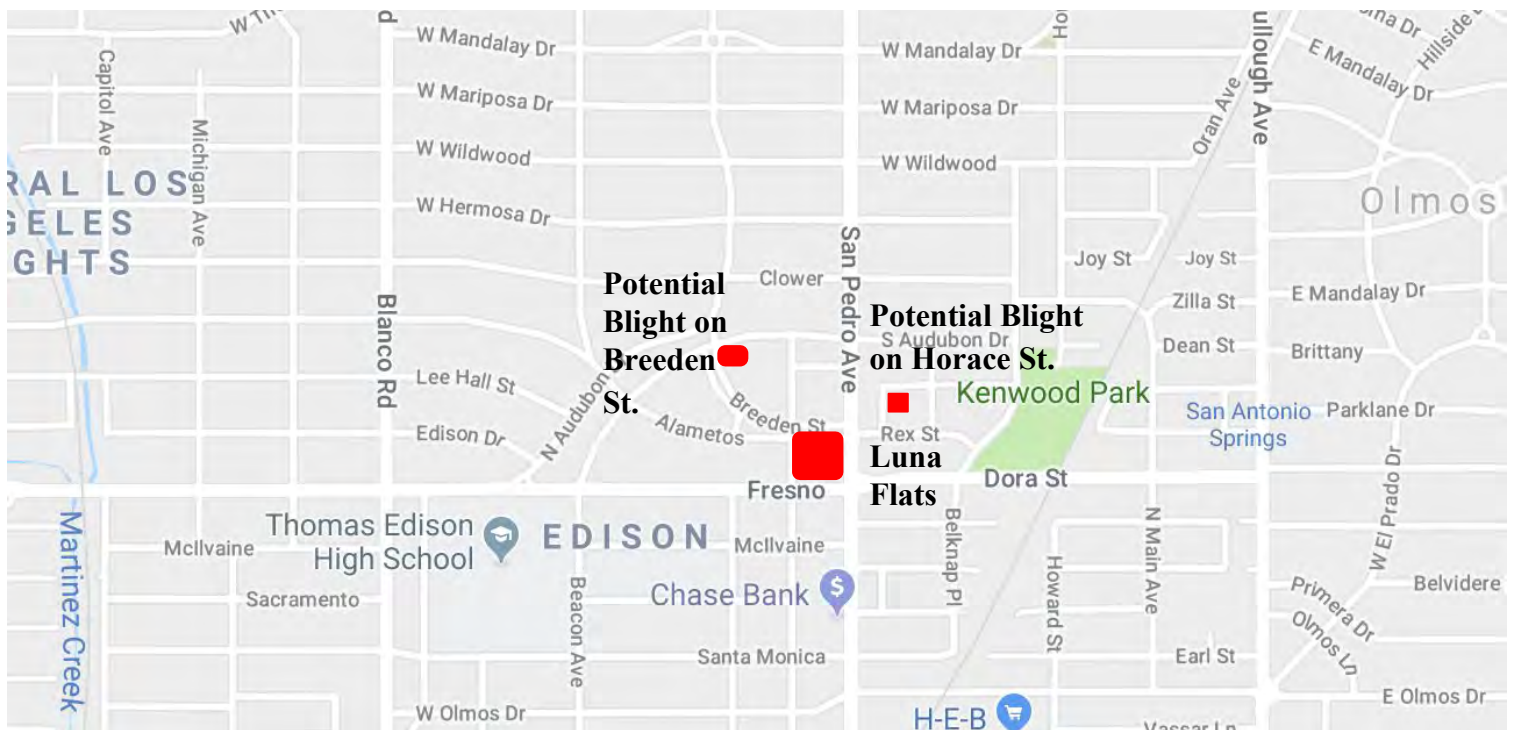
Potential Blight Assessment



Potential Blight #1: Home in need of maintenance on Breeden St.



Potential Blight #2: Home in need of maintenance on Horace St.



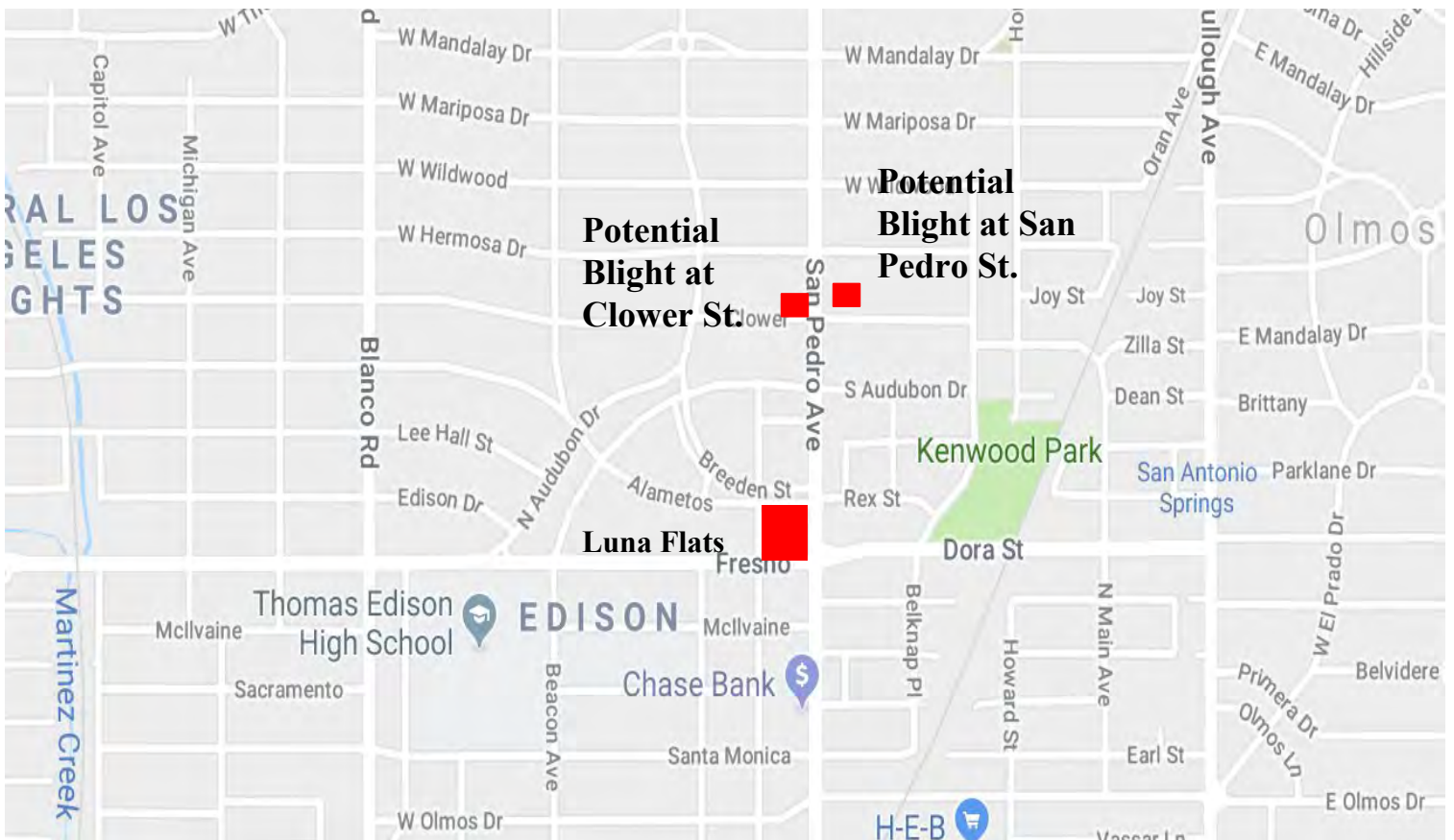
Potential Blight Assessment



Potential Blight #3: Vacant Business on Clower St



Potential Blight #4: Vacant Business on San Pedro Ave.



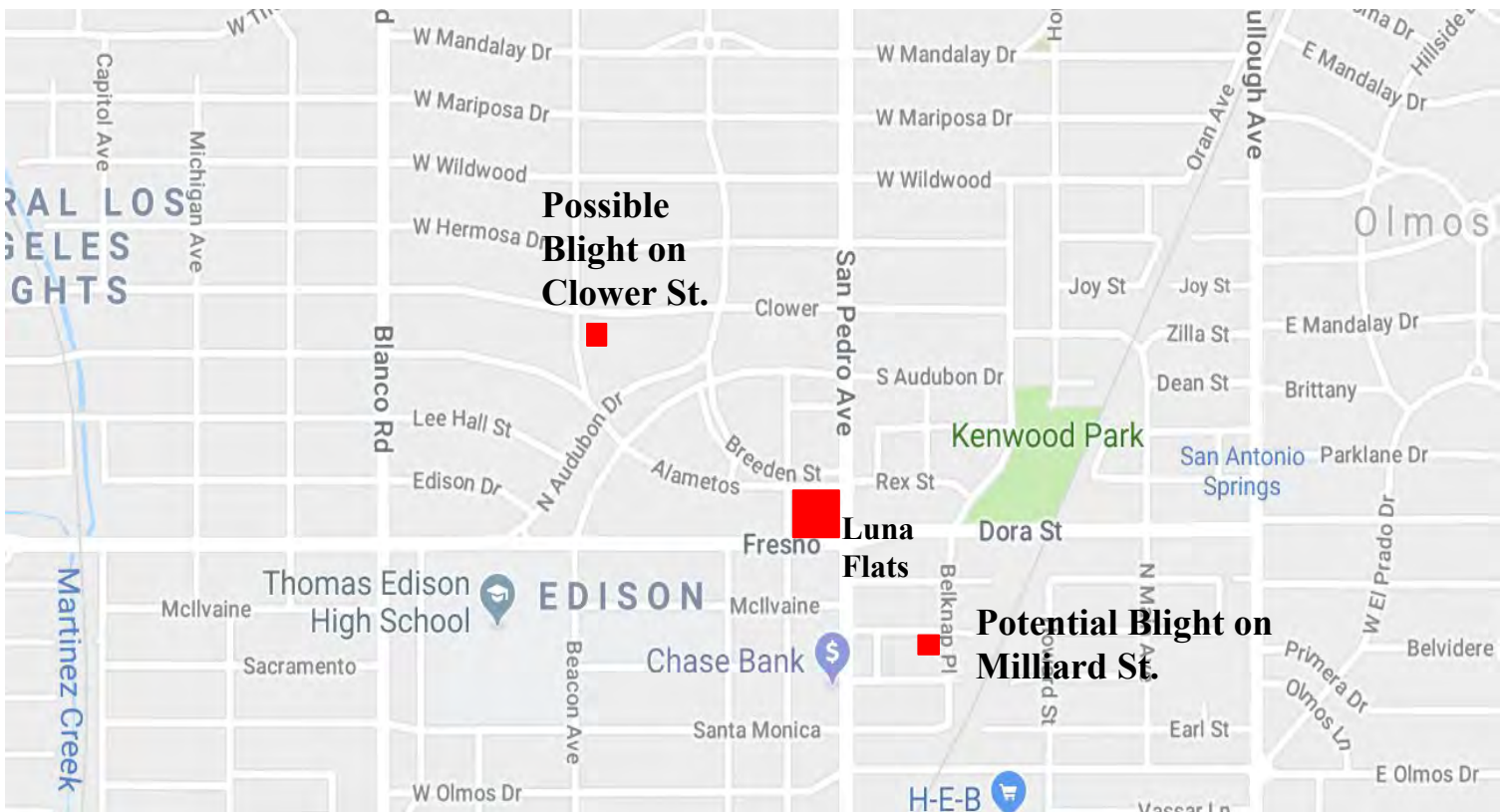
Potential Blight Assessment



Potential Blight #5: Home in need of maintenance on Clower St.



Potential Blight #6: Home in need of maintenance on Milliard St.



Potential Blight Assessment



Potential Blight #7: Home in need of maintenance on Alametos



Recent Community Improvement Projects

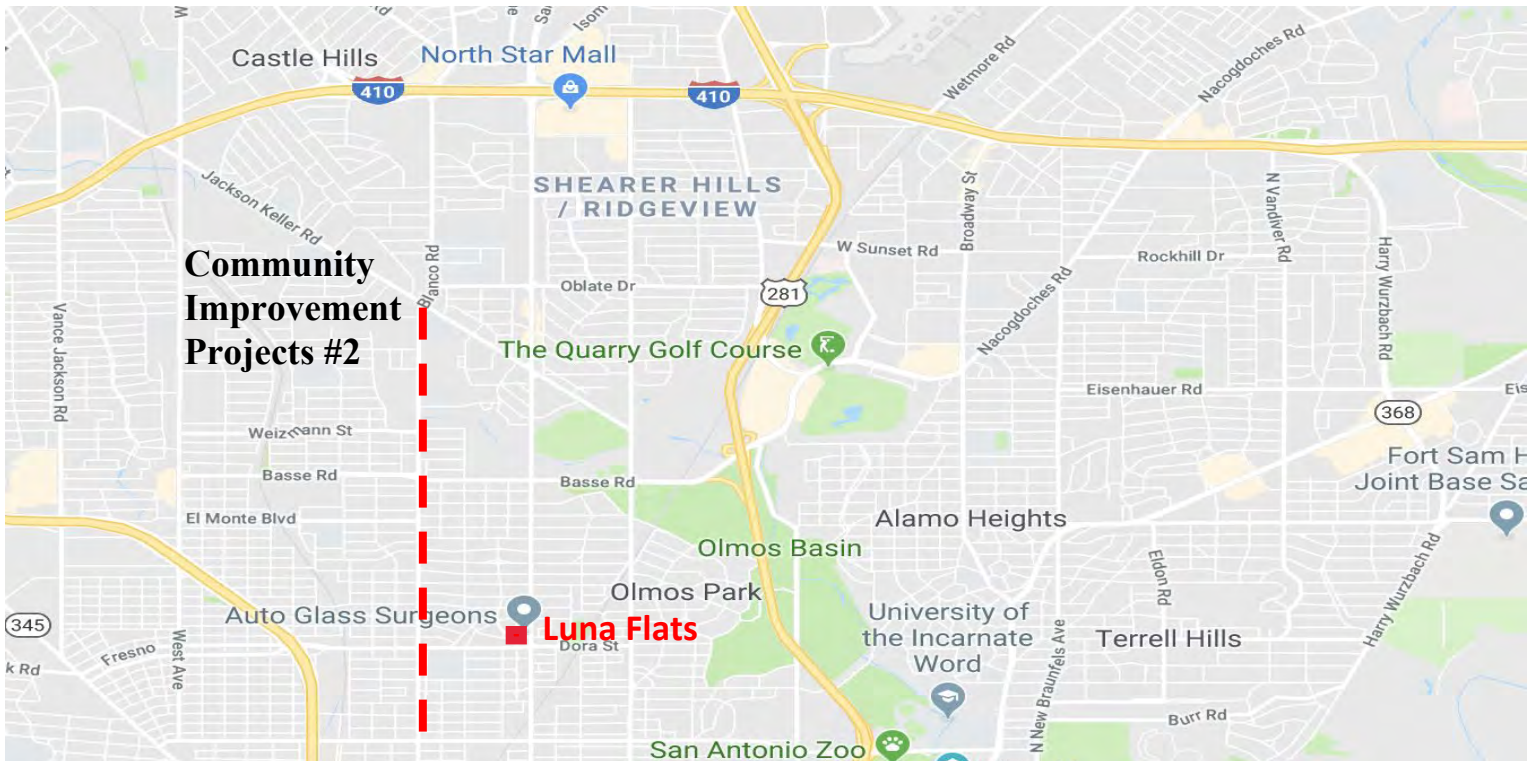


Community Improvement Projects #1: This project provides funding to construct pedestrian mobility and street improvement projects.

*** Throughout Council District 1**



Community Improvement Projects #2: Reconstruct and widen Blanco Road, with curbs, sidewalks, driveway approaches, turn lanes at major intersections, and necessary drainage and traffic signal improvements.



Recent Community Improvement Projects

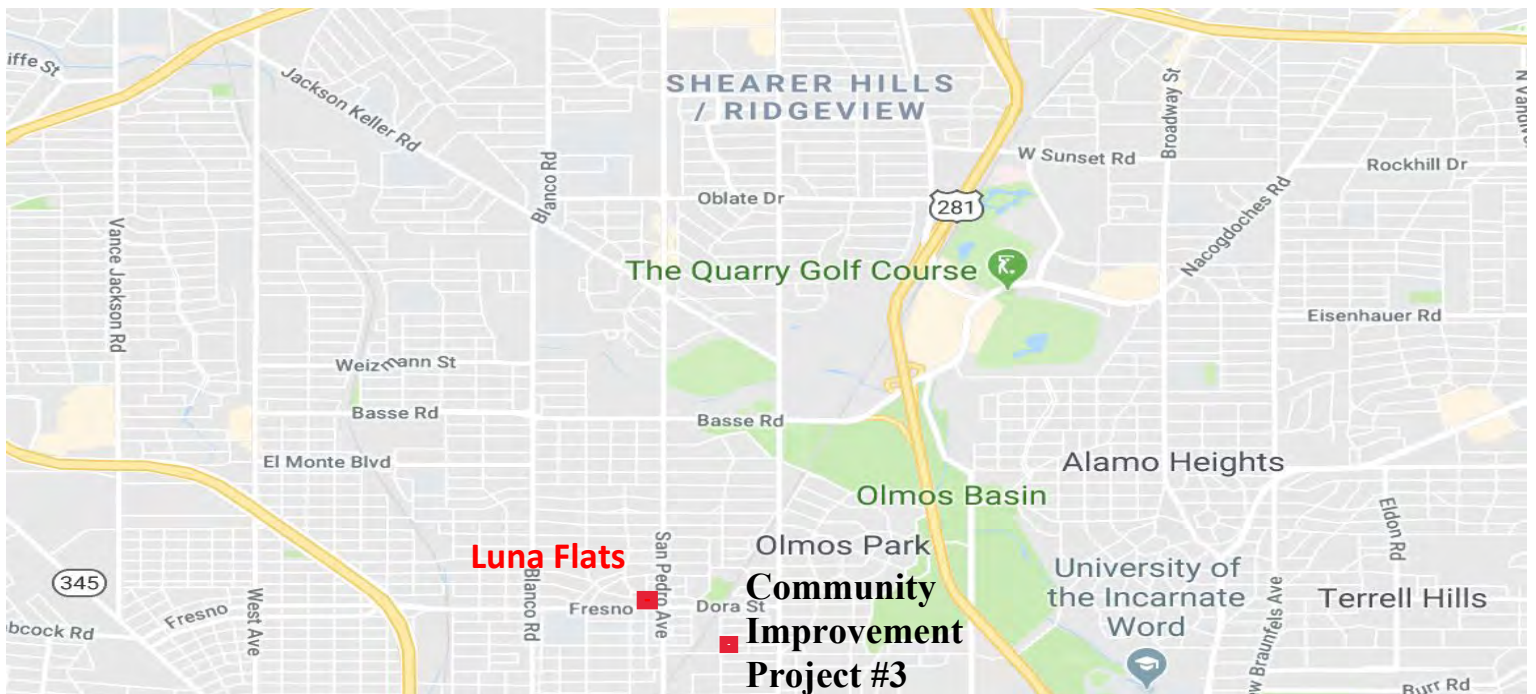


Community Improvement Projects #3: Gueldner Electric Co. renovated and expanded its existing building at the northeast corner of W Olmos Drive and Howard Street.



Community Improvement Projects #4: Construct pedestrian mobility and street improvement projects.

*** Throughout Council District 1**



Recent Community Improvement Projects



Community Improvement Project #5: New playscape equipment and general park improvements to include security lighting, trail and parking amenities at Kenwood Park.



Community Improvement Project #6: San Antonio Independent School District's latest bond initiative helped fund the reconstruction of the Rogers Academy (formerly known as Rogers Elementary) so that the campus could accommodate grades PK through 8.



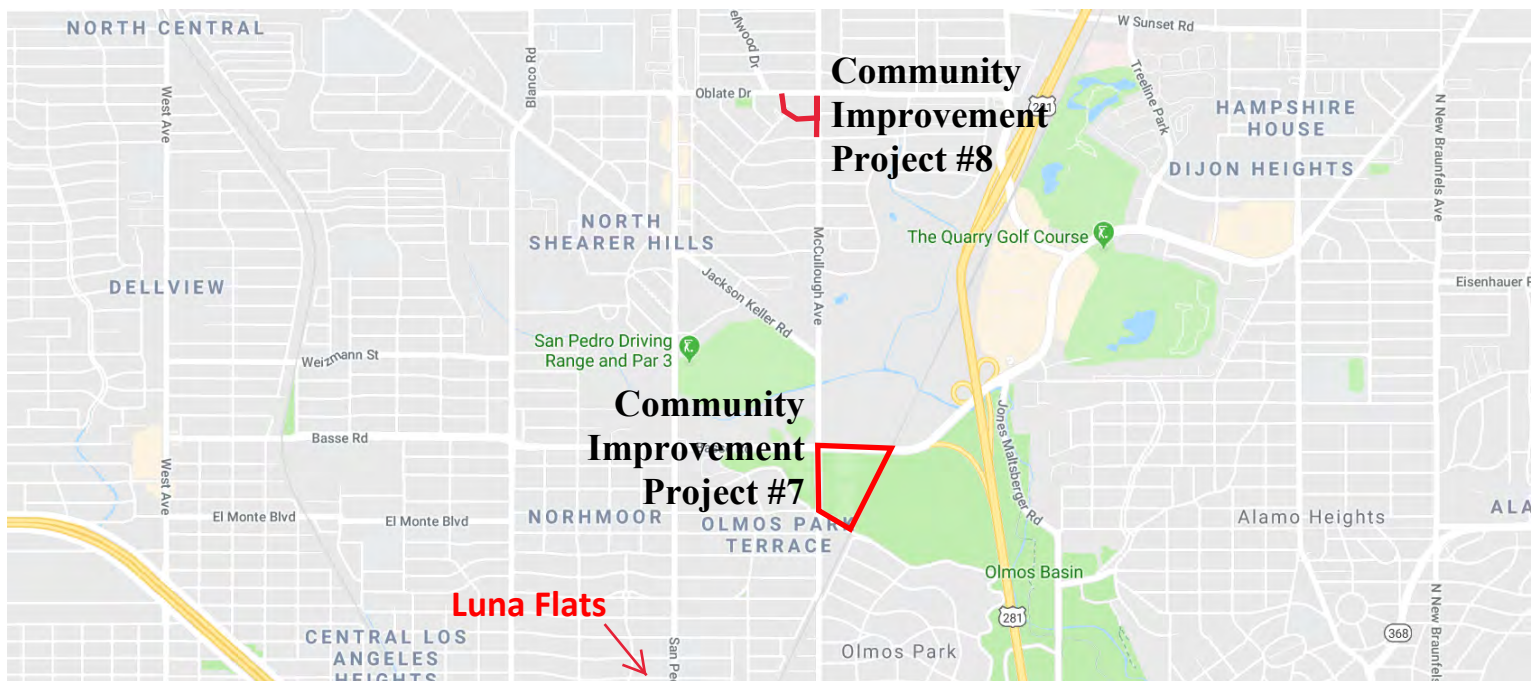
Recent Community Improvement Projects



Community Improvement Project #7: General park improvements to include security lighting, trail and parking amenities at the western portion of Olmos Basin Park.



Community Improvement Project #8: Continuation of a multi-phase improvement project to relocate the floodplain away from structures. This proposed phase will replace a section of existing undersized storm drain system to include curbs, sidewalks and driveway approaches as needed.



(https://www.sanantonio.gov/)

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RESIDENTS

VISITORS

BUSINESS

YOUR GOVERNMENT

ESPAÑOL

(HTTP://WWW.SANANTONIO.GOV/GETCONNECTED/RESIDENTS/VISITORS/BUSINESS/YOURGOVERNMENT/ESPAÑOL)

NEIGHBORHOOD & HOUSING SERVICES DEPARTMENT

sa.Gov Home (/) >

Neighborhood & Housing Services Department (NHSD)(https://www.sanantonio.gov/NHSD) > Programs(https://www.sanantonio.gov/NHSD/Programs) >

Repair & Remediation Programs(https://www.sanantonio.gov/NHSD/Programs/Repair)

REPAIR & REMEDIATION PROGRAMS

NHSD HOME (/NHSD)

ABOUT > (/NHSD/ABOUT)

CALENDAR (/NHSD/EVENTS)

POLICY DEVELOPMENT (/NHSD/RISKMITIGATION)

PROGRAMS > (/NHSD/PROGRAMS)

DIVISIONS > (/NHSD/DIVISIONS)

SANANTONIO.GOV RELATED SITES

BOARD & COMMISSIONS

(HTTPS://WEBAPP9.SANANTONIO.GOV/BOARDCOMAPPLICATION/BOARDSANDCOMMISSIONS)

BUDGET AND FINANCIAL TRANSPARENCY

(/FINANCE/BFI)

HOUSING SUMMIT (/HOUSINGSUMMIT)

HUMAN SERVICES (/HUMANSERVICES)

MLK COMMISSION (/MLK)

PLANNING (/PLANNING)

HELPFUL LINKS

SA HOUSING AUTHORITY (SAHA)

(HTTP://WWW.SAHA.ORG/)

SA HOUSING TRUST (SAHT)

(HTTP://WWW.SAHOUSINGTRUST.ORG/)

CONTACT

Mailing / Physical Address

1400 S. Flores
San Antonio, TX 78204

Phone

210.207.6459

STAFF

VERÓNICA R. SOTO, AICP
(/NEIGHBORHOOD/ABOUT/CONTACT?
SENDTO=NHSD-DIRECTOR)

Director

MICHAEL RODRIGUEZ
(/NEIGHBORHOOD/ABOUT/CONTACT?
SENDTO=NHSD-AD)

Assistant Director

MIKE ETIENNE, PHD
(/NEIGHBORHOOD/ABOUT/CONTACT?
SENDTO=NHSD-AD2)

Assistant Director

CITYWIDE

DISTRICT

ADDITIONAL

REPAIR PROGRAMS - CITYWIDE

GREEN & HEALTHY HOMES

The City of San Antonio's Green and Healthy Homes (SAGHH) provides assistance to owners and landlords of residential properties (both single-family and multi-family) in creating healthy, safe, energy-efficient and sustainable homes for families and children. The SAGHH is working to prevent and correct housing-related health and safety hazards, such as addressing lead-based paint, mold, household asthma triggers and fire hazards.

ELIGIBILITY

1. House must be built prior to 1978; AND
2. House must be located within the City of San Antonio; AND
3. A child age 5 and under must reside in the home or spend at least 6 hours per week in the home; AND
4. Have a clear title to property; AND
5. Must be current with property taxes; AND
6. Household must meet HUD established Income Guidelines for families earning 80% or below of Area Median Income.

CONTACT

City of San Antonio, Neighborhood and Housing Services Department
Phone: 210.207.GHHI (4444)

RELATED DOCUMENTS

Interested in becoming a SAGHH contractor?

- [Information \(/Portals/0/Files/NHSD/Repair/saghh_INFORMATION.pdf?ver=2018-08-03-164400-660\)](#)
- [Application \(/Portals/0/Files/NHSD/Repair/saghh_APPLICATION.pdf?ver=2018-08-06-152900-193\)](#)

MINOR REPAIR PROGRAM

Addresses health and safety items such as plumbing, electrical, non-working utilities, broken windows, damaged doors or other items in need of repair.

CONTACT

Merced Housing of Texas
Phone: 210-281-0234

OWNER-OCCUPIED REHABILITATION

Assists low- to moderate-income homeowners to rehabilitate their substandard and non-code compliant residential properties by providing deferred forgivable loans to cover the cost of the needed repairs.

Except for Districts 8 and 9, the application period has ended.

CONTACT

City of San Antonio, Neighborhood and Housing Services Department
Phone: 210-207-6459

RELATED DOCUMENTS

- [Information \(/Portals/0/Files/NHSD/Repair/OorP-information.pdf?ver=2019-01-07-152503-543\)](#)
- [Application \(/Portals/0/Files/NHSD/Repair/oorRR_APPLICATION.pdf\)](#)

- [Solicitud en español \(/Portals/0/Files/NHSD/Repair/FY 2019 OOR Application - Spanish 2.pdf?ver=2018-10-17-144819-040\)](#)

UNDER 1 ROOF

Replaces worn and damaged roofs with new, energy-efficient roofs for qualified homeowners.

RELATED DOCUMENTS

- [Application \(/Portals/0/Files/NHSD/Repair/FY 2019 Joint Application EDITED.pdf?ver=2019-01-14-095102-237\)](#)
- [Solicitud en español \(/Portals/0/Files/NHSD/Repair/FY 2019 Joint Application EDITED - Spanish.pdf?ver=2018-10-17-144829-743\)](#)
- [Information \(/Portals/0/Files/NHSD/Repair/FY2019 Joint Brochure.pdf?ver=2018-08-03-164339-193\)](#)

IMPORTANT LINKS

- [HUD's Office of Lead Hazard Control and Healthy Homes \(http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes\)](http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes)
- [Environmental Protection Agency \(https://www.epa.gov/lead\)](https://www.epa.gov/lead) (EPA)
- [Texas Department of State Health Services \(http://www.dshs.texas.gov/elp/default.aspx\)](http://www.dshs.texas.gov/elp/default.aspx)

Under 1 Roof, Residential Roof Repair Progra...



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[Privacy Policy & Disclaimer \(/disclaimer\)](#)

Frequently Asked Questions

Will this program assist with rehab/renovations needed in the house?

Answer: No, this program only addresses health and safety hazards in the home.

How soon will I know if I qualify for the program?

Answer: Once **all** documentation has been submitted and depending on the number of applications in process, you will know within a week.

What if my house does not have lead hazards?

Answer: If your house does not have lead hazards, then you will not receive assistance but you will receive a copy of the test results.

What is your target population?

Answer: Our target population is families with children 5 years old and under and people with asthma.

Will I have to pay back a loan?

Answer: This is a grant program with a 5-year Restrictive Covenant.

What if my home is located in a historical/ conservation district?

Answer: If your home is located within this area, the State Historical Preservation Office and the local historic commission will determine the final scope of work.

What happens after my application has been approved?

Answer: Once your application has been approved, you will be contacted by one of our lead firms to schedule a comprehensive lead inspection and risk assessment of the house. Once we receive the results, the Environmental Assessor assigned to your project will contact you to go over the results. The Environmental Assessor will be in contact with you throughout the duration of the project, and answer any questions you may have.

What if I rent the house I live in?

Answer: If you rent the home, you may still qualify once the owner of the property signs the consent form.

If you have additional questions or would like an application sent to you, contact us at:



1400 S. Flores

San Antonio , TX 78204

(210) 207-4444– Office

Or visit:

<http://www.renewsa.com/ProgramsServices/GreenandHealthyHomes.aspx>



**CITY OF SAN ANTONIO
NEIGHBORHOOD & HOUSING
SERVICES DEPARTMENT**



The City of San Antonio's Green and Healthy Homes (SAGHH) program provides assistance to owners and landlords of residential properties (both single-family and multi-family) built prior to 1978 in creating healthy, safe and energy-efficient homes for families and children. The SAGHH program is working to prevent and correct housing-related health and safety hazards, such as lead-based paint, mold, household asthma triggers and fire hazards.

What should you expect to happen next in the process?

- Once a completed application is turned in, staff will determine if the applicant meets the income requirements.
- A title search will be conducted to ensure a clear title.
- Next, you will be contacted by our lead firm to schedule a Lead Inspection/Risk Assessment on your home. The results take about 2 weeks to receive.
- Finally, you will be contacted by the Environmental Assessor, who has been assigned to your case. The EA will provide you a copy of the Lead Inspection/Risk Assessment conducted on your home. The EA will also conduct a Healthy Homes Assessment to determine the final scope of work.



Before



After

How do I qualify for San Antonio's Green & Healthy Homes?

Eligibility Requirements:

1. House must be built before 1978; AND
2. House must be located within the City of San Antonio; AND
3. Must be structurally sound to receive assistance; AND
4. A child age 5 and under must reside in the home OR spend at least 6 hours a week in the home; AND
5. House must have clear title; AND
6. Property taxes must be current; AND
7. Household must meet HUD established Income Guidelines for families earning 80% or below of Area Median Income (see below)

Family of	Max Gross*
1	\$37,450
2	\$42,800
3	\$48,150
4	\$53,450
5	\$57,750
6	\$62,050
7	\$66,300

*2018 HUD Income Limits. Updated annually.



SINCE ITS LAUNCH IN 2010, OVER 100 HISTORIC HOMES HAVE RECEIVED ASSISTANCE AND OVER 1,000 STUDENTS HAVE GAINED HANDS-ON PRESERVATION EXPERIENCE.



**CITY OF SAN ANTONIO
OFFICE OF HISTORIC
PRESERVATION**

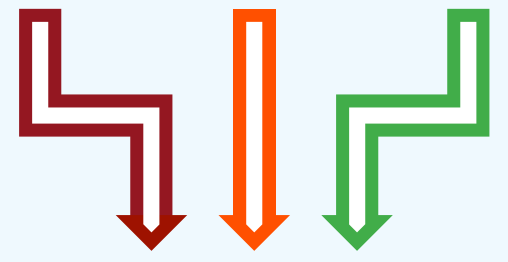
The Students Together Achieving Revitalization (S.T.A.R.) Program is organized by the Office of Historic Preservation in partnership with the University of Texas at San Antonio College of Architecture, Construction, and Planning and San Antonio Colleges. Twice a year, architecture and construction science student volunteers led by local volunteer contractors provide exterior repairs and maintenance to property owners in historic districts. All labor and materials are provided at no cost to the owner.

HOW IT WORKS

DONATED SERVICES

STUDENT VOLUNTEERS

\$750 IN SUPPLIES



**\$5,000-15,000
VALUE TO THE HOMEOWNER**

WE RELY 100% ON SPONSORS AND VOLUNTEERS TO BRING S.T.A.R. TO LOCAL HISTORIC DISTRICTS.



S.T.A.R. *Is Preservation*

The S.T.A.R. program provides a proactive approach to arresting further deterioration of San Antonio's historic districts. Reinvesting in our older and historic neighborhoods protects our heritage, promotes neighborhoods that are full of character and charm, attract new people to downtown and maintains our sense of place for a community. It is also intended to serve as motivation for other homeowners to invest in their homes, spurring revitalization throughout an area. Through S.T.A.R. our office can promote the importance and value of historic preservation and protect and enhance the quality of life in a historic San Antonio neighborhood.

S.T.A.R. *Is Service Learning*

The S.T.A.R. program relies on community service as a vehicle for learning and provides unique experiences not otherwise offered in the curriculum. Students are exposed to real-life situations and apply knowledge gained in the classroom through hands-on application in their community. They not only learn the practical application of their studies but become actively contributing citizens and community members through the service they perform.



CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION

S.T.A.R. *Get Involved*

Help us expand the S.T.A.R. program! In previous years, certain projects have been limited due to available resources. We are always looking for new partnerships that will allow us to take S.T.A.R. to the next level. Join us and become an advocate for local neighborhood revitalization and higher education programs in San Antonio. Email us today: ohp@sanantonio.gov

19159

Mid Tule Village Apartments



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11.8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # _____ Development Name _____
 Application Disclosure: Application # 19159 Development Name Mid Tule Apartments

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;

Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and

Additional information, if requested by the Department.

Provide any comments or additional information in the box below, if applicable.

See attached pages.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

Neighborhood Risk Factor Report
Mid Tule Apartments, Tulia, Texas

This Neighborhood Risk Factor Report (NRFP) is pursuant to 10 TAC 11.101 (a)(3)(C) of the QAP. Within 1,000 feet of Mid Tule apartments are approximately 5 vacant dilapidated houses. We believe the existence of these blighted areas is mitigated by Mid Tule's critical role in the Tulia community, the City's commitment to demolish these houses, and TDHCA's goals to safely house rural, very low income elderly persons and preserve existing affordable, government assisted housing. Due to these mitigating factors, more specifically described below, we respectfully request a waiver to Subchapter B, §11.101(3), Neighborhood Risk Factors, and for the Mid Tule Development Site to be found eligible for a tax credit award. By granting the waiver/accepting the mitigating factors set forth below, TDHCA is better serving the policies and purposes articulated in Tex. Govt. Code 2306.001, 2306.002, and 2306.6701.

Mid Tule Apartments is a 50 unit, federally subsidized, HUD 202 senior apartment community in the rural community of Tulia, Texas. All residential units are covered by a project based rental subsidy from HUD. In addition, HUD funds an annual grant for an on-site Service Coordinator.

Mid Tule serves a critical need for Tulia and the surrounding areas – there are virtually no other appropriate, safe and affordable rental options for the elderly within a 35 mile radius, especially those designed for the elderly to age in place. Originally built in 1983, this 36-year old property is in need of a substantial renovation to further improve accessibility so residents can remain home for life and age in their units, and to preserve this scarce and critical source of affordable housing for current and future residents of Tulia and the surrounding areas. This property is in high demand and is currently 98% occupied as of 12/31/18. All households meet the HUD requirements of the subsidy at 50% AMI or lower and pay just 30% of their adjusted income towards rent. Because it is virtually the only safe and affordable rental option for Tulia's elderly population, we believe that the critical need Mid Tule serves outweighs the presence of these 5 vacant dilapidated homes, and the presence of these 5 homes should not be a barrier to completing these much needed renovations.

Further, the City of Tulia has demonstrated a commitment to mitigating the blighted areas identified in this report. The City recently adopted a Dangerous Buildings Ordinance which enables it to quickly identify and demolish abandoned and vacant structures in Tulia. The 5 vacant properties within 1,000 feet of Mid Tule have been specifically identified by the City and will be prioritized for demolition within the next two years (please see attached letter from the City). The City's commitment to prioritize these demolitions will eliminate these areas as a risk factor prior to Placement in Service. In addition, there are ongoing reinvestment efforts in the Tulia community, including restoration of the Swisher County Courthouse, street lighting upgrades, Advanced Meter Infrastructure for new water and electric meters throughout the City and construction of a new business park. We believe the City's commitment and the ongoing reinvestment in the area are significant mitigating factors that TDHCA should weigh in its decision to allow Mid Tule to be eligible for a tax credit award.

Finally, funding the preservation of Mid Tule clearly meets the spirit, purpose and goals set forth in TAC § 2306.001, § 2306.002 and § 2306.6701 which are detailed below. Mid Tule's much needed renovation would further TDHCA's goals to safely house rural, very low-income, elderly persons and preserve existing affordable, government-assisted housing. Because the preservation of affordable housing for vulnerable populations is a central purpose of TDHCA, we believe that the presence of 5 blighted homes in the area should not be a barrier to further such a purpose.

Per TAC § 2306.001, the purposes of the department are to:

- (1) assist local governments in:
 - (A) providing essential public services for their residents; and
 - (B) overcoming financial, social, and environmental problems;
- (2) provide for the housing needs of individuals and families of low, very low, and extremely low income and families of moderate income;
- (3) contribute to the preservation, development, and redevelopment of neighborhoods and communities, including cooperation in the preservation of government-assisted housing occupied by individuals and families of very low and extremely low income;

Per TAC § 2306.002, states:

- (a) The legislature finds that:
 - (1) every resident of this state should have a decent, safe, and affordable living environment;
 - (2) government at all levels should be involved in assisting individuals and families of low income in obtaining a decent, safe, and affordable living environment; and
 - (3) the development and diversification of the economy, the elimination of unemployment or underemployment, and the development or expansion of commerce in this state should be encouraged.

Per TAC § 2306.6701, states:

The department shall administer the low income housing tax credit program to:

- (1) encourage the development and preservation of appropriate types of rental housing for households that have difficulty finding suitable, affordable rental housing in the private marketplace;
- (2) maximize the number of suitable, affordable residential rental units added to the state's housing supply;
- (3) prevent losses for any reason to the state's supply of suitable, affordable residential rental units by enabling the rehabilitation of rental housing or by providing other preventive financial support under this subchapter; and
- (4) provide for the participation of for-profit organizations and provide for and encourage the participation of nonprofit organizations in the acquisition, development, and operation of affordable housing developments in urban and rural communities.

Based on these mitigating factors, we respectfully request that TDHCA grant a waiver to Subchapter B, §11.101(3), Neighborhood Risk Factors, and find the Mid Tule development to be eligible for a tax credit award.

Neighborhood Boundaries

Tulia is a rural community with a population of approximately 5,000. The neighborhood is bound by SW 2nd St to the north, Hwy 13 to the west, SW 7th street to the south and S. Fannin Street to the east.

General Land Use of Neighborhood

The surrounding uses are a quiet residential neighborhood with homes in average to good condition. To both the east and south of the site is undeveloped land, primarily agricultural in nature. Mid Tule is approximately 2,000 feet south of SE 2nd St, the main thoroughfare through Tulia, which offers all essential commercial and civic needs such as a full service grocery, pharmacy, library, City municipal building, County building and courthouse and small retail establishments.

Assessment of features of neighborhood risk factor

There is a sprinkling of abandoned homes in Tulia, including 5 vacant and dilapidated homes within 1,000 feet of Mid Tule. These vacant structures do not impact the lives of the residents living at Mid Tule and should not be a determining factor in whether or not the current residents should have their community renovated and preserved so they can continue to have a safe and affordable place to live.

The City of Tulia recently passed an ordinance in January 2019 that will allow a quicker response to seize and demolish abandoned and deteriorating houses and has an annual budget for this purpose. Per the City letter, the City has committed to prioritize the demolition of the 5 identified blighted homes within the next two years, eliminating this risk, which we believe should be considered a significant mitigating factor as described in the 2019 QAP.

Assessment of Existing Affordable Housing in PMA

The Tulia Site PMA comprises Swisher and Briscoe counties, including the cities of Tulia, Kress, Quitaque and Silverton, and the town of Happy, as well as the unincorporated communities of Love and Vigo Park. The city of Tulia, the county seat of Swisher County, has a population of 4,967, which is 54.3% of the total Site PMA population of 9,149. The Site PMA encompasses 1,803.96 square miles.

The market study did not identify any LIHTC projects in the PMA. The closest LIHTC properties were located in Plainview (26 miles & not Elderly), Abernathy (62 miles), Littlefield (76 miles driving) and Canyon (34 miles driving). In the PMA, only 2 affordable housing (non-lihtc) government subsidized projects were identified, consisting of a total of 96 units, of which, were 100% occupied. The affordable properties in the surrounding communities maintained an aggregate occupancy of 98%, supporting high demand for safe, affordable housing in this part of Texas.

Assessment of % of Household Incomes

The median household income in 2010 was \$40,388. By 2019, it decreased by 7.2% to \$37,461. Projections indicate the median household income will be \$36,480 by 2024, a decrease of 2.6% from 2019. The declining incomes can be attributed to the aging household base and the declining incomes of those in retirement. Declining incomes and aging population provide further evidence that Mid Tule needs to be preserved for current and future elderly residents.

Assessment of Number of market rate MF in Neighborhood

The market study identified only 1 market rate property in the PMA consisting of 24 units, of which, were 100% occupied. There are virtually no multifamily rental options at any reasonable distance from Mid Tule.

Assessment of Schools

N/A, Elderly

City of Tulia

127 SW 2ND, SUITE 300
P.O. DRAWER 847

(806) 995-3547 FAX (806) 995-2331

Tulia, Texas 79088

cityhall@tulia-tx.gov

February 5, 2019

Marni Holloway
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Mid Tule Apartments
321 SE 7th St
Tulia, TX 79088

Ms. Holloway,

We ask that you approve Mid Tule Apartments as an eligible site for an award of Low Income Housing Tax Credits. Mid Tule has provided essential housing for aging and economically disadvantaged seniors in our community for over 36 years. There is no other safe, affordable and appropriate rental housing in and around Tulia for our aging seniors and it causes us great concern that a few abandoned homes in the neighborhood could cause an existing and fully occupied housing community to be deemed ineligible for much needed preservation funding.

The City of Tulia recently approved on January 8, 2019 our Dangerous Buildings Ordinance which enables us to quickly identify and budget the demolition of abandoned and vacant structures in Tulia. We also have procedures adopted for working with both current and absentee property owners to allow the City to legally assume ownership of the property to remove dilapidated and dangerous structures.

Tulia has included in their annual budget the ability to demolish and clear approximately 10 structures per year for the next two years. We will make best efforts to demolish dilapidated structures within 1,000 feet of Mid Tule over the next two years including:

1. 605 S. Bowie Street
2. 404 S. Dallas Ave
3. 326 S. Bowie
4. Two structures at 331 S. Bowie

We are excited about other ongoing reinvestment in our community including:

- Swisher County Courthouse completed a \$2MM restoration in 2018;

- Construction will begin in 2019 for a business park within city limits. It will allow a local meat processing plant to expand and have room for other businesses to develop. Total budget is \$2.2 million which has been committed by the City of Tulia;
- Tulia is upgrading street lighting in the area to LED lights. Started in November 2018 with an approved budget of \$220,000;
- Tulia is implementing AMI or Advanced Meter Infrastructure for new water and electric meters throughout the city. Total budget is \$2 million and started in Dec 2018.

We again request that the Mid Tule Apartments be found as an eligible project and hope it receives the necessary funding to preserve this much needed senior affordable housing stock in our community. Please let me know if I can be of additional assistance.

Regards,

A handwritten signature in black ink, appearing to read "Russell Proctor". The signature is fluid and cursive, with a large initial "R" and "P".

Mayor Russell Proctor

Cc: Tracey Fine (tfine@nationalchurchresidences.org)

19202

Heritage Heights at Big Spring



Neighborhood Risk Factors Report Packet

The purpose of the packet is to formalize the process in which neighborhood risk factors (“NRF”) are disclosed and the NRF Report is submitted pursuant to 10 TAC §11.101(a)(3) of the Qualified Allocation Plan (“QAP”). The packet may be submitted at pre-application (if applicable per 10 TAC §11.8(b) relating to Pre-Application Requirements) or at Application. Applicants who wish to submit a request for pre-determination prior to pre-application or Application are advised to review 10 TAC §11.101(a)(3) for additional guidance. Termination due to an Applicant’s own non-disclosure is not appealable as such appeal is in direct conflict with certifications made in the Application and within the control of the Applicant.

Pursuant to 10 TAC §11.8(b), related to Pre-application Participation, the competitive HTC pre-application must identify neighborhood risk factors related to crime and schools.

Pre-application Disclosure: Pre-application # _____ Development Name _____

Application Disclosure: Application # 19202 Development Name Heritage Heights at Big Spring

My Development Site includes the following neighborhood risk factor(s) (Check all that apply):

Development Site is located in a census tract has poverty rate above 40% for individuals (or 55% for Developments in regions 11 and 13).

Development Site is located in a census tract (or for any adjacent census tract with a boundary less than 500 feet from the proposed Development Site that is not separated from the Development Site by a natural barrier such as a river or lake, or an intervening restricted area, such as a military installation) in an Urban Area and the rate of Part I violent crime is greater than 18 per 1,000 persons annually as reported on <https://www.neighborhoodscout.com/>.

Development Site is located within 1,000 ft. (measured from nearest boundary of the Site to the nearest boundary of blighted structure) of multiple vacant structures that have fallen into such significant disrepair, overgrowth, and/or vandalism that they would commonly be regarded as blighted or abandoned.

Development Site is located within the attendance zones of an elementary school, a middle school, or a high school that does not have a Met Standard rating by the Texas Education Agency, based on the 2018 Accountability Ratings (unless the school is “Not Rated” because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply).

Neighborhood Risk Factors Report:

I have submitted information for the items listed below, or such other mitigation as the Applicant determines appropriate to support a Board determination that the proposed Development Site should be found eligible, as such information might be considered to pertain to the neighborhood risk factor(s) disclosed, pursuant to 10 TAC §11.101(a)(3)(C) of the QAP. Such information is included behind this page.

- Determination regarding neighborhood boundaries;
- Assessment of general land use in the neighborhood;
- Assessment concerning any of the features of the neighborhood risk factors present in the neighborhood, regardless of whether they are within the specified distances referenced in 10 TAC §11.101(a)(2);
- Assessment of the number of existing affordable rental units in the Primary Market Area (PMA), including comment on concentration based on the size of the PMA;
- Assessment of the percentage of households residing in the census tract that have household incomes equal to or greater than the median household income for the MSA or county where the Development site is located;
- Assessment of the number of market rate multifamily units in the neighborhood and their current rents and levels of occupancy;
- Assessment, for the previous two academic years, of school performance for each of the schools in the attendance zone containing the Development that did not achieve the Met Standard rating for 2018 (unless the school is "Not Rated" because it meets the TEA Hurricane Harvey Provision, in which case the 2017 rating will apply), that includes the TEA Accountability Rating Report, a discussion of performance indicators and what progress has been made over the prior year, and the campus improvement plan in effect. If there is an update to the plan that shows progress made under the plan, provide the update. If no update is available, provide information from a school official that speaks to progress made under the plan as indicated in 10 TAC §11.101(a)(3)(D)(iv); and
- Additional information, if requested by the Department.

Development is Elderly and disclosure is not required.

Provide any comments or additional information in the box below, if applicable.

Mitigation of the Neighborhood Risk Factor (s):

I have provided information regarding mitigation of the above-mentioned neighborhood risk factors, as applicable, behind this page, along with a summary narrative describing how the information presented meets the requirements of 10 TAC §11.101(a)(3)(D) of the QAP, or;

Waiver of the Neighborhood Risk Factor (s):

I am requesting a waiver of the presence of the above-mentioned neighborhood risk factors, as applicable, pursuant to 10 TAC §11.101(a)(3)(E) of the QAP, on the basis that the Development is necessary to enable the state, a participating jurisdiction, or an entitlement community to comply with its obligation to affirmatively further fair housing, a HUD approved Conciliation Agreement, or a final and non-appealable court order. Documentation to that effect is included herein with the disclosure and waiver request.

Provide any comments or additional information in the box below, if applicable.

Department Contacts:

9% HTC Applications: Sharon.Gamble@TDHCA.state.tx.us (9% Program Administrator)

4% HTC and Tax-Exempt Bond Applications: Teresa.Morales@TDHCA.state.tx.us (Multifamily Manager)

Direct Loan Only Applications: Andrew.Sinnott@TDHCA.state.tx.us (Multifamily Loan Programs Manager)

How to Submit the NRF Report Packet:

- Upload if a Serv-U Account has been set-up for the pre-application or Application and notify the appropriate contact person of the upload (refer to the Multifamily Programs Procedures Manual posted at <http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm> for an explanation of the process to set-up a Serv-U Account if needed);

Or

- Include the packet behind tab 2 of the Uniform Multifamily Application.

Neighborhood Risk Factors Report and Disclosure Heritage Heights at Big Spring, TDHCA #19202

Heritage Heights at Big Spring is a proposed elderly new construction development in rural region 12. The City of Big Spring has blighted structures sprinkled throughout the city, and the area surrounding Heritage Heights at Big Spring contains blighted structures, consistent with the character of the City of Big Spring overall.

As required by 10 TAC §11.101(a)(3) of the 2019 Qualified Allocation Plan, the applicant is disclosing the presence of this Neighborhood Risk Factor, providing evidence of mitigation, and requesting a finding of eligibility. The request for a finding of eligibility is based on the development site's achievement of the following goals of 10 TAC §11.101(a)(3)(E):

- (i) New construction of high quality affordable housing units that are subject to federal rent or income restrictions; and
- (i) Determination that the undesirable characteristic(s) that has been disclosed are not of such a nature or severity that should render the Development Site ineligible based on the assessment and mitigation provided herein.

Heritage Heights at Big Spring was the only pre-application submitted in rural region 12 in 2019, and is likely to be the only full application submitted in rural region 12. The presence of blighted structures within 1,000 feet of Heritage Heights at Big Spring is not a condition that is unique to this part of Big Spring, but rather is reflective of a condition that exists in many portions of the city. The existence of blight is not of a nature or severity that it should prevent the City of Big Spring from receiving much needed quality affordable housing for seniors. The applicant respectfully requests a finding of eligibility, which will allow for the provision of new affordable housing in rural region 12 in 2019; without this application rural region 12 will not receive any competitive housing tax credit financing in 2019.

Determination of Neighborhood Boundaries

The development site is located at 120 Airbase Road on the west side of Big Spring in Howard County, Texas. Big Spring is a rural community of 28,295 residents. The primary market area defined by the market analyst includes all of Howard County. However, for the purpose of this Neighborhood Risk Factors Report, the neighborhood boundaries are defined as the subject census tract (48227950802), the adjacent census tract to the southeast (48227950801), and the adjacent census tract to the north and northeast (48227950400).

Assessment of General Land Use in Neighborhood

The neighborhood is a viable, heterogeneous area in western Big Spring. Land uses in the neighborhood consist of a variety of commercial and residential land uses, including, but not limited to, single-family residential, retail, and service developments. Commercial developments are found primarily along the major thoroughfares. Additionally, the neighborhood boundaries include the Big Spring McMahon-Wrinkle Airport and FCI Big Spring, a low securing correctional institute. Land uses immediately surrounding the development site include single family residential, vacant land, and commercial uses.

Assessment of Undesirable Site Features – Not Applicable

No Undesirable Site Features exist within the distances described in the 2019 QAP. The development site is located in proximity to Big Spring's small local airport, Big Spring McMahon-Wrinkle Airport. The site is not located within the accident potential zones or the runway clear zones of this airport. To the extent

that the airport causes noise issues, the development will be designed with appropriate noise mitigation design features.

Assessment of Existing Affordable Rental Units

There are five existing HTC projects in the subject’s primary market area in which the rents are based on income or otherwise restricted. All of the existing HTC developments are family developments; there are no existing elderly HTC developments in Howard County.

Assessment of Household Incomes

Median household incomes in the neighborhood have increased by an average of 32.3% since 2014, based on TDHCA Site Demographics Reports for 2014 to 2019.

Median Income	Year of TDHCA Site Demographics Report						5 Year Change (2014-2019)
	2019	2018	2017	2016	2015	2014	
48227950802 (Subject Tract)	51,276	49,038	43,558	40,526	34,063	32,484	57.9%
48227950801 (SE Tract)	57,863	66,903	59,375	61,516	56,438	52,566	10.1%
48227950400 (N and NE Tract)	35,276	35,156	33,571	33,026	32,500	24,085	46.5%
Average	48,138	50,366	45,501	45,023	41,000	36,378	32.3%

The median household income for Howard County according to the 2012-2016 5-Year American Community Survey is \$50,977, while the median household income for census tract 48227950802 is \$51,276. The percentage of households residing in the census tract containing Heritage Heights at Big Spring that have household incomes above the Howard County median income is approximately 53.8%.

Assessment of Market Rate Multifamily Units

There are approximately 12 existing market rate multifamily developments within the neighborhood that includes census tracts 48227950802, 48227950801, and 48227950400.

Assessment of School Performance

One school to which the development site is zoned did not achieve a Met Standard rating in 2018, Big Spring Intermediate. However, Heritage Heights at Big Spring is a proposed elderly development and thus no disclosure related to school performance is required pursuant to 10 TAC §11.101(a)(3)(B)(iv).

Evidence of Mitigation

Blight

The City of Big Spring has benefitted from private investment related to a number of construction projects since 2017. Please see attached Community Development Update outlining these investments and construction projects. Nineteen construction projects listed in the Community Development Update are within the neighborhood that includes census tracts 48227950802, 48227950801, and 48227950400.

Furthermore, the City of Big Spring has undertaken significant efforts to address code violations and clean up neighborhoods as outlined in the letter provided as Exhibit D.

It is also worth noting that blight is a condition that exists in various parts of the City of Big Spring, and that this condition is not specifically concentrated around the development site for Heritage Heights at Big Spring. To this point, attached is an example of blight that exists in on the other side of Big Spring from the development site, in a census tract with incomes in the second quartile and a poverty rate of only 6.7%. Some amount of blight is a common condition within the City of Big Spring, and as such the development site for Heritage Heights at Big Spring has a condition common for the city overall and should be found eligible.

Poverty

Poverty within the neighborhood defined as census tracts 48227950802, 48227950801, and 48227950400 has decreased from an average poverty rate of 19.4% according to TDHCA's 2014 Site Demographics Report to 15.6% according to TDHCA's 2019 Site Demographics Report. The subject census tract, 48227950802, has a poverty rate under 20%, and has seen a decrease in poverty from a peak in 2017 to 2019 according to TDHCA's Site Demographics Report:

- 2017 Site Demographics – 18.5%
- 2018 Site Demographics – 14.0%
- **2019 Site Demographics – 15.3%**

The limited instance of blighted structures within 1,000 feet of Heritage Estates at Big Spring are not of such a nature or severity that should render the Development Site ineligible. The City of Big Spring has never received an award of housing tax credits for a senior development. The City of Big Spring is in support of the proposed development, and if Heritage Estates at Big Spring is not allowed to move forward there will be no award of housing tax credits in 2019 within rural region 12. We respectfully request a finding of eligibility to provide high quality affordable housing in a community experiencing a great need.

Exhibit A – Map and Photos of Blight
within 1,000 Feet of Site

Blight Within 1,000 Feet of Heritage Heights at Big Spring



Blight 1



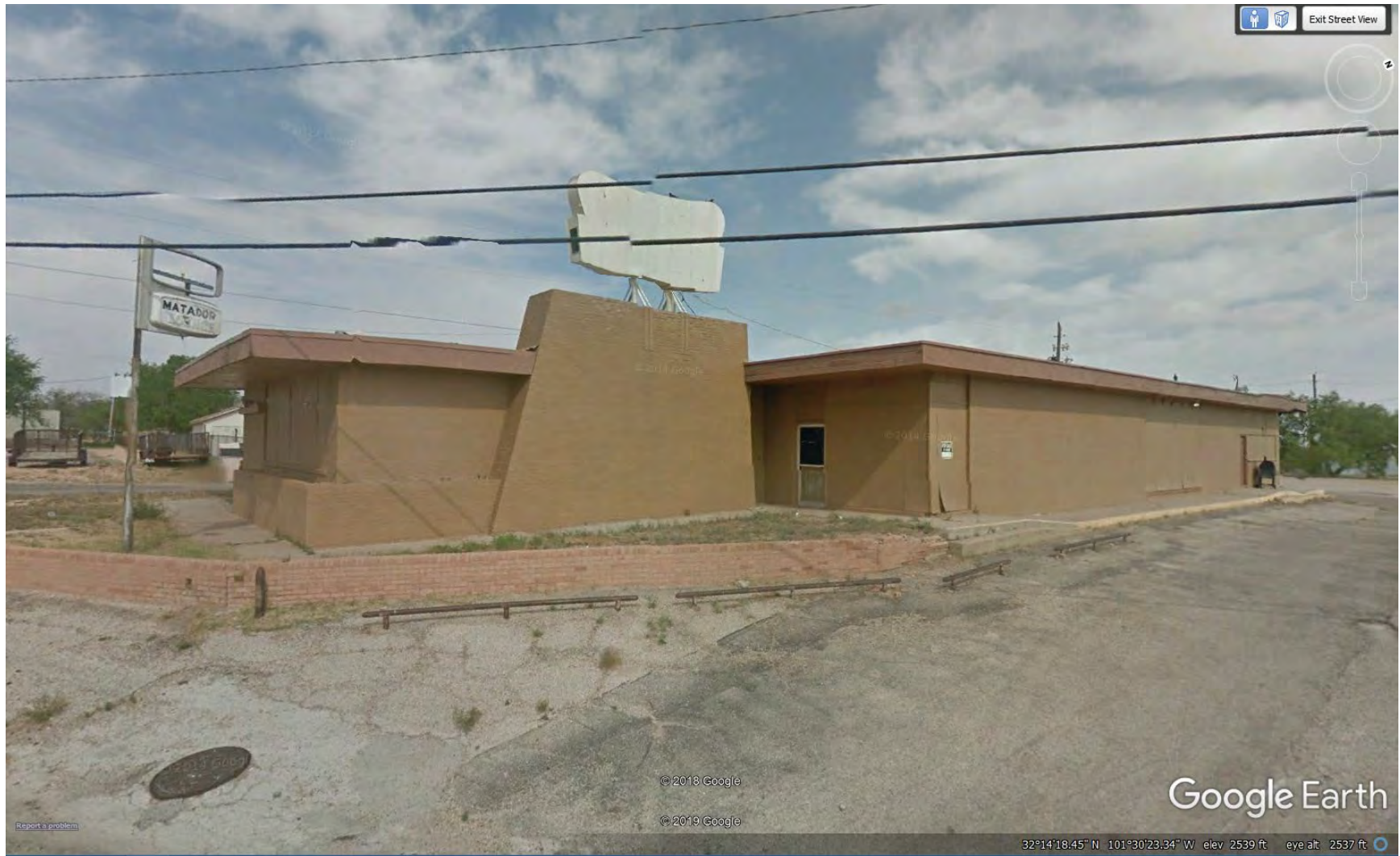
Blight 2



Blight 3



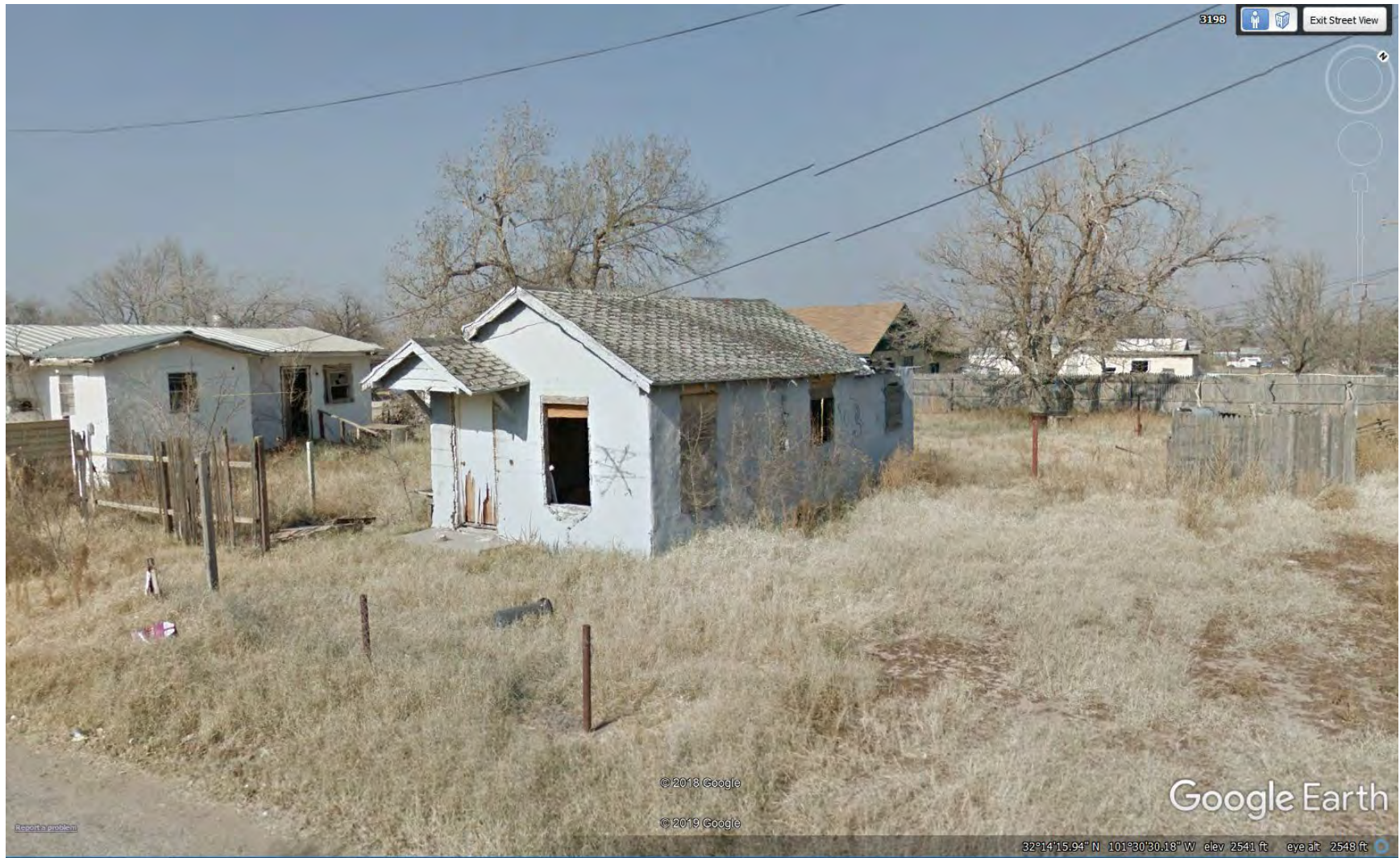
Blight 4



Blight 5



Blight 6



Blight 7



Exhibit B – Map of Neighborhood Boundaries

Census Tract 48227950802 (subject census tract)

Census Tract 48227950801 (adjacent census tract to the southeast of site)

Census Tract 48227950400 (adjacent census tract to the north and northeast of site)

Neighborhood Boundaries

Heritage Heights at Big Spring, TDHCA#19202

Census Tract 48227950400 (adjacent census tract to the north and northeast of site)

Census Tract 48227950802 (subject census tract)

Census Tract 48227950801 (adjacent census tract to the southeast of site)

Heritage Heights at Big Spring

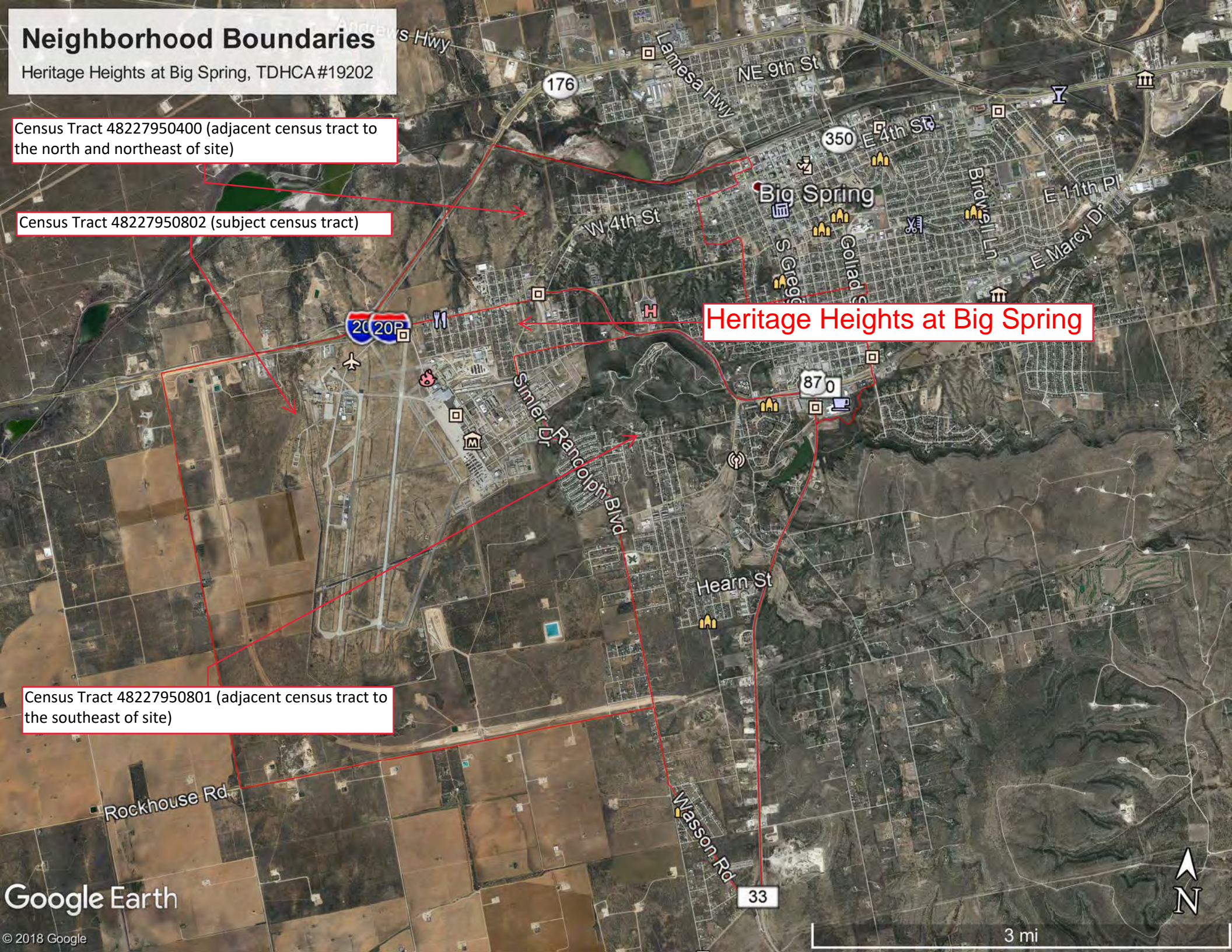


Exhibit C – List of Existing Housing Tax
Credit Developments in Primary Market
Area

Heritage Heights at Big Spring
 120 Airbase Rd Big Spring, Texas,

Longitude: -101.506935
 Latitude: 32.235198

Year	UID	TDHCA#	AMD_Name	Development_Name	Population_Served	Total_Units	LIHTC_Units	Straight Line Distance	AR	URL
2001	16486	1150	Limestone Ridge Apts (LIHTC)	Limestone Ridge Apartments	General	76	76	2.2057304453 mi		
2004	18683	4250	Knollwood Heights (LIHTC)	Knollwood Heights Apartments	General	63	63	0.6076052249 mi		
2007	19275	7115	Heights Apts (LIHTC)	Heights Apartments	General	48	48	0.630065359 mi		
2011	22138	11197	Park Village (LIHTC)	Park Village Apts	General	76	76	1.7267586505 mi		
2014	12097	14601	Northcrest (Bond)	Northcrest Apartments	General	68	68	2.4887525306 mi		http://www.tdhca.state.tx.us/readocs/uwrep/14601.pdf

Exhibit D – Letter from City of Big Spring



City of Big Spring

310 Nolan Street

Big Spring, Texas 79720-2657

February 28, 2019

Texas Department of Housing and Community Affairs
Attn: Marni Holloway
Director, Multifamily Division
221 E. 11th Street
Austin, TX 78701
Email: marni.holloway@tdhca.state.tx.us

RE: Heritage Heights at Big Spring, TDHCA #19202
120 Airbase Road, Big Spring, Texas 79720
TDHCA Neighborhood Risk Factor, Blight

Dear Ms. Holloway,

The City of Big Spring is aware that Heritage Heights at Big Spring, TDHCA #19202 is in an area considered by the Texas Department of Housing and Community Affairs (“TDHCA”) to have a Neighborhood Risk Factors (blight). The purpose of this letter is to communicate the City of Big Spring’s support for the proposed Heritage Heights at Big Spring (the “development”) and to encourage TDHCA to find the development site eligible based on the positive efforts and changes occurring in the neighborhood surrounding the Development.

Using TDHCA’s standards, the development site can be considered to have blight within the area. The City of Big Spring has recently undertaken a number of actions to improve the quality of the neighborhood surrounding the Heritage Heights at Big Spring site and plans to continue these efforts moving forward. Some recent improvements include a new roof and capital improvements to the senior center, a renovated 7-11 convenience store, a recently installed retail water/ice station, and a relatively new Law Enforcement Center. The Airpark to the west of the development site is also undergoing substantial renovation and capital improvements. The City of Big Spring has also seen several construction projects as summarized on the attached Community Development Update. Regarding recreational activities, the Municipal Golf Course, the Russ McEwen Aquatic Center, and the Comanche Trail Amphitheater were all recently approved for substantial upgrades and renovations. The City’s Historic Spring was also recently renovated to include a plaza and stage, two observation decks, and a pavilion.

As you are aware, cities must make consistently pointed efforts to address the issues that threaten the health and safety of the communities in which we live. The City's Code Enforcement Department is charged with identifying and addressing violations of the City's Code of Ordinances. Our code enforcement officers actively issue citations to owners of homes and buildings that are out of compliance with the City's code, which includes provisions adopted under Chapter 214 of the Local Government Code regarding substandard/dangerous structures and the International Code Council's International Building and Residential Codes. The City has also made a substantial effort toward assisting property owners in removing substandard housing by establishing a repayment program. In the vicinity of the development site, Code Enforcement has demolished or caused to be demolished 4 substandard/dangerous structures and has opened substandard structure cases for 6 additional properties in the last twelve 12 months. An effort to address weedy lots and accumulated items, as well as other violations of the City's code, are always ongoing. In the last quarter alone, Code Enforcement has opened 842 cases, closed 880 cases, and issued 81 citations city-wide.

The City of Big Spring and Keep Big Spring Beautiful work together and independently to organize community clean-up events throughout the city. For example, Keep Big Spring Beautiful organizes the annual "Keep Big Spring Beautiful Texas Trash Off" in conjunction with Keep Texas Beautiful, the annual "Love Our Lake" cleanup, and the weekly "Toasty Tuesday" cleanup. The City provides support for these events in addition to organizing the monthly Clean-up on the Clock throughout the summer and fall.

The few instances of blight within the area surrounding the development site for Heritage Heights at Big Spring are not of such a nature or severity that should render the development site ineligible. The City of Big Spring has a dire need for high quality affordable housing for seniors. Big Spring does not currently have any existing developments for seniors supported by Housing Tax Credit financing. Heritage Heights at Big Spring will contribute greatly to addressing the city's need for quality, affordable senior housing and will help to maintain the revitalization activities currently taking place in this part of the city. The City of Big Spring is in strong support of this proposed development and respectfully requests that TDHCA find the development site eligible related to Neighborhood Risk Factors.

Please feel free to contact me at 432-264-2401 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry McLellan".

Larry McLellan
Mayor, City of Big Spring

Community Development Update



217 E 3rd St., Big Spring, TX 79720

Planning Department
(432)-264-2319

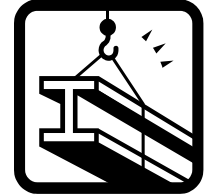
Building Permits
(432)-264-2504

Building Inspections
(432)-264-2503

Public Works
(432)-264-2501

Utilities
(432)-264-2392

Certificates of Occupancy Issued September 2017 – August 2018



Single Family Residential

- **F&G Construction** – 3216 Fordham
- **Homeowner** – 2506 Alamesa
- **J. Hopper Homes** – 904 Caprock, 812 Vista Ridge
- **Silverleaf Communitives** – 701, 704, 713, 716, 722 Bucknell Ave.
- **CDR Properties** – 3300, 3302 Duke
- **Platinum C Custom Homes** – 3302 Fordham

Multi-Family Residential or Commercial

Back @ Home	Restaurant	2414 Scurry St.
Big Dog Grooming	Animal grooming	301 Sargent Paredes
Big Spring Ford	Car Sales	500 W 4 th St.
Big Spring Sunset Paint Studio	Art Studio	501 Birdwell Ln Ste 19
Danger Zone	Restaurant	305 E 3 rd St.
El Sazon	Restaurant	810 Lamesa Hwy
Froyos and More	Restaurant	1907 Birdwell Ln. Ste H
Fruit Paradise	Restaurant	1506 FM 700
Geo Bldg M & S	Prison	2001 Rickabaugh
Greentip Downhole, LLC	Oilfield Service	4010 Hwy 87 South
Home Realtors	Office	2011 S Gregg St.
Levi's Backyard	Bar	124 S Main St.
Los Amigos Bar and Grill	Restaurant	310 Owens St.
Main Street Coffee	Coffee Shop	215 S Main St.
She Brews	Coffee Shop	209 W 3 rd St.
Sleep Inn	Motel	306 NE 12 th St.
SMMC Behavioral Health	Hospital	1601 W 11 th Place
Sunflower Spa	Spa	410 E. Marcy Ste. B
Sun Loan	Office	2101 S Gregg St.
Sunset Art Studio	Art Studio	501 Birdwell Ln
The Nail Guy	Nail Salon	1101 S Main St.
T-Mobile	Phone Sales	1900 Gregg St.
Titan Zone Control	Office	415 E 3 rd St.
Tx Car Title Loans	Loan Office	1702 S Gregg St.
Verizon	Retail	2503 S Gregg St.
West Texas Medical Plaza	Hospital	1501 W 11 th Place



Thinking of starting a construction project?

Contact the Planning Department at (432)-264-2319 to schedule a Pre-Development Meeting.

Community Development Update



2017



Single Family Residential

- **F & G Construction** – 1 home on Fordham
- **CDR Properties** – 5 homes on Duke
- **J. Hopper Homes** – 1 on Vista Ridge; 1 on Caprock
- **Silverleaf Communities** – 4 homes on Bucknell

Multi-Family Residential or Commercial

- **Big Spring Fire Extinguisher** (Fire-related accessories/services) – 1303 Scurry
- **Cigar Bar** (Lounge) – 100 S. Main
- **Cornerhouse Coffee** (Coffee Shop) – 1701 Scurry
- **Cricket Wireless** (Retail) – 111 E. Marcy, Ste 160
- **Forth Worth Pipe** (Pipe yard) – 2102 Apron
- **Little Ceasers** (Restaurant) – 601 Gregg
- **Longhorn Pub & Grill** (Restaurant) – 4009 W Hwy 80
- **Lumbre** (Restaurant) – 322 Runnels
- **Mighty Ice** (Ice House) – 1000 Scurry, Ste B
- **Mighty Joe** (Coffee Shop) – 1000 Scurry, Ste A
- **Mighty Wash** (Car Wash) – 1002 Scurry
- **Paws n' Claws** (Retail) – 1801 E. FM 700, Ste E1
- **Porter's Thriftway** (Grocery Store) – 501 Birdwell Ln, Ste 1
- **Pro Nails** (Retail) – 111 E. Marcy Ste 110
- **Scentsational Beauty Supply** (Beauty Supply) – 1907 Birdwell Ln, Ste F
- **Star Dodge Dealership** (Car Sales) – 821 W. I-10
- **Sunny Side Up** (Restaurant) – 1907 Birdwell Ln, Ste A
- **SWCID Dormitories** (Student Housing) – 2005 Buck Turner, Units 1, 2, & 5
- **The Reserves at 700** (Apartment Complex) – 901 E. FM 700
- **Trinity Family Life Center** (Recreational) – 1701 E. FM 700
- **TSB Liquor** (Retail) – 1004 N. Lamesa

Community Development Update



2018



Single Family Residential

- **CDR Properties-** 6 homes on Duke Ave.
- **Byron Harris Construction-** 1 home on Willard
- **Platinu C Custom Homes-** 1 home on Fordham
- **F & G Construction-** 1 home on Fordham
- **Silverleaf Communities** - 9 homes on Bucknell
- **Owner Assigned-** 1 home on NW 4th St., 1 home on Bell, 1 home on Owens

Multi-Family Residential or Commercial

- **Phillips Fabrication** (Metal Work) – 2900 Old West Hwy 80
- **Richard Whitmore** (Duplex/Apt) – 1509 S. Main
- **Murphy USA Corp** (Gas Station) – 201 A W. Marcy Dr.

Community Development Update



Notable Projects Permitted for Construction



Single-Family Residential

- **Bobby Barber Construction** – 2706, 2708 Holland Grace
- **F & G Construction** – 3308 Fordham, 3216 Fordham
- **J. Hopper Homes** – 709 Colgate
- **Homeowner** – 4204 Parkway, 812 Boatler, 812 W 8th
- **Silverleaf Communities** – 704, 713, 716 Bucknell

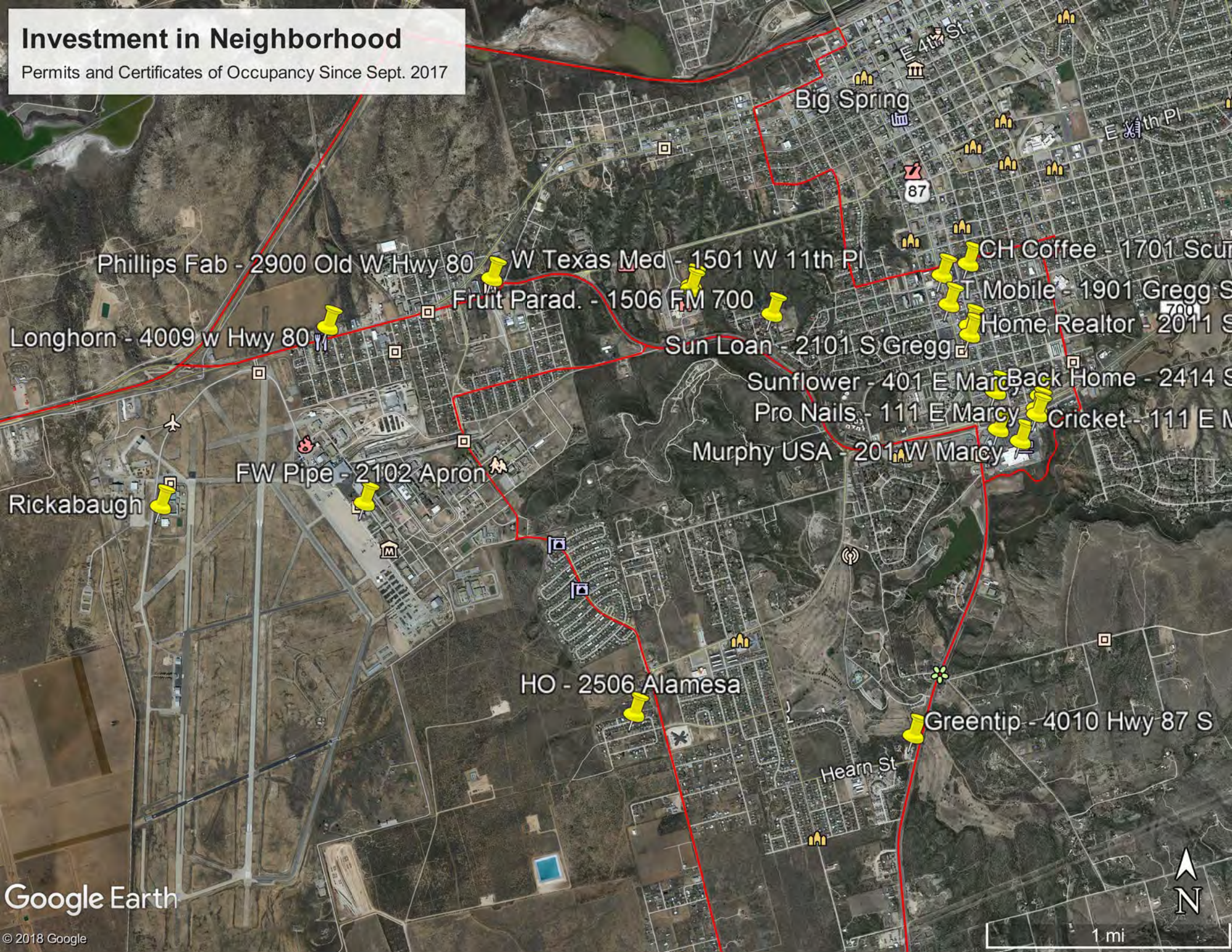
Multi-Family Residential or Commercial

- **Big Spring Ford** (Renovation) – 500 W 4th
- **Big Spring Hospital Corporation** (Renovation) – 1601 W 11th Pl
- **Comfort Inn & Suites** (Motel, approx. 65 rooms) – 707 NW. 10th
- **Domino's Pizza** (Remodel) – 2111 S Gregg
- **Geo** (Renovation) – 2001 Rickabaugh, 1701 Apron, 3711 Wright
- **Home Realtors** (Remodel) – 2011 S Gregg
- **Sleep Inn** (68 room Motel) – 306 NE 12th
- **Verizon** (Retail Store) – 2503 S. Gregg, Ste B

Exhibit E – Map and List of Recent Investment in Neighborhood

Investment in Neighborhood

Permits and Certificates of Occupancy Since Sept. 2017



Community Development Update



217 E 3rd St., Big Spring, TX 79720

Planning Department
(432)-264-2319

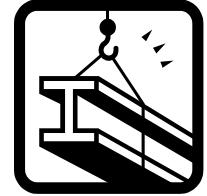
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Community Development Update



2018

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Community Development Update



Notable Projects Permitted for Construction



Single-Family Residential

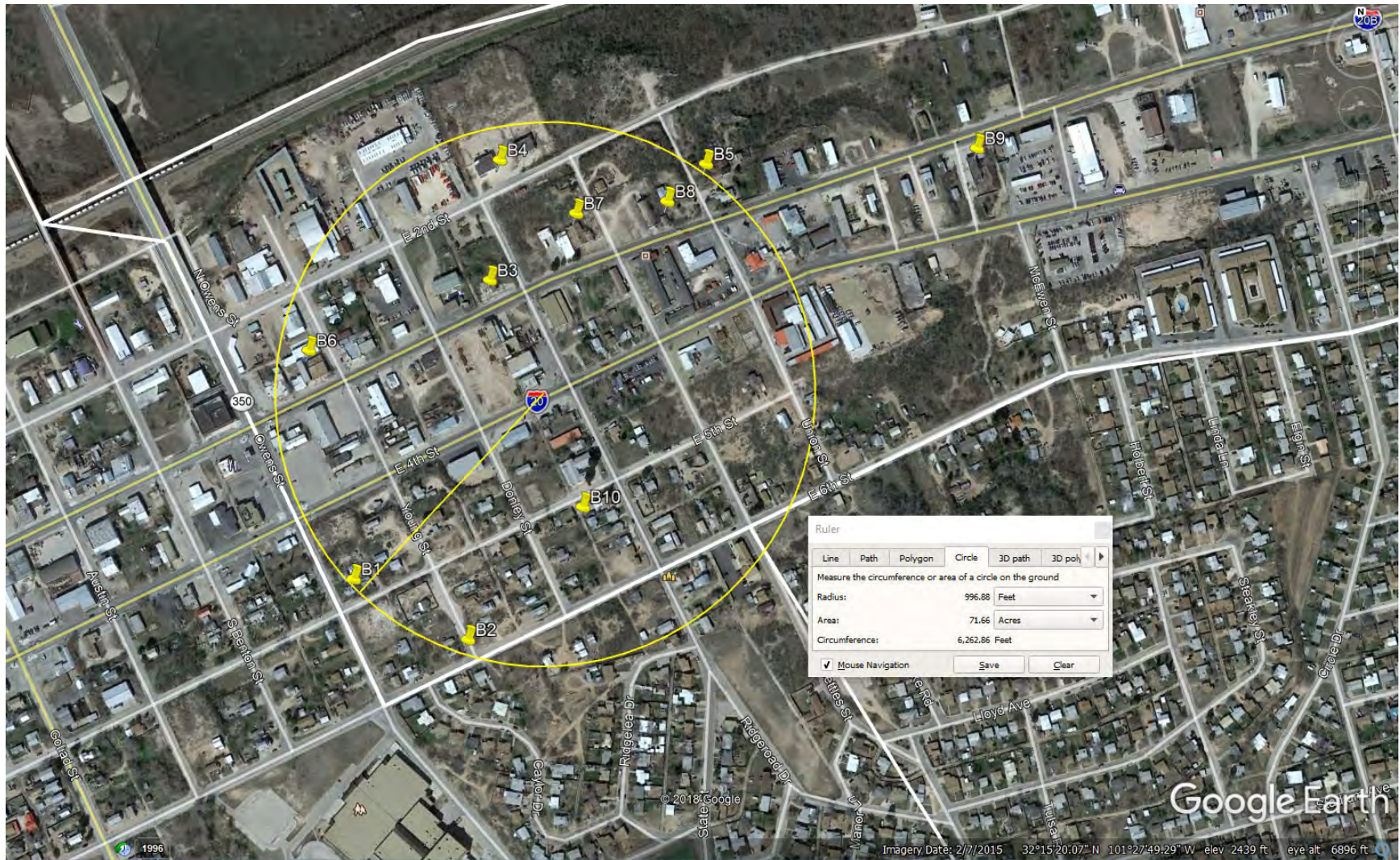
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Exhibit F – Comparison of Blight in Other Parts of Big Spring

Comparison – Blight in one of Big Spring’s BEST census tracts (48227950600, 2nd quartile, 6.7% poverty), NOT in proximity to development site.



Blight 1 - Census tract 48227950600



Blight 2 - Census tract 48227950600



Blight 3 - Census tract 48227950600



Blight 4 - Census tract 48227950600



Blight 5 - Census tract 48227950600



Blight 5 (Cont.) - Census tract 48227950600



Blight 6 - Census tract 48227950600



Blight 7 - Census tract 48227950600



Blight 8 - Census tract 48227950600



Blight 9 - Census tract 48227950600



1414



Exit Street View



© 2018 Google

© 2019 Google

Google Earth

[Report a problem](#)

32°15'29.88" N 101°27'37.55" W elev 2423 ft eye alt 2426 ft

Blight 10 - Census tract 48227950600



1h

PULLED FROM THE AGENDA

1i

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action regarding an update to the State of Texas 2008 Action Plan Substantial Amendment for the Neighborhood Stabilization Program

RECOMMENDED ACTION

WHEREAS, the United States Department of Housing and Urban Development (HUD) allocated \$101,996,848 in Neighborhood Stabilization Program (NSP) funding to be administered by the Department for the State of Texas; and

WHEREAS, the Department must submit a Substantial Amendment to the State of Texas 2008 Action Plan to address potential Applicants that may use NSP funds;

NOW, therefore, it is hereby

RESOLVED, that the draft Substantial Amendment to the State of Texas 2008 Action Plan for NSP is approved as presented at this meeting, and the Acting Director is authorized and directed to provide the Substantial Amendment for public comment, as required and, based on such comment, to make appropriate modifications to the Action Plan and cause it to be submitted to HUD and

FURTHER RESOLVED, that the Substantial Amendment, as filed, to be reported back this Board for ratification at its next meeting following submittal to HUD with a summary of public comment, response, and modifications, or if the comments suggested material changes to bring the proposed amendment back to the Board at a future meeting.

BACKGROUND

The Neighborhood Stabilization Program (NSP) is a HUD-funded program authorized by HR3221, the "Housing and Economic Recovery Act of 2008" (HERA) (Pub. L 110-289, approved July 30, 2008), as a supplemental allocation to the Community Development Block Grant (CDBG) Program through an amendment to the existing State of Texas 2008 CDBG Action Plan.

The Department has been contacted by potential Applicants that would like to use NSP funds, but the HOME regulatory requirements adopted by the Texas NSP for rental developments are not able to be easily combined with other sources of the proposed Development's funding, including but not limited

to Historic Tax Credits and HUD COC Leasing funds. Upon approval by its Governing Board or as designated by the Texas Administrative Code, Texas will allow a Master Tenant/Subrecipient to provide the affordable rents to the tenant, provide all required notices to the tenant, and will be responsible for income qualification instead of the Owner as described under 24 CFR §92.252(f). Furthermore, a Master Tenant/Subrecipient will execute the lease with the NSP household or there will be a triparty lease, as applicable, instead of the Owner as described 24 CFR §92.253. The Master Tenant/Subrecipient may also be responsible, as described in the contract with the state, for complying with affirmative marketing requirements, following the written tenant selection criteria for units where they are leasing to the NSP household, and following all other requirements under 24 CFR §92.253, otherwise attributable to the Owner. For these Developments, to ensure that the state can enforce its requirements against all parties, the state will have a triparty contract with the Master Tenant/Subrecipient (as applicable), in addition to its land use restriction agreement.

As described in Attachment A, the Update to the Substantial Amendment will be on the Department's website from April 29, 2019, to May 13, 2019, for public comment.

Texas Neighborhood Stabilization Program
Attachment A
April 25, 2019 Update to the Substantial Amendment

On January 30, 2009, the Department of Housing and Urban Development accepted a substantial amendment to the Action Plan for FFY 2008 submitted by the State of Texas. The Action Plan is the annual update to the Consolidated Plan for FFY 2005 through 2009. The amendment outlined the expected distribution and use of \$101,996,848 through the newly-authorized Neighborhood Stabilization Program (NSP), which the U.S. Department of Housing and Urban Development (HUD) is providing to the State of Texas. The NSP funds were authorized by the Housing and Economic Recovery Act of 2008 (HERA) as an adjunct to the Community Development Block Grant (CDBG) Program.

On February 25, 2010, the Texas Department of Housing and Community Affairs (Department) updated the Substantial Amendment with an adjusted budget, to reflect the funds actually awarded to NSP Subrecipients.

The Department is submitting this update to align the regulatory requirements adopted with the original Substantial Amendment, with those of current and potential future Applicants for NSP1 program income. The Department has been contacted by potential Applicants that would like to use NSP funds, but the HOME regulatory requirements adopted by the Texas NSP for rental developments are not able to be easily combined with other sources of the proposed Development's funding, including but not limited to Historic Tax Credits and HUD COC Leasing funds. Upon approval by its Governing Board or as designated by the Texas Administrative Code, Texas will allow a Master Tenant/Subrecipient (as identified in other funding source) to provide the affordable rents to the tenant, provide all required notices to the tenant, and will be responsible for income qualification instead of the Owner as described under 24 CFR §92.252(f). Furthermore, a Master Tenant/Subrecipient will execute the lease with the NSP household or there will be a triparty lease, as applicable, instead of a lease between the NSP tenant and the Owner as described 24 CFR §92.253. The Master Tenant/Subrecipient may also be responsible, as described in the contract with the state, for complying with affirmative marketing requirements, following the written tenant selection criteria for units where they are leasing to the NSP household, and following all other requirements under 24 CFR §92.253, otherwise attributable to the Owner. For these Developments, to ensure that the state can enforce its requirements against all parties, the state will have a triparty contract with the Master Tenant/Subrecipient (as applicable), in addition to its land use restriction agreement.

Public Comment Period: Starts: Monday, April 29, 2019 Ends: 6:00 p.m. Austin local time on Monday, May 13, 2019. Comments received after 6:00 p.m. Austin local time on Monday, May 13, 2019, will not be accepted. Written comments may be submitted, in hard copy/fax or electronic formats to: Texas Department of Housing and Community Affairs Attn: Multifamily Finance P.O. Box 13941 Austin, Texas 78711-3941 Fax: (512) 475-0070 Email: marni.holloway@tdhca.state.tx.us

Please be aware that all comments submitted to the TDHCA will be considered public information.

If you have any questions regarding this change to the Texas NSP program, please contact:

Raul Gonzales, Director
OCI, HTF, and NSP
Texas Department of Housing and Community Affairs
512/475-1473
Raul.gonzales@tdhca.state.tx.us

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BOARD ACTION REQUEST
ASSET MANAGEMENT DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement for Grove Park Terrace (HTC #02097)

RECOMMENDED ACTION

WHEREAS, Grove Park Terrace (the Development) received a 9% Housing Tax Credit (HTC) award in 2002 to rehabilitate 60 multifamily units in Waxahachie, Ellis County;

WHEREAS, the HTC application for the Development received points and/or other preferences for agreeing to provide a Right of First Refusal (ROFR) to purchase the Development over a two-year ROFR period;

WHEREAS, in Spring 2015, the Texas Legislature amended Tex. Gov't Code §2306.6725 and §2306.6726 to allow, among other things, for a 180-day ROFR period and to permit a Qualified Entity to purchase a property under ROFR, and defined a Qualified Entity to mean an entity described by, or as amended, an entity controlled by an entity described by, 26 U.S.C. §42(i)(7)(A), Internal Revenue Code of 1986;

WHEREAS, Waxahachie DMA Housing, LP, the Development Owner, requests to amend the Land Use Restriction Agreement (LURA) for the Development to incorporate changes made to Tex. Gov't Code §2306.6725 and §2306.6726 in 2015; and

WHEREAS, amendment to the ROFR period in the LURA is a material change requiring Board approval under 10 TAC §10.405(b)(2)(E), and the Development Owner has complied with the procedural amendment requirements in 10 TAC §10.405(b) to place this request before the Board, including holding a public hearing;

NOW, therefore, it is hereby

RESOLVED, that the material LURA amendment for Grove Park Terrace is approved as presented to this meeting, and the Acting Director and his designees are hereby authorized, empowered, and directed to take all necessary action to effectuate the foregoing.

BACKGROUND

Grove Park Terrace received a 9% HTC award in 2002 for the acquisition and rehabilitation of 60 multifamily units in Waxahachie, Ellis County. In a letter dated February 13, 2019, Janine Sisak, a representative for the Development Owner, Waxahachie DMA Housing, LP, requested approval to amend the HTC LURA related to the ROFR provision.

In 2002, the Housing Tax Credit application allotted five points to the Owner in exchange for a two-year ROFR period. Upon completion of the Development, the Owner entered into a Declaration of Land Use Restrictive Covenants/Land Use Restriction Agreement for Low-Income Housing Tax Credits recorded in Ellis County on December 2, 2004.

As approved in 2002, the additional use restrictions in the current HTC LURA would require, among other things, a two-year ROFR to sell the Development based on a set order of priority to a community housing development organization (as defined for purposes of the federal HOME Investment Partnership Program at 24 CFR Part 92), to a qualified nonprofit organization (as defined in Internal Revenue Code §42(h)(5)(C)), or to a tenant organization, if at any time after the 15th year of the Compliance Period the owner decides to sell the property. The property is currently in the 16th year of the 55-year Extended Use Period specified in the LURA. However, the Owner desires to exercise its rights under Tex. Gov't Code §2306.6726 to amend the LURA to allow for a 180-day ROFR period.

In 2015, the Texas Legislature passed HB 3576, which amended Tex. Gov't Code §2306.6725 to allow for a 180-day ROFR period and Tex. Gov't Code §2306.6726 to allow for a Qualified Entity to purchase a development under a ROFR provision of the LURA and satisfy the ROFR requirement. Additionally, Tex. Gov't Code §2306.6726, as amended by HB 3576, defines Qualified Entity to mean an entity described by, or an entity controlled by an entity described by, §42(i)(7)(A) of the Internal Revenue Code of 1986. The Department's 2019 Uniform Multifamily Rules, Subchapter E, include administrative procedures to allow a Development Owner to conform to the new ROFR provisions described in the amended statute.

The Development Owner has complied with the amendment and notification requirements under Tex. Gov't Code §2306.6712 and 10 TAC §10.405(b). The Development Owner held a public hearing on the matter on April 3, 2019, at the Development's onsite community clubhouse. No negative public comment was received regarding the requested amendment.

Staff recommends approval of the material LURA amendment as presented herein.



February 13, 2019

Laura DeBellas
Texas Department of Housing and Community Affairs
Asset Management
P.O. Box 13941
Austin, Texas 78711-3941

Re: Grove Park Terrace, Waxahachie, Texas
TDHCA # 02097/CMTS # 3245

Dear Sir or Madam:

Attached is documentation requesting a LURA amendment regarding language contained in the Right of First Refusal for the above-mentioned development. We are requesting this amendment to be consistent with the current state of Texas Government Code Section 2306.6726 in allowing the right of first refusal to benefit a "Qualified Entity" and provide for different time periods than the ones stated in the original LURA. I have attached a revised Exhibit C, which is the same exhibit that was approved in conjunction with another DMA transaction that TDHCA approved in December 2017.

This requested change has no financial impact on the development, and is required for the right of first refusal to be consistent with the statutory language.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Sisak", written in a cursive style.

Janine Sisak
Senior Vice President/General Counsel



Asset Management Division

Amendment Request Form

Completed forms and supporting materials can be emailed to asset.management@tdhca.state.tx.us

TYPE OF AMENDMENT REQUESTED

Date Submitted: 2/13/2019

Amendment Requested: LURA Amendment,

Has the change been implemented? No

Award Stage: Post 15-Year Compliance Period

NOTE: Material Application or LURA Amendment requests must be received **45 days before the Board Meeting.**

Contact your Asset Manager if you are unsure what type of Amendment to request: <https://www.tdhca.state.tx.us/asset-management/contacts.htm>

DEVELOPMENT INFORMATION

Dev. Name: Grove Park Terrace

File No. / CMTS No.: 02097 /3245

CONTACT INFORMATION

Request Submitted By: Janine Sisak

Phone #/Email: (512) 328-3232 /janines@dmacompanies.com

SECTION 1: COVER LETTER

A cover letter **MUST** be submitted with your request. Review your cover letter to ensure it includes:

- The change(s) requested
- The reason the change is necessary
- The good cause for the change
- An explanation of whether the amendment was reasonably foreseeable or preventable at the time of Application

SECTION 2: REQUIRED DOCUMENTATION

Entering an Amendment conveys to the Department that representations in the Application have changed. You **MUST** provide information about any and all changes made from the time of Application (or as last approved by the Department) in your request, including any items that will be impacted by the requested change. Failure to represent or properly document all changes may result in delays, denials, or a request for re-submission. The following is attached:

- Revised Development Financing Exhibits – if sources, terms, conditions, or amounts of financing will be impacted or changed by your amendment request, revised Application exhibits and term sheets (or executed Loan documents and LPA, if the loan has closed) must be submitted
- Signed Statement of No Financial Impact – if no sources, terms, conditions, or amount of financing will be impacted or changed by your amendment request, the Owner must sign and submit a statement to this effect
- Revised Application Exhibits/Documents Reflecting or Supporting All Requested Changes – revised site plans, surveys, Building and Unit Configuration exhibit, etc.
- Material Amendment fee of \$2,500 for first amendments, \$3,000 for second amendments, \$3,500 for third or more. (Applicable to Non-Material Amendments only if changes have been implemented prior to Amendment approval) – N/A for Developments only funded by a Direct Loan program (HOME, NSP, HTF)

SECTION 3A: MATERIAL APPLICATION AMENDMENT ITEMS

Check all items that have been modified from the original application (see *Subchapter E, §10.405(a)(3)*):

- Site plan Scope of tenant services Exclusion of reqs in Subchapters B & C
- Number of units* Reduction of 3%+ in unit sq ft Other
- Bedroom mix Reduction of 3%+ common area
- Architectural design Residential density (5%+ change)

If "Number of units" is selected above and the total LI units or LI units at any rent or income level will be reduced, also:

- Written confirmation from the lender *and* syndicator that the development is infeasible without the adjustment in units
- Evidence supporting the need for the adjustment in units

NOTE: **The approved amendment may carry a penalty in accordance with §10.405(a)(6)(b).*

SECTION 3B: MATERIAL LURA AMENDMENT ITEMS

Check all items that require a material LURA amendment (see Subchapter E, *§10.405(b)(2)*):

- Reductions in the number of LI units Change in Target Population
- Changes to income or rent restrictions Removal of Non-profit Other
- Change in ROFR period or other ROFR provisions

The following additional items are attached for consideration or will be forthcoming:

- Draft Notice of Public Hearing* Evidence of public hearing*

NOTE: **Draft Notices of Public Hearing must be provided with the Amendment materials 45 days prior to the Board meeting. *The Public Hearing must be held at least 15 business days prior to the Board meeting and evidence in the form of attendance sheets and a summary of comments made must be submitted to TDHCA within 3 days of the hearing.*

SECTION 4A: NON-MATERIAL APPLICATION AMENDMENT SUMMARY

Identify all non-material changes that have been or will be made (Contact your Asset Manager if you are unsure of whether your request is non-material):

N/A

- Amendment is requesting a change in Developer(s) or Guarantor(s) and Previous Participation forms are attached.

SECTION 4B: NON-MATERIAL LURA AMENDMENT SUMMARY

Identify non-material amendments requested to the LURA:

N/A

SECTION 4C: NOTIFICATION ITEM SUMMARY

Identify any notification items from the time of application:

N/A

EXHIBIT "C"

APPENDIX A – ADDITIONAL USE RESTRICTIONS – RIGHT OF FIRST REFUSAL

Right of First Refusal to Qualified Entities

The Project Owner has entered into an Agreement for the Provision of the Right of First Refusal with the Department, the terms of which are further outlined below, and in Chapter 2306 of the Texas Government Code, and in Chapter 10 of the Texas Administrative Code.

Project Owner agrees to the following terms to complete the ROFR process:

1. If at any time after the fifteenth year of the Compliance Period, the Project Owner determines to sell the Project, a notice of intent to sell the Project ("Notice of Intent") shall be given to the Department and the tenants of the Project, and this Right of First Refusal Agreement shall serve as evidence that the Project Owner agrees to provide to a "Qualified Entity" (as defined in Section 2306.6726(d)(2) of the Texas Government Code), a Right of First Refusal ("ROFR") to purchase the Project in accordance with the "Minimum Purchase Price" (as defined in Section 42(i)(7)(B) of the Code).
2. (Only applicable if this box is checked.) The Project Owner has entered into an agreement with a specific Qualified Entity (or tenant organization) providing for a right of first refusal. The Qualified Entity or tenant organization will be _____. In the event that this organization is not operating when the Project Owner determines to sell the Project, the right of first refusal must be provided in accordance with this Appendix A.
3. The Project Owner shall provide a Notice of Intent to the Department and to such other parties as the Department may direct at that time. The Notice of Intent shall be accompanied by such information as the Department shall reasonably request. The Right of First Refusal Period ("ROFR Period") shall commence upon the Department's official posting of the Project for sale at the Minimum Purchase Price.
4. During the 180 days after the Project has commenced the ROFR Period, the Project Owner may negotiate or enter into an agreement to sell the Project only with parties in the following order of priority:
 - a. during the first 60 days of the ROFR Period, only with a Qualified Entity that is also a community housing development organization, as defined for purposes of the federal HOME Investment Partnerships Program at 24 C.F.R. §92.2 (a "CHDO") approved by the Department as a CHDO, or a Qualified Entity controlled by a CHDO approved by the Department;
 - b. during the second 60 days of the ROFR Period, only with a Qualified Entity that:
 - (i) is described in Section 2306.6706 of the Texas Government Code;
 - (ii) is controlled by an entity described in Section 2306.6706 of the Texas Government Code; or

- (iii) is a tenant organization; and
 - c. during the last 60 days of the ROFR Period, with any other Qualified Entity and approved by the Department.
- 5. After (i) the Project Owner's submission of Notice of Intent, (ii) the Department's posting of the Project for sale pursuant to the Right of First Refusal, and (iii) expiration of the ROFR Period, the Project Owner may sell the Project without regard to any Right of First Refusal established by this Declaration if:
 - a. the Project Owner does not receive any bona fide offers from a Qualified Nonprofit Organization or Qualified Entity during the ROFR Period;
 - b. a bona fide offer from a Qualified Nonprofit Organization or Qualified Entity is received at or above the posted ROFR offer price during the ROFR Period, the Project Owner accepts the offer, the Qualified Nonprofit Organization or Qualified Entity fails to close the purchase, the failure is determined to not be the fault of the Project Owner, and the Project Owner received no other bona fide offers from a Qualified Nonprofit Organization or Qualified Entity during the ROFR Period;
 - c. a bona fide offer from a Qualified Nonprofit Organization or Qualified Entity is received at or above the posted ROFR offer price during the ROFR Period, the Qualified Nonprofit Organization or Qualified Entity is not approved by the Department during the ownership transfer review due to issues identified during the Previous Participation Review process, and the Project Owner received no other bona fide offers from a Qualified Nonprofit Organization or Qualified Entity during the ROFR Period; or
 - d. an offer from a Qualified Nonprofit Organization or Qualified Entity is received at a price below the posted ROFR offer price during the ROFR Period, and the Project Owner received no other bona fide offers from a Qualified Nonprofit Organization or Qualified Entity during the ROFR Period at or above the posted ROFR offer price.



NOTICE TO RESIDENTS

Grove Park Terrace

400 Peters Street, Waxahachie, Ellis County, TX 75165

April 1, 2019

TO ALL RESIDENTS OF GROVE PARK TERRACE

Re: *LURA Amendment Request to TDHCA for Grove Park Terrace*

Dear Resident(s):

Waxahachie DMA Housing LP is asking the Texas Department of Housing and Community Affairs Governing Board (the TDHCA Board) to approve an amendment to its Land Use Restrictive Agreement (LURA) that will change the Right of First Refusal (ROFR) period and provisions to allow the ROFR to benefit a "Qualified Entity" and provide for different time periods than what's stated in the original LURA. This is consistent with the current state of Texas Government Code Section 2306.6726. TDHCA Rules require that notice of this request be provided to all residents of the property. This letter is to inform you that there will be a public hearing to discuss the request and we invite you to attend.

The public hearing is your opportunity to discuss the amendment request and voice your concern regarding the requested change to the Right of First Refusal period and provisions. Information obtained from this meeting will be submitted for consideration by the TDHCA Board at their April 25, 2019 meeting.

If you are unable to attend the public hearing and would like to submit your concerns in writing to the Department, please send your comments via email to asset.management@tdhca.state.tx.us or you may mail them to:

*Texas Department of Housing & Community Affairs
Asset Management Division
221 East 11th Street
Austin, Texas 78701*

A public hearing on this issue is scheduled at:

Location: *Grove Park Terrace Community Room*
Address: *400 Peters Street, Waxahachie, TX 75165*
Date: *Wednesday, April 3, 2019*
Time: *11:00 AM*

Sincerely,
WAXAHACHIE DMA HOUSING LP

A handwritten signature in blue ink, appearing to read "JoEllen Smith".

JoEllen Smith
(512) 328-3232 ext. 4506
4101 Parkstone Heights Drive, Suite 310, Austin, TX 78746



March 26, 2019

Mary Stoddard
Director of Asset Management, Hunt Investment Management
11200 Rockville Pike, Suite 100
Rockville, MD 20852

Re: *LURA Amendment Request to TDHCA for Grove Park Terrace
400 Peters Street, Waxahachie, Ellis County, TX 75165*

Ms. Stoddard:

Waxahachie DMA Housing LP, is asking the Texas Department of Housing and Community Affairs Governing Board (the TDHCA Board) to approve an amendment to its Land Use Restrictive Agreement (LURA) that will change the Right of First Refusal (ROFR) period and provisions to allow the ROFR to benefit a "Qualified Entity" and provide for different time periods than what's stated in the original LURA. This is consistent with the current state of Texas Government Code Section 2306.6726. TDHCA Rules require that notice of this request be provided to current lenders and investors, as well as all residents of the property. This letter is to inform you that there will be a public hearing to discuss the request and we invite you to attend.

The public hearing is your opportunity to discuss the amendment request and voice your concern regarding the requested change to the Right of First Refusal period and provisions. Information obtained from this meeting will be submitted for consideration by the TDHCA Board at their April 25, 2019 meeting.

If you are unable to attend the public hearing and would like to submit your concerns in writing to the Department, please send your comments via email to asset.management@tdhca.state.tx.us or you may mail them to:

*Texas Department of Housing & Community Affairs
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221 East 11th Street
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Location: *Grove Park Terrace Community Room*
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Date: *Wednesday, April 3, 2019*
Time: *11:00 AM*

Sincerely,
WAXAHACHIE DMA HOUSING LP

A handwritten signature in blue ink, appearing to read 'JoEllen Smith'.

JoEllen Smith
(512) 328-3232 ext. 4506
4101 Parkstone Heights Drive, Suite 310, Austin, TX 78746



March 26, 2019

Amanda Phillips
GSC Financials, FM Asset Management
Greystone Servicing Corporation, Inc.
419 Belle Air Lane
Warrenton, VA 20186

Re: *LURA Amendment Request to TDHCA for Grove Park Terrace
400 Peters Street, Waxahachie, Ellis County, TX 75165*

Ms. Dominy:

Waxahachie DMA Housing LP, is asking the Texas Department of Housing and Community Affairs Governing Board (the TDHCA Board) to approve an amendment to its Land Use Restrictive Agreement (LURA) that will change the Right of First Refusal (ROFR) period and provisions to allow the ROFR to benefit a "Qualified Entity" and provide for different time periods than what's stated in the original LURA. This is consistent with the current state of Texas Government Code Section 2306.6726. TDHCA Rules require that notice of this request be provided to current lenders and investors, as well as all residents of the property. This letter is to inform you that there will be a public hearing to discuss the request and we invite you to attend.

The public hearing is your opportunity to discuss the amendment request and voice your concern regarding the requested change to the Right of First Refusal period and provisions. Information obtained from this meeting will be submitted for consideration by the TDHCA Board at their April 25, 2019 meeting.

If you are unable to attend the public hearing and would like to submit your concerns in writing to the Department, please send your comments via email to asset.management@tdhca.state.tx.us or you may mail them to:

*Texas Department of Housing & Community Affairs
Asset Management Division
221 East 11th Street
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Address: *400 Peters Street, Waxahachie, TX 75165*
Date: *Wednesday, April 3, 2019*
Time: *11:00 AM*

Sincerely,
WAXAHACHIE DMA HOUSING LP

JoEllen Smith
(512) 328-3232 ext. 4506
4101 Parkstone Heights Drive, Suite 310, Austin, TX 78746

Grove Park Manor
Public Hearing
4/3/2019
Meeting Minutes

DMA Representatives in Attendance: Jessica Kuehne, DMA Regional Manager
Tally Martinez, Property Manager
Mario Garcia, Maintenance staff

Meeting began at 11:00 AM in the community room of Grove Park Terrace.
A total of 9 residents attended.

Ms. Kuehne welcomed residents and explained the purpose for the public meeting. Ms. Kuehne explained that the owner of Grove Park Manor had requested an amendment to the Land Use Restrictive Agreement governing the property, to be consistent with the current state of Texas Government Code in allowing the right of first refusal, in the event of a sale, to benefit a "Qualified Entity" and provide for different time periods governing the right of first refusal period than the ones stated in the original LURA.

Ms. Kuehne explained that the amendment to the LURA will not impact the residents in anyway, and the public hearing was required by TDHCA when an amendment request to the LURA was deemed "material". The impact of the amendment was to broaden the possibility of prospective bids in the event of sale and make the time periods governing the right of first refusal consistent with today's code. Ms. Kuehne opened it up for resident questions. There were three questions from residents:

What was the date of the last renovation? Answer: 2004

Has the property been purchased? Answer: No

Is the property actively for sale? Answer: Not at this time, but intention is it will be listed

As there were no other questions, the meeting concluded at 11:37AM.

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BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on an order proposing an amendment to 10 TAC, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.410 Determination of Alien Status for Program Beneficiaries, and directing publication for public comment in the Texas Register

RECOMMENDED ACTION

WHEREAS, pursuant to Tex. Gov't Code §2306.053, the Texas Department of Housing and Community Affairs (the Department) is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, in February 2019 the Board adopted 10 TAC §1.410, Determination of Alien Status for Program Beneficiaries, to provide for the Department's implementation of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1986 (PRWORA) which provides that an alien who is not a Qualified Alien is not eligible for any federal public benefit;

WHEREAS, since the proposal of that rule the Department has identified the specific documentation which is required of Subrecipients in their handling of client information in meeting the requirements of 10 TAC §1.410 and provided those specifications to Subrecipients, however there is no requirement in the rule that the list released is the list that must be used so staff is proposing to add that further detail to the rule; and

WHEREAS, upon Board approval, the proposed amendment will be submitted to the Texas Register to be released for public comment which will be accepted from May 10, 2019, through June 10, 2019;

NOW, therefore, it is hereby

RESOLVED, that the proposed amendment to 10 TAC §1.410 Determination of Alien Status for Program Beneficiaries, is approved for publication in the Texas Register for public comment; and

FURTHER RESOLVED, that the Executive Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the proposed amendment to 10 TAC §1.410 Determination of Alien Status for Program Beneficiaries, in the form presented to this meeting, to be published in the Texas Register for public comment and in connection therewith, make such non-substantive technical corrections as they

may deem necessary to effectuate the foregoing, including the preparation of the subchapter specific preambles and any requested changes to the preambles.

BACKGROUND

Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1986 (PRWORA), provides that an alien who is not a qualified alien is not eligible for any federal public benefit. The U.S. Department of Justice (DOJ) provided guidance that each federal agency is required to identify which of their programs are considered federal public benefits for this purpose. That determination is not in the purview of the State of Texas. For the federal programs for which such guidance has been given, the Department has provided 10 TAC §1.410, Determination of Alien Status for Program Beneficiaries. The two largest programs of the Department that require such verification are the Low Income Home Energy Assistance Program (LIHEAP) and Department of Energy Weatherization Assistance Program (DOE-WAP). As of this time, all subrecipients in those programs have elected to comply with the federal requirement by determining eligible status of applicants and household members via the Systematic Alien Verification for Entitlements (SAVE) system. To assist Subrecipients in performing that status determination, the Department has generated a list of acceptable documentation for establishing United States Citizenship and Identity. While that list has been provided to Subrecipients the rule does not require that the list, and only those items on the list, are the only acceptable evidence. The rule amendment clarifies this.

Once approved in draft form, this amendment to the rule will be published in the Texas Register for public comment and will be returned to the Board for final adoption.

Attachment 1: Preamble for proposing amendment to 10 TAC §1.410 Determination of Alien Status for Program Beneficiaries.

The Texas Department of Housing and Community Affairs (the Department) proposes to amend 10 TAC §1.410 Determination of Alien Status for Program Beneficiaries. The purpose of the proposed amendment is to clarify that acceptable documentation for establishing United States citizenship and identity may only be those documents determined as acceptable, and published by, the Department. The Department has released such a list, but the rule does not require that the list is the only acceptable documentation to be utilized.

Tex. Gov't Code §2001.0045(b) does not apply to the new rule because it is exempt under §2001.0045(c)(4), which exempts rule changes necessary to receive a source of federal funds or to comply with federal law. Compliance with the new rule is intended to ensure adherence to federal law, Tex. Gov't Code Chapter 2306, Subchapter E, and provide for the implementation of this activity.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. David Cervantes, Acting Director, has determined that, for the first five years the proposed amendment will be in effect:

1. The amendment does not create or eliminate a government program, but provides clarification that the only acceptable documentation for establishing legal status is the documentation determined acceptable by the Department.
2. The amendment does not reduce work load such that any existing employee positions can be eliminated nor does it increase work load such that any new employee positions are required.
3. The amendment does not require additional future legislative appropriations.
4. The amendment does not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The amendment is not creating a new regulation.
6. The amendment will not expand or repeal an existing regulation, but formalizes the methods for establishing legal status as those determined as acceptable by the Department.
7. The amendment will neither increase nor decrease the number of individuals subject to the rule.
8. The new rule will not negatively nor positively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code Chapter 2306, Subchapter E.

1. The Department has evaluated this rule and determined that none of the adverse effect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. There are no small or micro-businesses subject to the rule for which the economic impact of the rule is projected to impact. There are no rural communities subject to the rule for which the economic impact of the rule is projected to impact.
 3. The Department has determined that because this rule is only applicable to nonprofits and local governments that are designated as community action agencies there will be no economic effect on small or micro-business or rural communities.
- c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new rule does not contemplate nor authorize a taking by the Department, therefore no Takings Impact Assessment is required.
 - d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6). The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the new rule has no economic effect on local employment; therefore no local employment impact statement is required to be prepared for the rule.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that this rule merely provides guidance on how the acceptable documentation that existing subrecipients of the Department can use in verification of household eligibility, and that the rule is applied statewide, the rule does not change issues affecting employment, there are no "probable" effects of the new rule on particular geographic regions.

- e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX GOV'T CODE §2001.024(a)(5). Mr. Cervantes has also determined that, for each year of the first five years the new section is in effect, the public benefit anticipated as a result of the new section will be to clarify what the Department will accept in verification.
- f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the new section is in effect, enforcing or administering the new section does not have any foreseeable implications related to costs or revenues of the state or local governments.
- g. REQUEST FOR PUBLIC COMMENT The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed new section. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or email brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. Austin local time JUNE 10, 2019.
- h. STATUTORY AUTHORITY. The new section is adopted pursuant to TEX GOV'T CODE, §2306.053, which authorizes the Department to adopt rules. Except as described herein the new section affects no other code, article, or statute.

§1.410 Determination of Alien Status for Program Beneficiaries

(a) Purpose. The purpose of this section is to provide uniform Department guidance on Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1986 (PRWORA), which provides that an alien who is not a Qualified Alien is not eligible for any federal or state public benefit.

(b) Definitions. The words and terms in this chapter shall have the meanings described in this subsection unless the context clearly indicates otherwise. Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this Title that govern the program under which program eligibility is seeking to be determined, or assigned by federal or state law.

(1) Nonprofit Charitable Organization--An entity that is organized and operated for purposes other than making gains or profits for the organization, its members or its shareholders, and is precluded from distributing any gains or profits to its members or shareholders; and is organized and operated for charitable purposes.

(2) Public Organization--An entity that is a Unit of Government or an organization established by a Unit of Government.

(3) Qualified Alien--A person that is not a U.S. Citizen or a U.S. National and is described at 8 U.S.C. §1641(b).

(4) State--The State of Texas or the Department, as indicated by context.

(5) Subrecipient--An entity that receives federal or state funds passed through the Department.

(6) Systematic Alien Verification for Entitlements (SAVE)--Automated intergovernmental database that allows authorized users to verify the immigration status of program applicants.

(c) Applicability for Federal Funds.

(1) The determination of whether a federal program, or activity type under a federal program, is a federal public benefit for purposes of PRWORA is made by the federal agency with administration of a program or activity, not by the Department. Only in cases in which the federal agency has given clear interpretation that it requires PRWORA to be applicable to a program or activity will this rule be applied by the Department.

(2) The requirements of this section are applicable to Subrecipients of federal funds passed through the Department for which the federal program has made a determination that the activity performed by the Subrecipient requires compliance with PRWORA. However, certain exemptions under PRWORA may exist on a case specific, or activity specific basis as further described in this rule.

(d) Applicability for State Funds. The Department has determined that State Housing Trust Funds that are provided to a Subrecipient that is a Public Organization to be distributed directly to individuals, are a state public benefit.

(e) No Applicable Exemptions under PRWORA. If no exemptions under PRWORA are applicable to the Subrecipient or to the activity type, as further detailed in this section, then the Subrecipient must verify U.S. Citizen, U.S. National, or Qualified Alien status ("legal status") using SAVE and evaluate eligibility using the rules for the applicable program under this Title.

(f) Exemptions Under PRWORA.

(1) In accordance with 8 U.S.C. §1642(d), a Subrecipient that is a Nonprofit Charitable Organization receiving funds from the Department for which the federal program or activity requirement is that a household be verified for eligibility status, is not required to verify that an individual is a U.S. Citizen, U.S. National, or Qualified Alien.

(2) For activities in the Low Income Home~~using~~ Energy Assistance Program and the Department of Energy Weatherization Program performed by a Nonprofit Charitable Organization (identified as a Private Nonprofit Organization in the Subrecipient's Contract with the Department), where the Department must ensure that an individual is a U.S. Citizen, U.S. National, or Qualified Alien, a Subrecipient must ensure compliance with the verification requirement through electing to proceed under subparagraph (A), (B), or (C) of this paragraph. Subrecipients will submit in writing to the Director of Community Affairs or his/her designee no later than six months prior to the beginning of a Contract Term its election under one of the subparagraphs in this subsection. If no such election is made by the deadline, the Subrecipient will no longer be eligible to perform as a Subrecipient in the program as further provided for in paragraph (3) of this subsection. Failure by the Subrecipient to select an option by the deadline is good cause for nonrenewal of a Contract.

(A) Subject to affirmation by U.S. Health and Human Services, the Subrecipient may voluntarily elect to request from the household and transmit to the Department, or a party contracted by the Department, sufficient information or documentation so that the Department is able to ensure an individual is a U.S. Citizen, U.S. National, or Qualified Alien.

(i) The Nonprofit Charitable Organization must provide and maintain a sufficient method of electronic transmittal system that allows for such information to be provided to the Department or its contractor, and ensures the secure safekeeping of such paper and/or electronic files, and receipt of subsequent response back from the Department or its contracted party.

(ii) Upon receipt of the results of the verification performed by the Department, or its contracted party, the Nonprofit Charitable Organization must utilize those results in determining household eligibility, benefits, income, or other programmatic designations as required by applicable federal program guidance or as determined by other program rules under this Title.

(B) The Subrecipient may voluntarily elect to perform verifications through the SAVE system, as authorized through the Department's access to such system.

(C) The Subrecipient may voluntarily elect to procure an eligible qualified organization to perform such verifications on their behalf, subject to Department approval.

(i) The Nonprofit Charitable Organization and/or its procured provider must maintain sufficient evidence and documentation that verification has taken place so that such verification can be confirmed by the Department, and must ensure the secure safekeeping of such paper and/or electronic files.

(ii) Upon receipt of the results of the verification performed by the procured provider, the Nonprofit Charitable Organization must utilize those results in determining household eligibility, benefits, income, or other programmatic designations as required by applicable federal program guidance or as determined by other program rules under this Title.

(D) If no election is made by the deadline in paragraph (2) of this subsection, the Subrecipient will be provided notification under Tex. Gov't Code Chapter 2105 that the Department does not intend to renew the Contract with the Subrecipient at the end of the current Contract Term. The Subrecipient may have a right to request a hearing under Tex. Gov't Code Chapter 2105.

(3) Other activities that do not require verification by Public Organizations or Nonprofit Charitable Organizations are described in the August 5, 2016, HUD, HHS, and DOJ Joint Letter Regarding Immigrant Access to Housing and Services.

(g) The Department may further describe a Subrecipient's responsibilities under PRWORA, including but not limited to use of the SAVE system, in its Contract with the Subrecipient. Nothing

in this rule shall be construed to be a waiver, ratification, or acceptance of noncompliant administration of a program prior to the rule becoming effective.

(h) A Subrecipient must establish that an individual is a U.S. Citizen, U.S. National, or Qualified Alien using the documents deemed acceptable by the Department, and which have been published on the Department's website. This information may be updated by the Department from time to time.

11

BOARD ACTION REQUEST

EXECUTIVE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC §5.802, Local Operators for the Section 8 Housing Choice Voucher Program, and directing its publication for adoption in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, pursuant to Tex. Gov't Code §2306.053, the Texas Department of Housing and Community Affairs (the Department) is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.802, Local Operators for the Section 8 Housing Choice Voucher Program, is no longer necessary as it governs a practice no longer in use, which is the use of Local Operators in the administration of the Section 8 Housing Choice Voucher Program (HCVP); and

WHEREAS, the proposed repeal was approved by the Board in February 2019 and was released for public comment from March 8, 2019, through April 8, 2019 and no public comment was received;

NOW, therefore, it is hereby

RESOLVED, that the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.802, Local Operators for the Section 8 Housing Choice Voucher Program, is adopted; and

FURTHER RESOLVED, that the Acting Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department to cause the adoption of the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.802, Local Operators for the Section 8 Housing Choice Voucher Program, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, and make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing, including the preparation of the subchapter specific preambles and any requested revisions to the preambles.

BACKGROUND

This section of the Department's rules is related to a process which is no longer in use. The HCVP had used local administrators, called Local Operators, to perform certain local functions in the administration of the program. More than five years ago the Department gradually stopped using these local administrators and now performs the work itself. The last contract with a Local Operator formally ended in November 2018. The Department has no intent to outsource the program activities in the future; however, if it were to do so, it would promulgate new rules to do so using a model other than the Local Operator model. There is no longer a purpose for the rule as written. No comment was received and no changes have been made since the draft was released for comment.

Attachment 1: Preamble for adopting the repeal, including required analysis, of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.802, Local Operators for the Section 8 Housing Choice Voucher Program

The Texas Department of Housing and Community Affairs (the Department) adopts the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.802, Local Operators for the Section 8 Housing Choice Voucher Program. The purpose of the repeal is to eliminate a rule that provided for a process no longer in use by the Department.

The Department has analyzed this rulemaking action and the analysis is described below for each category of analysis performed.

Tex. Gov't Code §2001.0045(b) does apply to the rule being adopted and no exceptions are applicable. However, the rule action is a repeal removing an unused process from rule. There are no costs associated with this proposed rule action, therefore no costs or impacts warrant a need to be offset.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

1. Mr. David Cervantes, Acting Director, has determined that, for the first five years the repeal will be in effect, the repeal does not create or eliminate a government program, but relates to the repeal of a process used in the past in the administration of the Section 8 Housing Choice Voucher Program (HCVP). That process is no longer in use by the Department and therefore, there is no purpose for the rule to exist.

2. The repeal does not require a change in work that will require the creation of new employee positions, nor will the repeal reduce work load to a degree that any existing employee positions are eliminated.

3. The repeal does not require additional future legislative appropriations.

4. The repeal does not result in an increase in fees paid to the Department nor in a decrease in fees paid to the Department.

5. The repeal is not creating a new regulation.

6. The action will repeal an existing regulation that is no longer needed.

7. The repeal will not increase nor decrease the number of individuals subject to the rule's applicability, because as of November 2018 no entities were in contracts with the Department that would have been subject to this section.

8. The repeal will not negatively nor positively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated this repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX GOV'T CODE §2007.043. The repeal does not contemplate nor authorize a taking by the Department, therefore no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal will be in effect there will be no economic effect on local employment; therefore no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repealed section would be the elimination of an obsolete rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

g. PUBLIC COMMENT AND REASONED RESPONSE. The public comment period was held from March 8, 2019, to April 8, 2019, to receive input on the proposed repeal. No public comment was received.

STATUTORY AUTHORITY. The repeal is adopted pursuant to TEX. GOV'T CODE, §2306.053, which authorizes the Department to adopt rules. Except as described herein the repealed sections affect no other code, article, or statute.

§5.802, Local Operators for the Section 8 Housing Choice Voucher Program

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BOARD ACTION REQUEST

EXECUTIVE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action on an order adopting an amendment to 10 TAC §1.15, Integrated Housing Rule, and directing its publication for adoption in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, pursuant to Tex. Gov't Code §2306.053, the Texas Department of Housing and Community Affairs (the Department) is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, the provision of integrated housing through the Department's programs is authorized by Tex. Gov't Code §2306.111(g), which directs that the Department's funding priorities should provide that funds are awarded, when feasible, based on a project's ability to provide integrated affordable housing;

WHEREAS, this rule has a reference within it that warrants clarification; and

WHEREAS, the proposed rule was released for public comment from March 8, 2019, through April 8, 2019, and one comment was received;

WHEREAS, upon Board approval, the rule will be submitted to the *Texas Register* for adoption;

NOW, therefore, it is hereby

RESOLVED, that the adoption of the amendment to 10 TAC §1.15, Integrated Housing Rule, is hereby approved; and

FURTHER RESOLVED, that the Acting Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department to cause the amendment to 10 TAC §1.15, Integrated Housing Rule, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing, including the preparation of the subchapter specific preambles and any requested revisions to the preambles.

BACKGROUND

Tex. Gov't Code §2306.111(g) directs that the Department's funding priorities should provide that funds are awarded, when feasible, based on a project's ability to provide integrated affordable housing. This rule ensures that housing developments that are subject to the rule do not restrict occupancy solely to households with disabilities, with a maximum integration limit dependent on the size of the housing development. In September 2018 new changes to this rule were adopted. Inadvertently, one reference is in need of clarification. No other changes were proposed.

One comment was received, which is described below in the preamble, however no changes have been made since the draft was released for comment.

Behind the preamble for the amendment the rule is shown reflecting the correction being adopted.

Attachment 1: Preamble, including required analysis, for adopting the amendment to 10 TAC §1.15, Integrated Housing Rule

The Texas Department of Housing and Community Affairs (the Department) adopts an amendment to 10 TAC §1.15, Integrated Housing Rule. The purpose of the revision is to correct an incorrect citation to a regulation.

Tex. Gov't Code §2001.0045(b) does apply to the rule being adopted and no exceptions are applicable. However, the rule already exists and the correction is only administrative in nature. There are no costs associated with this rule action, therefore no costs or impacts warrant a need to be offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX GOV'T CODE §2001.0221.

Mr. Cervantes has determined that, for the first five years the amendment will be in effect:

1. The amended rule does not create or eliminate a government program, but relates to the activity of the Department to ensure that Developments voluntarily participating in programs funded by the Department offer an integrated housing opportunity for Households with Disabilities.
2. The amended rule does not require a change in work that will require the creation of new employee positions, nor is the amendment significant enough to reduce work load to a degree that any existing employee positions are eliminated.
3. The amended rule does not require additional future legislative appropriations.
4. The amended rule does not result in an increase in fees paid to the Department nor in a decrease in fees paid to the Department
5. The amended rule is not creating a new regulation.
6. The amended rule makes changes only to clarify a reference.
7. The amended rule will not increase nor decrease the number of individuals subject to the rule's applicability.
8. The amended rule will not negatively nor positively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code, §2306.111(g).

1. The Department has evaluated this rule action and determined that none of the adverse affect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.
2. This rule relates to the Department ensuring that Developments voluntarily participating in programs funded by the Department offer an integrated housing opportunity for Households with Disabilities. Other than in the

case of a small or micro-business that is voluntarily participating in one of the Department's multifamily programs, no small or micro-businesses are subject to the rule. However, if a small or micro-business is pursuing a multifamily activity with the Department, this rule action merely clarifies a citation.

3. The Department has determined that because the amendment merely clarifies a citation, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX GOV'T CODE §2007.043. The amended rule does not contemplate nor authorize a taking by the Department; therefore no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX GOV'T CODE §2001.024(a)(6).

The Department has evaluated the proposed rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the amended rule has no economic effect on local employment because the rule relates only to a correction to an incorrect citation.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that this rule merely provides a minor technical change, there are no "probable" effects of the new rule on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX GOV'T CODE §2001.024(a)(5). David Cervantes, Acting Director, has determined that, for each year of the first five years the amendment is in effect, the public benefit anticipated as a result of the amended section will be a rule with correct references. There will not be any economic cost to any individuals subject to the amended rule as the processes described by the rule have already been in existence.

f. FISCAL NOTE REQUIRED BY TEX GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the amended section is in effect, enforcing or administering the new section does not have any foreseeable implications related to costs or revenues of the state or local governments.

g. PUBLIC COMMENT AND REASONED RESPONSE. The public comment period was held from March 8, 2019, to April 8, 2019, to receive input on the proposed repeal. One comment was received from New Hope Housing.

COMMENT RECEIVED: New Hope Housing commented that they felt the Integrated Housing Rule inherently conflicts with the TDHCA definition for Supportive Housing Developments. They note that prior to 2018 the Integrated Housing Rule provided an explicit exemption for Supportive Housing Developments; the rule currently requires that if such an exemption is desired the Applicant must come before the Department's Board. They believe this is unnecessary and request that the exemption for Supportive Housing be reinstated in the rule.

DEPARTMENT RESPONSE: The exemption for Supportive Housing Developments was intentionally removed from the rule at the encouragement of the Department's Disability Advisory Workgroup when this rule was recently revised in 2018. While Supportive Housing Developments may generally serve homeless populations that does not mean they are exclusively disabled populations; moreover the restriction in the Integrated Housing Rule does not relate to occupancy of units but to restrictions on units, so as long as a property does not have LURA restrictions that require that more than the proscribed number of units are reserved specifically for persons with disabilities (not a proscription on the number of homeless), then a waiver to the Board would not

even be required. Because the requested revision to this part of the rule was not contemplated at the time of this proposed amendment, and others who would have comment on its removal have not had the opportunity to provide input, the Department is unable to make such a revision at this time. However, the Department will bring this issue up again with the Department's Disability Advisory Workgroup, and consider bringing the rule out for comment again. No changes to the amendment are being made at this time.

STATUTORY AUTHORITY. The new sections are proposed pursuant to Tex. Gov't Code, §2306.053, which authorizes the Department to adopt rules. Except as described herein the proposed new sections affect no other code, article, or statute.

§1.15. Integrated Housing Rule

(a) Purpose. It is the purpose of this section to provide a standard by which Developments funded by the Department offer an integrated housing opportunity for Households with Disabilities. This rule is authorized by Tex. Gov't Code, §2306.111(g) that promotes projects that provide integrated affordable housing.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this Part that govern the program associated with the funded or awarded Development, or assigned by federal or state law.

(2) Integrated Housing--Living arrangements typical of the general population. Integration is achieved when Households with Disabilities have the option to choose housing units that are located among units that are not reserved or set aside for Households with Disabilities. Integrated Housing is distinctly different from assisted living facilities/arrangements.

(3) Households with Disabilities--A Household composed of one or more persons, at least one of whom is an individual who is determined to have a physical or mental impairment that substantially limits one or more major life activities; or having a record of such an impairment; or being regarded as having such an impairment. Included in this meaning is the term handicap as defined in the Fair Housing Act or disability as defined by other applicable federal or state law.

(c) Applicability. This rule applies to:

(1) All Multifamily Developments subject to ~~Chapter 10 of this Title, Uniform Multifamily Rules, Chapter 11 of this Title (relating to Qualified Allocation Plan (QAP)), Chapter 12 of this Title (relating to Multifamily Housing Revenue Bond Rules), and Chapter 13 of this Title (relating to Multifamily Direct Loan Rule)~~, with the exclusion of Transitional Housing Developments;

(2) Single Family Developments subject to Chapter 23, Subchapter G, of this Title, relating to HOME Program Single Family Developments, or done with Neighborhood Stabilization Program funds, with the exclusion of Scattered-site developments, meaning one to four family dwellings located on sites that are on non-adjacent lots, with no more than four units on any one site; and

(3) Only the restrictions or set asides placed on Units through a Contract, LURA, or financing source that limits occupancy to Persons with Disabilities. This rule does not prohibit a Development from having a higher percentage of actual occupants who are Persons with Disabilities.

(4) Previously awarded Multifamily Developments that would no longer be compliant with this rule are not considered to be in violation of the percentages described in subsection (d)(2) or subsection (d)(3) of this Title

if the award is made prior to September 1, 2018, and the restrictions or set asides were already on the Development or proposed in the Application for the Development.

(d) Integrated Housing Standard. Units exclusively set aside or containing a preference for Households with Disabilities must be dispersed throughout a Development.

(1) A Development may not market or restrict occupancy solely to Households with Disabilities unless required by a federal funding source.

(2) Developments with 50 or more Units shall not exclusively set aside more than 25 percent of the total Units in the Development for Households with Disabilities.

(3) Developments with fewer than 50 Units shall not exclusively set aside more than 36 percent of the Units in the Development for Households with Disabilities.

(e) Board Waiver. The Board may waive the requirements of this rule if the Board can affirm that the waiver of the rule is necessary to serve a population or subpopulation that would not be adequately served without the waiver, and that the Development, even with the waiver, does not substantially deviate from the principle of Integrated Housing.

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BOARD ACTION REQUEST

EXECUTIVE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action on an order adopting an amendment to 10 TAC §1.405, Bonding Requirements, and directing its publication for adoption in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, pursuant to Tex. Gov't Code §2306.053, the Texas Department of Housing and Community Affairs (the Department) is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, Subchapter D of Chapter 1 provides specific requirements that are applicable for Department recipients of federal and state funds;

WHEREAS, 10 TAC §1.405, Bonding Requirements, does not identify the Homeless Housing and Services Program (HHSP) or Ending Homelessness Fund (EH Fund) as having applicability under this section, however HHSP and EH Fund are in fact subject to this rule based on the State of Texas Uniform Grant Management Standards as reflected in 10 TAC §1.204(a), and this rule amendment will add HHSP and EH Fund to the list of applicable programs; and

WHEREAS, the proposed rule was approved by the Board in February 2019 to be released for public comment which was accepted from March 8, 2019, through April 8, 2019, and no public comment was received;

NOW, therefore, it is hereby

RESOLVED, that the amendment to 10 TAC §1.405, Bonding Requirements, is hereby adopted; and

FURTHER RESOLVED, that the Executive or Acting Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department to cause the adopted amendment to 10 TAC §1.405, Bonding Requirements, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing, including the preparation of the subchapter specific preambles and any requested revisions to the preambles.

BACKGROUND

10 TAC Chapter 1, Subchapter D, provides specific requirements that are applicable for Department recipients of federal and state funds. Specifically §1.405, addresses Bonding Requirements. When this rule was last amended in December 2016, it did not identify that the Homeless Housing and Services Program (HHSP) was obligated to perform under this section. However, in accordance with the State of Texas Uniform Grant Management Standards, which govern state funds, HHSP, which is funded with

state general revenue, is required to adhere to the bonding requirements of this section. Since that time, the EH fund has been established. This rule amendment will add HHSP and the EH Fund to the list of applicable programs. Behind the preamble for the proposed amendment the rule is shown reflecting the proposed correction. The rule will also update several statutory citations. No comment was received and no changes have been made since the draft was released for comment.

Attachment 1: Preamble, including required analysis, for adopting the amendment to 10 TAC §1.405, Bonding Requirements

The Texas Department of Housing and Community Affairs (the Department) adopts an amendment to 10 TAC Chapter 1, Administration, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.405, Bonding Requirements. The purpose of the revision is to add the Homeless Housing and Services Program (HHSP) and Ending Homelessness Fund (EH Fund) to the list of programs which are subject to the requirements of this section. HHSP and EH Fund are not currently listed under this section. However, in accordance with the State of Texas Uniform Grant Management Standards, which govern state fund awards to local governments, HHSP which is funded with state general revenue, and EH Fund are required to adhere to the bonding requirements of this section. This rule amendment adds HHSP and EH Fund to the list of applicable programs, as well as makes several revisions to statutory citations.

Tex. Gov't Code §2001.0045(b) does not apply to the rule amendment under exception item (9) because it is necessary to implement state legislation, specifically making sure that state funds are appropriately identified as being subject to the Uniform Grant Management Standards. However, even though excepted, there is no cost to this rule action because HHSP subrecipients have already had bonding requirements in place contractually. The correction is only administrative in nature. Because no costs are associated with this proposed rule action, no costs or impacts warrant a need to be offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX GOV'T CODE §2001.0221.

Mr. Cervantes has determined that, for the first five years the amendment will be in effect:

1. The amended rule does not create or eliminate a government program, but relates to the activity of the Department to ensure that Developments appropriately follow applicable regulations regarding bonding.
2. The amended rule does not require a change in work that will require the creation of new employee positions, nor is the amendment significant enough to reduce work load to a degree that any existing employee positions are eliminated.
3. The amended rule does not require additional future legislative appropriations.
4. The amended rule does not result in an increase in fees paid to the Department nor in a decrease in fees paid to the Department
5. The amended rule is not creating a new regulation, it is merely administratively adding a program to which this section of rule will be applicable. Those program subrecipients are already subject to this requirement contractually.
6. The amended rule makes as noted in number 5 above.

7. The amended rule will increase the number of entities subject to the rule's applicability by adding the HHSP subrecipients; however, those subrecipients are contractually already obligated to such requirements. Therefore, while new in rule, it is not in fact a new requirement for those entities.

8. The amended rule will not negatively nor positively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX GOV'T CODE §2006.002. The Department, in drafting this rule, has attempted to reduce any adverse economic effect on small or micro-business or rural communities while remaining consistent with the statutory requirements of Tex. Gov't Code, §2306.111(g).

1. The Department has evaluated this action and determined that none of the adverse affect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule relates to the Department ensuring that Developments already participating in Department programs adhere to appropriate bonding requirements and only adds the nine subrecipients that are eligible under the HHSP. As none of those subrecipients would classify as small or micro-businesses, no small or micro-businesses are subject to the rule.

3. The Department has determined that because HHSP subrecipients are not small or micro-businesses, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX GOV'T CODE §2007.043. The amended rule does not contemplate nor authorize a taking by the Department; therefore no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX GOV'T CODE §2001.024(a)(6).

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the amended rule has no economic effect on local employment because the rule relates only to formalizing a requirement that was already in contract.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that this rule is already effectively in practice contractually, there are no "probable" effects of the new rule on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX GOV'T CODE §2001.024(a)(5). David Cervantes, Acting Director, has determined that, for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of the amended section will be assurance that programs subject to bonding requirements are reflected as such in rule. There will not be any economic cost to any individuals subject to the amended rule as the processes described by the rule have already been in existence.

f. FISCAL NOTE REQUIRED BY TEX GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the amended section is in effect, enforcing or administering the amended section does not have any foreseeable implications related to costs or revenues of the state or local governments.

g. PUBLIC COMMENT AND REASONED RESPONSE. The public comment period was held from March 8, 2019, to April 8, 2019, to receive input on the proposed repeal. No public comment was received.

STATUTORY AUTHORITY. The new sections are proposed pursuant to Tex. Gov't Code, §2306.053, which authorizes the Department to adopt rules. Except as described herein the proposed new sections affect no other code, article, or statute.

§1.405, Bonding Requirements

(a) The requirements described in this subsection relate only to construction or facility improvements for DOE WAP, HOME, CDBG, NSP, [HHSP](#), [EH Fund](#), and ESG Subrecipients.

(1) For construction contracts exceeding \$100,000, the Subrecipient must request and receive Department approval of the bonding policy and requirements of the Subrecipient to ensure that the Department is adequately protected.

(2) For construction contracts in excess of \$100,000, and for which the Department has not made a determination that the Department's interest is adequately protected, a "bid guarantee" from each bidder equivalent to 5% of the bid price shall be requested. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified. A bid bond in the form of any of the documents described in this paragraph may be accepted as a "bid guarantee."

(A) A performance bond on the part of the Subrecipient for 100% of the contract price. A "performance bond" is one executed in connection with a contract, to secure fulfillment of all obligations under such contract.

(B) A payment bond on the part of the subcontractor/vendor for 100% of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

(C) Where bonds are required, in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR Part 223, "Surety Companies Doing Business with the United States."

(b) A unit of government must comply with the bond requirements ~~contained in~~ [Texas Civil Statutes, Articles 2252, 2253, and 5160, and including Tex. Gov't Code ch. 2253 and Tex. Local Government Gov't Code, §252.044 and §262.032](#), as applicable.

10

BOARD ACTION REQUEST

COMPLIANCE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, and an order proposing new Subchapter H, Income and Rent Limits, and directing their publication for public comment in the Texas Register

RECOMMENDED ACTION

WHEREAS, pursuant to Tex. Gov't Code §2306.053, the Texas Department of Housing and Community Affairs (the Department) is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, pursuant to Tex. Gov't Code §2001.039, state agencies are required to review a rule every four years to assess whether the reasons for initially adopting the rule continue to exist;

WHEREAS, 10 TAC Chapter 10 Subchapter H codifies the income and rent limits applicable to the multifamily programs administered by the Department, and this rule was last acted upon in 2014;

WHEREAS, the Department recommends to the Board that there is a continuing need for this rule to exist, and that it is in need of changes to add two new programs, the Tax Credit Assistance Program Repayment Funds (TCAP RF) and National Housing Trust Fund (NHTF), and to address changes in IRC §42, to provide income and rent limits at 20%, 30%, 40%, 50%, 60%, 70%, and 80% of Area Median Gross Income for the Housing Tax Credit program; and

WHEREAS, upon Board approval, the proposed rule will be submitted to the Texas Register to be released for public comment which will be accepted from May 10, 2019, through June 10, 2019;

NOW, therefore, it is hereby

RESOLVED, that the proposed repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, and proposed new Subchapter H, Income and Rent Limits, are hereby approved; and

FURTHER RESOLVED, that the Acting Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department

to cause the proposed repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, and proposed new Subchapter H, Income and Rent Limits, in the form presented to this meeting, to be published in the Texas Register and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing including the preparation of the subchapter specific preambles and any requested revisions to the preambles.

BACKGROUND

Tex. Gov't Code §2001.039 requires that state agencies review a rule every four years to assess whether the reasons for initially adopting the rule continue to exist; based on the assessment the Department can then proceed with a repeal, amendments, or other rule change actions. This rule, 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, exceeds this four year review period. In the case of this rule, staff has determined that there are significant enough revisions to warrant repeal and proposal of a new rule in its place. This type of action is an acceptable response to the four year review requirement, and "resets the clock" on that review period.

The Department needs to update the rule regarding income and rent limits to incorporate the limits for TCAP RF and NHTF. In addition, the Department now needs to provide income and rent limits at 20%, 30%, 40%, 50%, 60%, 70% and 80% of Area Median Gross Income for the Housing Tax Credit program because of the new federal provisions related to Income Averaging. The proposed amendments and new rule will address which income and rent limits apply to Developments with these funds. More specific changes are listed below:

- 10 TAC §10.1002, Definitions, is being amended to clarify the distinction between TCAP RF and the Tax Credit Assistance Program (TCAP), which is also administered by the Department.
- Amendments to 10 TAC §10.1003 and 10 TAC §10.1004 propose that the Department will use Multifamily Tax Subsidy Limits for 20%, 30%, 40%, 50%, 60%, 70% and 80% of Area Median Gross Income if they are released by the U.S. Department of Housing and Urban Development (HUD). If HUD does not release each of those limits, the proposed amendment codifies how the Department will calculate the limits.
- TCAP RF is a Multifamily Direct Loan program, and is primarily awarded as a source of HOME match funds; therefore, 10 TAC §10.1005, which codifies the applicable income and rent limits for HOME and NSP, is being amended to include TCAP RF with these other programs.
- A new section, 10 TAC §10.1006, is added to address the income and rent limits for NHTF, which are published annually by HUD. HUD has determined that the applicable income and rent limits will be the greater of the 30% Area Median Gross Income or the federal poverty line.

Attachment 1: Preamble, including required analysis, for proposed repeal of 10 TAC, Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC, Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits. The purpose of the proposed repeal is to eliminate an outdated rule while adopting a new updated rule under separate action.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

1. David Cervantes, Acting Director, has determined that, for the first five years the proposed repeal would be in effect, the proposed repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous adoption making changes to the rule governing Income and Rent Limits.

2. The proposed repeal does not require a change in work that would require the creation of new employee positions, nor would the repeal reduce work load to a degree that any existing employee positions are eliminated.

3. The proposed repeal does not require additional future legislative appropriations.

4. The proposed repeal does not result in an increase in fees paid to the Department nor in a decrease in fees paid to the Department.

5. The proposed repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The proposed repeal will repeal an existing regulation, but is associated with the simultaneous readoption making changes to the existing rule for Income and Rent Limits.

7. The proposed repeal will not increase nor decrease the number of individuals subject to the rule's applicability.

8. The proposed repeal will not negatively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated this proposed repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The proposed repeal does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the proposed repeal as to its possible effects on local economies and has determined that for the first five years the proposed repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that, for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result

of the repealed sections would be elimination of an outdated rule while proposing a new updated rule under separate action. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the proposed repeal is in effect, enforcing or administering the repealed sections does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed repeal. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or patricia.murphy@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, JUNE 10, 2019.

STATUTORY AUTHORITY. The proposed repeal is made pursuant to Tex. Gov't Code, §2306.053, which authorizes the Department to adopt rules. Except as described herein the proposed amended sections affect no other code, article, or statute.

- §10.1001 Purpose
- §10.1002 Definitions
- §10.1003 Tax Exempt Bond Developments
- §10.1004 Housing Tax Credit Properties, TCAP, Exchange and HTF
- §10.1005 HOME and NSP

Attachment 2: Preamble, including required analysis, for proposed new 10 TAC, Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC, Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits. The purpose of the proposed rule is to make changes to add two new programs - the Tax Credit Assistance Program Repayment Funds (TCAP RF) and National Housing Trust Fund (NHTF) - and to address changes in IRC §42, to provide income and rent limits at 20%, 30%, 40%, 50%, 60%, 70% and 80% of Area Median Gross Income for the Housing Tax Credit program, as well as make other non-substantive administrative corrections.

Tex. Gov't Code §2001.0045(b) does not apply to the rule being adopted under items (4) of that section because these changes are necessary to comply with federal law. In spite of the exception, it should be noted that no costs are associated with this action that would have prompted a need to be offset.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

David Cervantes, Acting Director, has determined that, for the first five years the proposed rule will be in effect:

1. The new rule does not create or eliminate a government program, but relates to the readoption of this rule which makes changes to ensure all applicable federal requirements relating to income and rent limits are specified.
2. The new rule does not require a change in work that would require the creation of new employee positions, nor will it reduce work load to a degree that eliminates any existing employee positions.
3. The new rule changes do not require additional future legislative appropriations.
4. The new rule will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The new rule is not creating a new regulation, except that it is replacing a rule being repealed simultaneously to provide for revisions.
6. The rule will not limit, expand, or repeal an existing regulation but merely revises a rule.
7. The new rule does technically increase the number of individuals to whom this rule applies, as several new programs are being added; however, those Developments are already required to satisfy specific rent and income limits through Land Use Restriction Agreements, and this rule merely provides the specific detail on how that will be handled.
8. The new rule will not negatively nor positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

1. The Department has evaluated this rule and determined that none of the adverse affect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule provides specific detail on how income and rent limits will be applied for a variety of federal programs. Other than in the case of a small or micro-business that participates in one of these programs, no small or micro-businesses are subject to the rule. If a small or micro-business does participate in a program, the rule provides a clear set of regulations for the handling of income and rent limits.

3. The Department has determined that because this rule relates only to a revision to a rule, and the rule changes do not specifically relate to geographic location or business size, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new rule does not contemplate nor authorize a taking by the Department, therefore no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the new rule has no economic effect on local employment because this rule relates only to the establishment of income and rent limits in existing or proposed multifamily properties; therefore no local employment impact statement is required to be prepared for the rule.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that the rule is applicable to all properties statewide, there are no "probable" effects of the new rule on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the proposed new rule will be a clearer rule for properties and assurance that the rules include income and rent limits for all applicable federal programs. There will be no economic cost to any individuals required to comply with the proposed new rule because the activities described by the rule has already been in existence.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the new sections are in effect, enforcing or administering the new sections does not have any foreseeable implications related to costs or revenues of the state or local governments as this rule relates to a process that already exists and is not being significantly revised.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed new rule. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or patricia.murphy@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, JUNE 10, 2019.

10 TAC Subchapter H Income and Rent Limits

§10.1001 Purpose

The purpose of this subchapter is to codify the income and rent limits applicable to the multifamily programs administered by the Texas Department of Housing and Community Affairs (the "Department"). The Department may, but is not required to, calculate and provide income and rent limits for programs administered by the Department. Income and rent limits will be derived from data released by Federal agencies including the U.S. Department of Housing and Urban Development (HUD).

§10.1002 Definitions

(a) Unless otherwise defined here terms have the meaning in §11.1 10.3 of this part chapter (relating to Definitions), or federal or state law.

(b) Multifamily Tax Subsidy Program Imputed Income Limit--Using the income limits provided by HUD pursuant to §142(d), the imputed income limit is the income limitation which would apply to individuals occupying the unit if the number of individuals occupying the unit were as described in paragraphs (1) and (2) of this subsection:

(1) In the case of a unit which does not have a separate bedroom, 1 individual; or

(2) In the case of a unit which has 1 or more separate bedrooms, 1.5 individuals for each separate bedroom.

(c) Tax Credit Assistance Program (TCAP)--Funds awarded as part of the American Recovery and Reinvestment Act to assist Low Income Housing Tax Credit projects funded during 2007, 2008, and 2009.

(d) Tax Credit Assistance Program Repayment Funds (TCAP RF)--Multifamily Direct Loan funds made available through income generated from loan repayments from the Tax Credit Assistance Program.

§10.1003 Tax Exempt Bond Developments

(a) Tax Exempt Bond Developments must use the Multifamily Tax Subsidy Program (MTSP) income limits released by HUD, generally, on an annual basis. The MTSP limit tables include:

(1) The ~~50% percent~~ and ~~60% percent~~ Area Median Gross Income (AMGI) by household size.

(2) In areas where the income limits did not decrease in 2007 and 2008 because of HUD's hold harmless policy, a HERA Special ~~50% percent~~ and HERA Special ~~60% percent~~ income limit by household size. These higher limits can only be used if at least one building in the Project was placed in service on or before December 31, 2008.

(b) If HUD releases a ~~20%, 30% percent, 40% percent, 60% percent, 70% or 80% percent~~ income limit in the MTSP charts the Department will make that data available without any calculations. Otherwise, the following ~~methodology calculation~~ will be used, without rounding, to determine additional income limits:

(1) To calculate the 20% AMGI, the 50% AMGI limit will be multiplied by .40 or 40%.

(2) To calculate the ~~30% percent~~ AMGI, the ~~50% percent~~ AMGI limit will be multiplied by .60 or ~~60% percent~~.

(3) To calculate the ~~40% percent~~ AMGI, the ~~50% percent~~ AMGI limit will be multiplied by .80 or ~~80% percent~~.

~~(43)~~ To calculate the ~~60% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.2 or ~~120% percent~~.

~~(5)~~ To calculate the 70% AMGI, the 50% AMGI limit will be multiplied by 1.4 or 140%.

~~(64)~~ To calculate the ~~80% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.6 or ~~160% percent~~.

(c) The Land Use Restriction Agreement (LURA) for some, but not all, Tax Exempt Bond properties restricts the amount of rent the Development Owner is permitted to charge. If the LURA restricts rents, rent limits will be calculated in accordance with §10.1004(d) of this subchapter (relating to Housing Tax Credit Properties, TCAP, Exchange and HTF).

(d) Tax Exempt Bond LURAs are hereby amended to be consistent with this section.

(e) The Department will make available a memorandum in a recordable form reflecting the applicable rent limits in accordance with this section and the legal description of the affected property. The owner of the property will bear any costs associated with recording such memorandum in the real property records for the county in which the property is located.

(f) Nothing in this section prevents a Development Owner from pursuing a Material Amendment to their LURA in accordance with the procedures found in §10.405 of this chapter (relating to Amendments and Extensions).

§10.1004 Housing Tax Credit Properties, TCAP, Exchange and ~~SHTF HTF~~

(a) Except for certain rural properties, Housing Tax Credit, TCAP, Exchange, and ~~SHTF HTF~~ Developments must use the Multifamily Tax Subsidy Program (MTSP) income limits released by HUD, generally, on an annual basis. The MTSP limit tables include:

(1) The ~~50% percent~~ and ~~60% percent~~-Area Median Gross Income (AMGI) by household size.

(2) In areas where the income limits did not decrease in 2007 and 2008 because of HUD's hold harmless policy, a HERA Special ~~50% percent~~ and HERA Special ~~60% percent~~-income limit by household size. These higher limits can only be used if at least one building in the Project (as defined on line 8b on Form 8609) was placed in service on or before December 31, 2008.

(b) If HUD releases a ~~20%, 30% percent, 40% percent, 60% percent, 70% -or 80% percent~~-income limit in the MTSP charts, the Department will use that data. Otherwise, the following calculation will be used, without rounding, to determine additional income limits:

~~(1)~~ To calculate the 20% AMGI, the 50% AMGI limit will be multiplied by .40 or 40%.

~~(24)~~ To calculate the ~~30% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by .60 or ~~60% percent~~.

~~(32)~~ To calculate the ~~40% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by .80 or ~~80% percent~~.

~~(43)~~ To calculate the ~~60% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.2 or ~~120% percent~~.

~~(5)~~ To calculate the 70% AMGI, the 50% AMGI limit will be multiplied by 1.4 or 140%.

~~(4)~~ To calculate the ~~80% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.6 or ~~160% percent~~.

(c) Treatment of Rural Properties. Section 42(i)(8) of the Code permits certain Housing Tax Credit, Exchange, and Tax Credit Assistance properties to use the national non-metropolitan median income limit when the area median gross income limit for a place is less than the national non-metropolitan median income. The Department will identify rural eligible places in accordance with:

(1) Section 520 of the Housing Act of 1949 as amended from time to time; and

(2) Chapter 2306 of the Texas Government Code, as amended from time to time.

(3) The Department allows the use of rural income limits for SHTF ~~HTF~~ multifamily rental Developments that are considered rural using the process described in this subsection.

(d) Rent limits are a calculation of income limits and cannot exceed ~~30% percent~~ of the applicable Imputed Income Limit. Rent limits are published by number of bedrooms and will be rounded down to the nearest dollar. Example 1004(1): To calculate the ~~30% percent~~ 1 bedroom rent limit:

(1) Determine the imputed income limited by multiplying the number of bedrooms by 1.5: 1 bedroom x 1.5 persons = 1.5.

(2) To calculate the 1.5 person income limit, average the 1 person and 2 person income limits: If the 1 person ~~30% percent~~ income limit is \$12,000 and the 2 person ~~30% percent~~ income limit is \$19,000, the imputed income limit would be \$15,500 ($\$12,000 + \$19,000 = \$31,000/2 = \$15,500$).

(3) To calculate the ~~30% percent~~ 1 bedroom rent limit, multiply the imputed income limit of \$15,500 by ~~30% percent~~, then divide by 12 months and round down. In this example, the ~~30% percent~~ 1 bedroom limit is \$387 ($\$15,500 \text{ times } \del{30\% \text{ percent}} \text{ divided by } 12 = \$387.50 \text{ per month. Rounded down the limit is } \387).

Example 1004(2): to calculate the ~~50% percent~~ 2 bedroom rent limit:

(A) Determine the imputed income limited to be calculated by multiplying the number of bedrooms by 1.5: 2 bedrooms x 1.5 persons = 3.

(B) The 3 person income limit is already published; for this example the applicable 3 person ~~50% percent~~ income limit is \$27,000.

(C) To calculate the ~~50% percent~~ 2 bedroom rent limit, multiply ~~the~~ \$27,000 by ~~30% percent~~, then divide by 12. In this example, the ~~50% percent~~ 2 bedroom limit is \$675 ($\$27,000 \text{ times } \del{30\% \text{ percent}} \text{ divided by } 12 = \675 . No rounding is needed since the calculation yields a whole number).

(e) The Department releases rent limits assuming that the gross rent floor is set by the date the Housing Tax Credits were allocated.

(1) For a ~~9% percent~~ Housing Tax Credit, the allocation date is the date the Carryover Agreement is signed by the Department.

(2) For a ~~4% percent~~ Housing Tax Credit, the allocation date is the date of the Determination Notice.

(3) For TCAP, the allocation date is the date the accompanied credit was allocated.

(4) For Exchange, the allocation date is the effective date of the Subaward agreement.

(f) Revenue Procedure 94-57 permits, but does not require, owners to set the gross rent floor to the limits that are in effect at the time the Project (as defined on line 8b on Form 8609) places in service. However, this election must be made prior to the Placed in Service Date. A Gross Rent Floor Election form is available on the Department's website. Unless otherwise elected, the initial date of allocation described in subsection (e) of this section will be used.

(1) In the event an owner elects to set the gross rent floor based on the income limits that are in effect at the time the Project places in service and wishes to revoke such election, prior approval from the Department is required. The request will be treated as non-material amendment, subject to the fee

described in ~~§11.901-10.901~~ of this chapter (relating to Fee Schedule) and the process described in §10.405 of this chapter (relating to Amendments and Extensions).

(2) An owner may request to change the election only once during the Compliance Period.

(g) For the SHTF ~~HTF~~ program, the date the LURA is executed is the date that sets the gross rent floor.

(h) Held Harmless Policy.

(1) In accordance with Section 3009 of the Housing and Economic Recovery Act of 2008, once a Project (as defined on line 8b on Form 8609) places in service, the income limits shall not be less than those in effect in the preceding year.

(2) Unless other guidance is received from the U.S. Treasury Department, in the event that a place no longer qualifies as rural, a Project that was placed in service prior to loss of rural designation can continue to use the rural income limits that were in effect before the place lost such designation for the purposes of determining the applicable income and rent limit. However, if in any subsequent year the rural income limits increase, the existing project cannot use the increased rural limits. Example 1004(3): Project A was placed in service in 2010. At that time, the place was classified as Rural. In 2012 that place lost its rural designation. The rural income limits increased in 2013. Project A can continue to use the rural income limits in effect in 2012 but cannot use the higher 2013 rural income limits. For owners that execute a carryover for a Project located in a rural place that loses such designation prior to the placed in service date, unless other guidance is received from the U.S. Treasury Department, the Department will monitor using the rent limits calculated from the rural limits that were in effect at the time of the carryover. However, for the purposes of determining household eligibility, such Project must use the applicable MTSP income limits published by HUD.

§10.1005 HOME, TCAP RF, and NSP

(a) HOME and TCAP RF Developments must use the HOME Program Income and Rent Limits that are calculated annually by HUD's Office of Policy Development and Research (PDR). The limits are made available for each Metropolitan Statistical Areas (MSA), Primary Metropolitan Statistical Areas (PMSA) and Area, District or County by State.

(1) Upon publication, the Department will determine which counties are in each MSA, PMSA, Area or District.

(2) Generally, PDR publishes income limits in tables identifying the following Area Median Gross Income (AMGI) by household size:

(A) Extremely Low-Income Limits which are generally 30% of median income, which will be shown as the 30% limit in the Department's income limits;

(B) Very Low-Income Limits which are generally 50% percent of median income, but not less than the State non-metropolitan median which will be shown as the 50% percent limit in the Department's income limits;

(C) 60% percent-Limits;

(D) Low-Income Limits which are generally 80% percent of the median income, but capped at the national median income with some exceptions which will be shown as the 80% percent limits in the Department's income limits.

(3) If not published, the Department will use the following methodology to calculate, without rounding, additional income limits from the HOME Program income limits released by PDR:

(A) To calculate the ~~30% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by .60 or ~~60% percent~~.

(B) To calculate the ~~40% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by .80 or ~~80% percent~~.

(C) To calculate the ~~60% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.2 or ~~120% percent~~.

(b) PDR publishes High and Low HOME rent limits by bedroom size.

(c) PDR does not publish a ~~30% percent~~ or ~~40% percent~~-rent limits that certain HOME and TCAP RF Developments are required to use. These limits will be calculated using the same formulas described in §10.1004 of this subchapter (relating to Housing Tax Credit Properties, TCAP, Exchange and ~~SHTF-HTF~~).

(d) In the event that PDR publishes rent limits after the HOME program income limits, the Department permits HOME and TCAP RF Developments to delay the implementation of the ~~30% percent~~ and ~~40% percent~~-rent limits until the High and Low HOME rent limits must be used.

(e) NSP income limits are published annually by HUD for each county with tables identifying the ~~50% percent~~-AMGI and ~~120% percent~~-AMGI for household size. If not published, the Department will use the following methodology to calculate, without rounding, additional income limits from the HOME Program income limits released by HUD:

(1) To calculate the ~~30% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by .60 or ~~60% percent~~.

(2) To calculate the ~~40% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by .80 or ~~80% percent~~.

(3) To calculate the ~~60% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.2 or ~~120% percent~~.

(4) To calculate the ~~80% percent~~-AMGI, the ~~50% percent~~-AMGI limit will be multiplied by 1.6 or ~~160% percent~~.

(f) If the LURA for an NSP Development restricts rents, the amount of rent the Development Owner is permitted to charge will be the High or Low HOME rent published by PDR or calculated in the same manner described in §10.1004 of this subchapter using the HOME income limits.

§10.1006 National Housing Trust Fund (NHTF)

(a) The 30% National Housing Trust Fund Income and Rent Limits are calculated annually by HUD's Office of Policy Development and Research ("PDR"). The limits are made available for each Metropolitan Statistical Areas (MSA), Primary Metropolitan Statistical Areas ("PMSA") and Area, District or County by State. Generally, PDR publishes income limits in tables identifying the Area Median Gross Income ("AMGI") by household size. The 30% NHTF income limit is the greater of the 30% limit and the federal poverty line. The 15% NHTF income limit will be half of the 30% NHTF income limit.

(b) PDR publishes 30% NHTF Rent Limits by bedroom size. The 30% NHTF rent limit is calculated based on the greater of the 30% AMGI or the federal poverty line. The 15% NHTF rent limit will be half of the 30% NHTF rent limit.

2a

TDHCA Outreach Activities, March - April

A compilation of outreach and educational activities designed to enhance the awareness of TDHCA programs and services among key stakeholder groups and the general public.

Activity	Event	Date	Location	Division
Training	Implementing Income Averaging Webinar	March 26	N/A	Compliance (co-hosted with Tx. Apartment Assc.)
Homebuyer Fair	NeighborWorks Laredo – 8 th Annual Home Fair Expo	March 30	Laredo	Homeownership
Public Hearing	Public hearing for Northgate Village Apartments	April 2	Dallas, TX	Multifamily Finance
Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 2	Houston, TX	Multifamily Finance
Public Hearing	Public hearing for Lago de Plata Apartments	April 2	Corsicana, TX	Multifamily Finance
Training	Income Determination Training	April 4	Austin, TX	Compliance
Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 4	Palestine, TX	Multifamily Finance
Webinar	Fair Housing Month Webinar	April 9	N/A	Fair Housing (in coordination with TX Workforce Commission)
Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 9	El Paso, TX	Multifamily Finance
Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 9	Harlingen, TX	Multifamily Finance
Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 9	Austin, TX	Multifamily Finance
Public Hearing	Draft State of Texas Analysis of Impediments (AI) to Fair Housing Choice	April 10	San Antonio, TX	Fair Housing
Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 10	Lubbock, TX	Multifamily Finance
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 11	Killeen, TX	Fair Housing

Public Hearing	Comment on 2019 Housing Tax Credit Applications	April 11	Dallas, TX	Multifamily Finance
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 12	Austin, TX	Fair Housing
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 15	El Paso, TX	Fair Housing
Training	AmCap Mortgage 3 rd Annual DPA training	April 16	Dallas, TX	Homeownership
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 16	Midland, TX	Fair Housing
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 16	Lubbock, TX	Fair Housing
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 17	Wichita Falls, TX	Fair Housing
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 18	Dallas, TX	Fair Housing
Public Hearing	Draft State of Texas AI to Fair Housing Choice	April 18	Longview, TX	Fair Housing
Training	Texas Affordable Housing Specialist – Course: United Texas – Housing Initiatives that Work	April 23	McAllen, TX	Homeownership

Internet Postings of Note

A list of new or noteworthy postings to the Department's website.

Amy Young Barrier Removal

- Updated Soft Cost Invoice form
- Posted updated Program Manual

Asset Management

- Added Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement (Grove Park Terrace)
- Added Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application (2400 Bryan Street)

Colonias

- Updated population data and Colonias' background page

Communications:

- Posted promotional graphics to spotlight National Fair Housing Month, homepage article "We want to hear from you!"

- Posted homepage article “Housing with a purpose” related to licensing of migrant labor housing facilities

Community Affairs

- Added under the Systematic Alien Verification for Entitlements (SAVE) Program: Household Status Verification Information, U.S. Citizenship/U.S. National and SAVE Certification form, U.S. Citizenship Documentation Matrix, Frequently Asked Questions, Request Supervisor User Access to SAVE System, SAVE Tutorial
- Added 2019 Rider 14 Report under Annual Weatherization Report to Texas Legislature
- Updated Master List of Community Affairs Subrecipients (linked to a pdf)
- Posted Cost Allocation and Cost Allocation Plans Webinar from U.S. Dept. of Labor
- Replaced CSBG National Performance Indicators Target Revision Request Form
- Added CSBG Evaluation of Yearly Performance to Video Library

Fair Housing

- Added Draft State of Texas AI to Fair Housing Choice Process, public comment details
- Added 2019 Fair Housing Overview slides/handout (pdf format)
- Added Fair Housing Related Executive Orders (HUD; Executive Orders 12892, 12898, 13166, 13217)

HOME and Homeless:

- Posted updated ESG Rental Agreement form
- Updated FY 2018 Sample Monthly Performance and Expenditure Report, FY 2018 Monthly Performance Report Guide
- Posted updated HHSP Amendment form (budget)
- Updated HOME Reservation Funds for HRA regional allocation amounts
- Posted updated version of FY 2018 Monthly Performance Report Guide
- Posted HOME Single Family Development Program Application Documents (Application Submission Procedures Manual, Application – HOME SFD Program)
- Updated HHSP description to include addition of Plano in lists of cities served

Homeownership

- Posted updates to Texas MCC buyer information to reflect lower credit rates and updated the program guide

Internal Audit

- Added 2019 Internal Audit Report of the Public Information Request function
- Added 2019 Internal Audit Review of TDHCA’s Licensing, Inspection, and Outreach for Migrant Labor Housing

Migrant Labor Housing Facilities

- Updated hotline number for migrant farm workers to call in the case of unsuitable living conditions in migrant labor housing
- Added links to the USDA agriculture activity (census) of 2012, 2015-2016 Dept. of Labor Employment and Training Administration’s National Agricultural Workers Survey
- Posted updated list of licensed migrant housing facilities (169 total)

Multifamily:

- Posted 2019-2 Multifamily Special Purpose Predevelopment NOFA (First Amendment)
- Added 2019 MFDL Individually Imaged Applications
- Added 2019 9% Housing Tax Credit Full Application Log
- Posted the 2018-1 Multifamily Direct Loan NOFA Application Log, 2019-1 Multifamily Direct Loan NOFA Application Log under Multifamily Direct Loan Program

- Posted 2019 Community Support from State Representative
- Posted 2019 Quantifiable Community Participation Letters Received
- Posted 2019 Multifamily Predevelopment Application Procedures Manual, Application, Certification, Applicant Eligibility Certification
- Added links for Appraisals, Environmental Site Assessments, Market Studies, Property Condition Assessments, Site Design Feasibility Reports under 2019 9% Competitive HTC Full Applications
- Added 2020 Qualified Allocation Project Plan Resources under NOFA and Rules
- Posted updated list of Approved Multifamily Bond Trustees
- Posted updated list of HTC Property Inventory list

NOFA

- 2018 HOME Single Family Development Program, Community Housing Development Organizations certified private nonprofit organizations
- 2019 Single Family Development Program

Program Services

- Posted revised Total Relocation Budget Worksheet in Notices and Forms for Compliance with URA and Section 104(d)
- Posted NSP1 and NSP3 Performance Reports for 2018 4th Quarter
- Added 2019 Multifamily Direct Loan Overview Webinar and Training Presentation Slides

Public Comment

- Public comment period open for Draft State of Texas Analysis of Impediments to Fair Housing Choice
- Public comment period open for Draft 2019 State of Texas Consolidated Annual Performance and Evaluation Report—Reporting on Program Year 2018

Purchasing

- Updated list of No-Bid contracts as required by state
- Listed Homebuyer Program Marketing Services Request For Proposal

Section 811 PRA

- Added Property Options Forms by County
- Added link to Google Map of Participating 811 Properties

Frequently Used Acronyms

AMFI	Area Median Family Income	LURA	Land Use Restriction Agreement
AYBR	Amy Young Barrier Removal Program	MF	Multifamily
CEAP	Comprehensive Energy Assistance Program	MFTH	My First Texas Home Program
CFD	Contract for Deed Program	MRB	Mortgage Revenue Bond Program
CFDC	Contract for Deed Conversion Assistance Grants	NHTF	National Housing Trust Fund
CHDO	Community Housing Development Organization	NOFA	Notice of Funding Availability
CMTS	Compliance Monitoring and Tracking System	NSP	Neighborhood Stabilization Program
CSBG	Community Services Block Grant Program	OIG	Office of Inspector General
		QAP	Qualified Allocation Plan
		QCP	Quantifiable Community Participation
		REA	Real Estate Analysis
		RFA	Request for Applications
		RFO	Request for Offer

ESG	Emergency Solutions Grants Program	RFP	Request for Proposals
FAQ	Frequently Asked Questions	RFQ	Request for Qualifications
HBA	Homebuyer Assistance Program	ROFR	Right of First Refusal
HHSCC	Housing and Health Services Coordination Council	SLIHP	State of Texas Low Income Housing Plan
HHSP	Homeless Housing and Services Program	TA	Technical Assistance
HRA	Homeowner Rehabilitation Assistance Program	TBRA	Tenant Based Rental Assistance Program
HRC	Housing Resource Center	TICH	Texas Interagency Council for the Homeless
HTC	Housing Tax Credit	TSHEP	Texas Statewide Homebuyer Education Program
HTF	Housing Trust Fund	TXMCC	Texas Mortgage Credit Certificate
HUD	U.S. Department of Housing and Urban Development	VAWA	Violence Against Women Act
IFB	Invitation for Bid	WAP	Weatherization Assistance Program

2b

BOARD REPORT ITEM
FINANCIAL ADMINISTRATION DIVISION
APRIL 25, 2019

Report on the Department's 2nd Quarter Investment Report in accordance with the Public Funds Investment Act

BACKGROUND

The Department's investment portfolio consists of two distinct parts. One part is related to bond funds under trust indentures that are not subject to the Public Funds Investment Act (PFIA), and the remaining portion is related to accounts excluded from the indentures but covered by the PFIA. The Department's total investment portfolio is \$972,029,441, of which \$934,751,690 is not subject to the PFIA. This report addresses the remaining \$37,277,751 (See Page 1 of the Internal Management Report) in investments covered by the PFIA. These investments are deposited in the General Fund, Housing Trust Fund, Compliance, and Housing Initiative accounts, which are all held at the Texas Treasury Safekeeping Trust Company (TTSTC), primarily in the form of overnight repurchase agreements. These investments are fully collateralized and secured by U.S. Government Securities. A repurchase agreement is the purchase of a security with an agreement to repurchase that security at a specific price and date, which in this case was March 1, 2019, with an effective interest rate of 2.48%. These investments safeguard principal while maintaining liquidity.

Below is a description of each fund group and its corresponding accounts.

- The **General Fund** accounts maintain funds for administrative purposes to fund expenses related to the Department's ongoing operations. These accounts contain balances related to bond residuals, fee income generated from the Mortgage Credit Certificate (MCC) Program, escrow funds, single family and multifamily bond administration fees, and balances associated with the Below Market Interest Rate (BMIR) Program.
- **The State of Texas Housing Trust Fund** accounts maintain funds related to programs set forth by the Housing Trust Fund funding plan. The Housing Trust Fund provides loans and grants to finance, acquire, rehabilitate, and develop decent and safe affordable housing.
- The **Compliance** accounts maintain funds from compliance monitoring fees and asset management fees collected from multifamily developers. The number of low income units and authority to collect these fees is outlined in the individual Land Use Restriction Agreements (LURAs) that are issued to each Developer. These fees are generated for the

purpose of offsetting expenses incurred by the Department related to the monitoring and administration of these properties.

- The **Housing Initiative** accounts maintain funds from fees collected from Developers in connection with the Department's Tax Credit Program. The majority of fees collected are application fees and commitment fees. The authority for the collection of these fees is outlined in the Department's Multifamily Rules. These fees are generated for the purpose of offsetting expenses incurred by the Department related to the administration of the Tax Credit Program.
- The **Ending Homelessness Trust Fund** account maintains funds from donations collected from individuals through the Texas Department of Motor Vehicles in connection with the Department's Ending Homelessness Program. The authority for the collection of these donations is outlined in House Bill 4102. These donations are collected for the purpose of providing grants to counties and municipalities to combat homelessness.

This report is in the format required by the Public Funds Investment Act. It shows in detail the types of investments, their maturities, their carrying (face amount) values, and fair values at the beginning and end of the quarter. The detail for investment activity is on Pages 1 and 2.

During the 2nd Quarter, as it relates to the investments covered by the PFIA, the carrying value increased by \$721,615 (See Page 1) for an ending balance of \$37,277,751. The change is described below by fund groups.

General Fund: The General Fund decreased by \$266,561. This consists primarily of \$466,673 received in multifamily bond administration fees and \$403,625 in MCC Fees, offset by disbursements including \$1,055,489 to fund the operating budget, and \$89,565 in bond related expenses.

The State of Texas Housing Trust Fund: The Housing Trust Fund decreased by \$1,019,749. This consists primarily of \$978,636 received in loan repayments offset by disbursements including \$1,980,771 for loans, grants and escrow payments.

Compliance: Compliance funds increased by \$2,046,008. This consists primarily of \$4,105,745 received in compliance fees, offset by disbursements of \$1,920,859 transferred to fund the operating budget.

Housing Initiative: Housing Initiative funds decreased by \$96,787. This consists primarily of \$1,134,609 received in fees related to tax credit activities, offset by disbursements of \$1,279,698 transferred to fund the operating budget.

Ending Homelessness Fund: Ending Homelessness funds increased by \$58,704. This consists primarily of donations and interest earnings on current investment balances.

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
HOUSING FINANCE DIVISION**

**PUBLIC FUNDS INVESTMENT ACT
INTERNAL MANAGEMENT REPORT (SEC. 2256.023)
QUARTER ENDING February 28, 2019**

Texas Department of Housing and Community Affairs
Non-Indenture Related Investment Summary
For Period Ending February 28, 2019

Investment Type	Issue	Current Interest Rate	Current Purchase Date	Current Maturity Date	Beginning Carrying Value 11/30/18	Beginning Market Value 11/30/18	Accretions/Purchases	Amortizations/Sales	Maturities	Transfers	Ending Carrying Value 02/28/19	Ending Market Value 02/28/19	Change In Market Value	Recognized Gain
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	647,795.73	647,795.73	18,404.29				666,200.02	666,200.02	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	34,426.77	34,426.77	167.94				34,594.71	34,594.71	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	783,314.45	783,314.45	325,437.44				1,108,751.89	1,108,751.89	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	1,861,600.32	1,861,600.32		(599,254.33)			1,262,345.99	1,262,345.99	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	806,133.12	806,133.12		(15,953.43)			790,179.69	790,179.69	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	637,800.48	637,800.48	1,193.78				638,994.26	638,994.26	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	247,141.14	247,141.14	1,391.41				248,532.55	248,532.55	-	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	780,106.78	780,106.78	5,492.75				785,599.53	785,599.53	-	0.00
GNMA	General Fund				953.22	953.12			(953.22)				0.10	0.00
Repo Agmt	General Fund	2.48	02/28/19	03/01/19	9,586.00	9,586.00		(2,487.35)			7,098.65	7,098.65	-	0.00
General Fund Total					5,808,858.01	5,808,857.91	352,087.61	(617,695.11)	(953.22)	0.00	5,542,297.29	5,542,297.29	0.10	0.00
Repo Agmt	Housing Trust Fund	2.48	02/28/19	03/01/19	122,623.41	122,623.41		(19,987.22)			102,636.19	102,636.19	-	0.00
Repo Agmt	Housing Trust Fund	2.48	02/28/19	03/01/19	4,741.13	4,741.13	1,521.96				6,263.09	6,263.09	-	0.00
Repo Agmt	Housing Trust Fund	2.48	02/28/19	03/01/19	310,746.16	310,746.16		(150,672.40)			160,073.76	160,073.76	-	0.00
Repo Agmt	General Revenue Appn	2.48	02/28/19	03/01/19	75,976.20	75,976.20		(14,469.66)			61,506.54	61,506.54	-	0.00
Repo Agmt	General Revenue Appn	2.48	02/28/19	03/01/19	1,074,861.18	1,074,861.18		(820,019.19)			254,841.99	254,841.99	-	0.00
Repo Agmt	General Revenue Appn	2.48	02/28/19	03/01/19	873,678.51	873,678.51	116,685.64				990,364.15	990,364.15	-	0.00
Repo Agmt	General Revenue Appn	2.48	02/28/19	03/01/19	228,507.31	228,507.31		(144,519.55)			83,987.76	83,987.76	-	0.00
Repo Agmt	General Revenue Appn	2.48	02/28/19	03/01/19	245,787.30	245,787.30		(250.00)			245,537.30	245,537.30	-	0.00
Repo Agmt	Housing Trust Fund-GR	2.48	02/28/19	03/01/19	1,919,382.02	1,919,382.02		(1,264,643.73)			654,738.29	654,738.29	-	0.00
Repo Agmt	Housing Trust Fund-GR	2.48	02/28/19	03/01/19	2,183,056.00	2,183,056.00	85,547.41				2,268,603.41	2,268,603.41	-	0.00
Repo Agmt	Housing Trust Fund-GR	2.48	02/28/19	03/01/19			1,618,332.42				1,618,332.42	1,618,332.42	-	0.00
Repo Agmt	Housing Trust Fund-GR				548,656.91	548,656.91		(548,656.91)					-	0.00
Repo Agmt	Bootstrap -GR	2.48	02/28/19	03/01/19	1,884,776.35	1,884,776.35		(490,050.00)			1,394,726.35	1,394,726.35	-	0.00
Repo Agmt	Bootstrap -GR	2.48	02/28/19	03/01/19	950,500.00	950,500.00	611,431.42				1,561,931.42	1,561,931.42	-	0.00
Housing Trust Fund Total					10,423,292.48	10,423,292.48	2,433,518.85	(3,453,268.66)	0.00	0.00	9,403,542.67	9,403,542.67	0.00	0.00
Repo Agmt	Multi Family	2.48	02/28/19	03/01/19	917,515.44	917,515.44		(24,014.65)			893,500.79	893,500.79	-	0.00
Repo Agmt	Multi Family	2.48	02/28/19	03/01/19	689,319.17	689,319.17	90,313.52				779,632.69	779,632.69	-	0.00
Repo Agmt	Low Income Tax Credit Prog.	2.48	02/28/19	03/01/19	5,996,246.12	5,996,246.12	1,979,709.44				7,975,955.56	7,975,955.56	-	0.00
Compliance Total					7,603,080.73	7,603,080.73	2,070,022.96	(24,014.65)	0.00	0.00	9,649,089.04	9,649,089.04	0.00	0.00
Repo Agmt	Asset Management	2.48	02/28/19	03/01/19	1,224,806.98	1,224,806.98	69,815.01				1,294,621.99	1,294,621.99	-	0.00
Repo Agmt	Low Income Tax Credit Prog.	2.48	02/28/19	03/01/19	1,366,866.25	1,366,866.25	305,424.31				1,672,290.56	1,672,290.56	-	0.00
Repo Agmt	Low Income Tax Credit Prog.	2.48	02/28/19	03/01/19	9,607,794.00	9,607,794.00		(470,023.80)			9,137,770.20	9,137,770.20	-	0.00
Repo Agmt	Low Income Tax Credit Prog.	2.48	02/28/19	03/01/19	426,931.44	426,931.44		(2,002.58)			424,928.86	424,928.86	-	0.00
Housing Initiatives Total					12,626,398.67	12,626,398.67	375,239.32	(472,026.38)	0.00	0.00	12,529,611.61	12,529,611.61	0.00	0.00
Repo Agmt	Homelessness - HB4102	2.48	02/28/19	03/01/19	94,506.35	94,506.35	58,704.15				153,210.50	153,210.50	-	0.00
Ending Homelessness Trust Fund Total					94,506.35	94,506.35	58,704.15	0.00	0.00	0.00	153,210.50	153,210.50	0.00	0.00
Total Non-Indenture Related Investment Summary					36,556,136.24	36,556,136.14	5,289,572.89	(4,567,004.80)	(953.22)	0.00	37,277,751.11	37,277,751.11	0.10	0.00

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
HOUSING FINANCE DIVISION
PUBLIC FUNDS INVESTMENT ACT
Internal Management Report (Sec. 2256.023)
Quarter Ending February 28, 2019


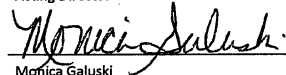
Investment Type	FAIR VALUE (MARKET) @ 11/30/18	CARRYING VALUE @ 11/30/18	ACCRETION / PURCHASES	AMORTIZATION/ SALES	MATURITIES	TRANSFERS	CARRYING VALUE @ 02/28/19	FAIR VALUE (MARKET) @ 02/28/19	CHANGE IN FAIR VALUE (MARKET)	ACCRUED INT RECVBL @ 11/30/18	RECOGNIZED GAIN
NON-INDENTURE RELATED:											
General Fund Mortgage-Backed Securities	953.12	953.22	-	-	(953.22)	-	0.00	0.00	0.10	-	-
General Fund Repurchase Agreements	5,807,904.79	5,807,904.79	352,087.61	(617,695.11)	-	-	5,542,297.29	5,542,297.29	-	-	-
Housing Trust Fund Repurchase Agreements	10,423,292.48	10,423,292.48	2,433,518.85	(3,453,268.66)	-	-	9,403,542.67	9,403,542.67	-	-	-
Compliance Repurchase Agreements	7,603,080.73	7,603,080.73	2,070,022.96	(24,014.65)	-	-	9,649,089.04	9,649,089.04	-	-	-
Ending Homelessness Trust Fund Repurchase Agreements	94,506.35	94,506.35	58,704.15	-	-	-	153,210.50	153,210.50	-	-	-
Housing Initiatives Repurchase Agreements	12,626,398.67	12,626,398.67	375,239.32	(472,026.38)	-	-	12,529,611.61	12,529,611.61	-	-	-
NON-INDENTURE RELATED TOTAL	36,556,136.14	36,556,136.24	5,289,572.89	(4,567,004.80)	(953.22)	0.00	37,277,751.11	37,277,751.11	0.10	0.00	0.00

(b) (8) The Department is in compliance with regards to investing its funds in a manner which will provide by priority the following objectives: (1) safety of principal, (2) sufficient liquidity to meet Department cash flow needs, (3) a market rate of return for the risk assumed, and (4) conformation to all applicable state statutes governing the investment of public funds including Section 2306 of the Department's enabling legislation and specifically, Section 2256 of the Texas Government Code, the Public Funds Investment Act.

Per Section 2256.007(d) of the Texas Government Code, the Public Funds Investment Act:

David Cervantes completed 5.0 hrs. of training on the Texas Public Funds Investment Act on August 11, 2017

Monica Galuski completed 5.0 hrs. of training on the Texas Public Funds Investment Act on February 8, 2019

	Date: 4/12/19
David Cervantes Acting Director	
	Date: 4/12/19
Monica Galuski Director of Bond Finance/Chief Investment Officer	

2c

BOARD REPORT ITEM

FINANCIAL ADMINISTRATION DIVISION

APRIL 25, 2019

Report on the Department's Interim Balance Sheet/Statement of Net Position for the period ended February 28, 2019.

Below is an unaudited condensed Statement of Net Position along with a description of the major categories of this statement.

Texas Department of Housing and Community Affairs			
Government Wide			
Condensed Statement of Net Position			
As of February 28, 2019			
	Governmental	Business-Type	
	Activities	Activities	Total
Assets			
Current Assets:			
Cash & Cash Equivalents	\$ 48,310,600	\$ 168,176,099	\$ 216,486,699
Federal Receivable	17,138	-	17,138
Legislative Appropriations	17,130,693	-	17,130,693
Interest Receivable	118,848	8,719,892	8,838,740
Loan and Contracts	22,820,597	119,614,599	142,435,196
Other Current Assets	35,752	676,585	712,337
Non-current Assets:			
Investments	-	846,295,353	846,295,353
Loans and Contracts	442,432,551	995,198,316	1,437,630,867
Capital Assets	107,301	93,625	200,926
Other Non-Current Assets	-	42,960	42,960
Total Assets	530,973,480	2,138,817,429	2,669,790,909
DEFERRED OUTFLOWS OF RESOURCES	6,226,231	11,740,041	17,966,272
Liabilities			
Current			
Accounts/Payroll Payables	508,112	1,417,944	1,926,056
Interest Payable	-	13,109,683	13,109,683
Unearned Revenue	13,247	8,012,513	8,025,760
Short-Term Debt	-	117,661,375	117,661,375
Net OPEB Liability	110,515	110,515	221,030
Other Current Liabilities	266,541	1,361,347	1,627,888
Non-current			
Net Pension Liability	28,910,839	30,784,686	59,695,525
Net OPEB Liability	21,669,626	21,669,626	43,339,252
Bonds Payable	-	1,441,339,957	1,441,339,957
Notes and Loans Payable	-	109,630,843	109,630,843
Derivative Hedging Instrument	-	4,784,394	4,784,394
Other Non-current Liabilities	1,095,488	125,889,463	126,984,951
Total Liabilities	52,574,368	1,875,772,346	1,928,346,714
DEFERRED INFLOWS OF RESOURCES	6,014,794	5,592,732	11,607,526
Net Position			
Invested in Capital Assets	107,301	93,625	200,926
Restricted	530,078,279	26,608,189	556,686,468
Unrestricted	(51,575,031)	242,490,578	190,915,547
Total Net Position	\$ 478,610,549	\$ 269,192,392	\$ 747,802,941

Texas Department of Housing and Community Affairs
Major Categories of the Statement of Net Position

Current Assets:	Governmental Activities	Business-Type Activities
Cash & Cash Equivalents	Cash primarily related to Tax Credit Assistance Program (TCAP), Neighborhood Stabilization Program (NSP) and Home Investment Partnership Program (HOME) loan repayments available for use in current and future Notices of Funding Availability (NOFAs).	Cash and cash equivalents in the form of overnight repurchase agreements (Repos) and money market funds primarily associated with Single Family, Multifamily and operating activities.
Legislative Appropriations	Balance of an agency's unexpended legislative appropriations authority on the balance sheet and the total spending authority received on the operating statement associated with Homeless Housing and Services Program (HHSP), Texas Housing Trust Fund (THTF) and Earned Federal Funds.	
Interest Receivable		Interest receivable primarily related to investments and mortgage loans.
Loans and Contracts		Loans and contracts consisting of mortgage loans related to My First Texas Home Program. Loans are funded with advances from Federal Home Loan Bank per an advances and security agreement. Loans are typically settled within 30 days.

Non-current Assets:

Investments		Investments stated at fair value. Primarily in the form of Mortgage Backed Securities (MBSs) and Guaranteed Investment Contracts (GICs).
Loans and Contracts	Loans made from federal funds for the purpose of Single Family loans and Multifamily development loans from HOME, TCAP, National Housing Trust Fund (NHTF) and NSP activities.	Loans and contracts consisting of mortgage loans made from Single Family and Multifamily bond proceeds. In addition, loans and contracts consist of Single Family loans and Multifamily development loans from the Texas Housing Trust Fund and other Housing Initiative Programs. Loans receivable are carried at the unpaid principal balance outstanding, net of the allowance for estimated losses.

Deferred Outflows Of Resources	The effect of changes in actuarial assumptions for pensions and Other Post-Employment Benefits (OPEB) are reported as deferred outflows of resources.	The effect of changes in actuarial assumptions for pensions and OPEB are reported as deferred outflows of resources. In addition, the Department contracted a service provider to measure its derivative effectiveness. Since the derivative instruments were deemed to be effective, the Department will be deferring the changes in fair value for these derivatives and reporting them as deferred outflow of resources.
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Liabilities/Current

Accounts/Payroll Payables	Represents the liability for the value of assets or services received at the balance sheet date for which payment is pending.	Represents the liability for the value of assets or services received at the balance sheet date for which payment is pending.
Interest Payable		Accrued interest due on bonds
Unearned Revenue		Fees such as compliance fees that are received in advance of work performed and are recognized over a period of time.
Short-Term Debt		Represents funds due to Federal Home Loan Bank of Dallas for advances used to fund the purchase of program loans. Advances occur on a daily basis and are used to purchase mortgage loans. With each MBS settlement, the advances are repaid related to the mortgage loans underlying the related MBS.

Liabilities/Non-Current

Net Pension Liability	The Department's proportionate share of the pension liability according to the report issued by the Employees Retirement System of Texas, who is the administrator of the single employer defined benefit plan.	
Net OPEB Liability	The Department's proportionate share of the OPEB liability according to the report issued by the Employees Retirement System of Texas, who is the administrator of the single employer defined benefit plan.	
Bonds Payable		Bonds payable reported at par less unamortized discount or plus unamortized premium.

Notes and Loans Payable		Notes to provide funding to nonprofit and for-profit developers of multifamily properties to construct or rehabilitate rental housing. These notes are limited obligations of the Department and are payable solely from the payments received from the assets and guarantors, which secure the notes.
Derivative Hedging Instrument		Interest rate swaps at fair value taking into account non-performance risk. At year end, the fair value of the Department's four swaps is considered to be negative indicating the Department would be obligated to pay the counterparty the fair value as of the termination date. The Department has the option to terminate prior to the maturity date.
Other Non-current Liabilities		Primarily accounts for funds due to Developers as a result of Multifamily bond proceeds. These proceeds are conduit debt issued on behalf of the Developer for the purpose of Multifamily developments and are held by the trustee.

Deferred Inflows Of Resources	The difference between expected and actual experience and the difference between projected and actual investment return related to pension and OPEB plan.
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Net Position

Restricted	Resources that have constraints placed on their use through external parties or by law through contractual provisions associated with HOME, TCAP and NSP.	Amounts restricted through bond covenants.
Unrestricted	Resources not considered restricted per accounting standards but spending authority remains under program related regulations, GAA, Government Code and Board Action. \$28.9M Pension Liability for Governmental Activities and \$30.8M for Business-Type Activities impact unrestricted Net Position. In addition, \$29.8M OPEB Liability for Governmental Activities and Business-Type Activities impact unrestricted Net Position.	

Texas Department of Housing and Community Affairs
Financial Highlights

Some of the primary categories affected were a result of the following financial transactions that transpired from December 1, 2018, through February 28, 2019.

Assets	Governmental Activities	Business-Type Activities
Current/Non-current:		
Cash & Cash Equivalents	<ul style="list-style-type: none"> • Grants Funded - \$52.6M – (Decrease Cash) <ul style="list-style-type: none"> ▪ Emergency Solutions Grants Program (ESG) - \$1.6M ▪ Community Services Block Grant (CSBG) - \$7.1M ▪ Low Income Home Energy Assistance Program (LIHEAP) - \$39.5M ▪ Department of Energy-Weatherization Assistance Program (DOE-WAP) - \$2.2M ▪ Section 8 - \$1.5M ▪ Section 811 - \$280K ▪ Homeless Housing and Services Program (HHSP) - \$431K 	<ul style="list-style-type: none"> • Fees Received - \$5.3M – (Increase Cash & Cash Equivalents) <ul style="list-style-type: none"> ▪ Multifamily Fees - \$467K ▪ Tax Credit Fees - \$936K ▪ Compliance Fees - \$3.9M
Loans and Contracts	<ul style="list-style-type: none"> • Mortgages Funded – \$7.1M – (Increase) <ul style="list-style-type: none"> ▪ Home Investment Partnership Program (HOME) - \$6.3M ▪ Tax Credit Assistance Program (TCAP) - \$388K ▪ National Housing Trust Fund (NHTF) - \$444K • Mortgage Loan Repayments - \$5.5M – (Decrease) <ul style="list-style-type: none"> ▪ HOME - \$2.5M ▪ TCAP - \$2.6M ▪ NSP - \$400K 	<ul style="list-style-type: none"> ❖ Mortgages Funded - \$338.8M – (Increase) <ul style="list-style-type: none"> ▪ Taxable Mortgage Program (TMP)- \$327.0M ▪ Down Payment Assistance Program(DPAP) - \$11.0M ▪ Texas Housing Trust Fund (Bootstrap) - \$840K ❖ Mortgage Loan Repayments - \$303.3M – (Decrease) <ul style="list-style-type: none"> ▪ DPAP - \$992K ▪ TMP - \$278.3M ▪ Multifamily Indentures - \$23.0M ▪ Texas Housing Trust Fund (Bootstrap) - \$978.6K

**Governmental
Activities**

**Business-Type
Activities**

Liabilities

Current/Non-current:

<p>Bonds Payable/ Notes Payable</p>		<ul style="list-style-type: none"> • <i>Multifamily Bonds Issued – \$35.4 – (Increase)</i> <ul style="list-style-type: none"> ▪ \$20.0M (2018 Related RD Portfolio) ▪ \$15.4 (2018 Yellowstone Apartments) • <i>Bonds Redeemed - \$74.1M – (Decrease)</i> <ul style="list-style-type: none"> ▪ Single Family Indenture - \$6.1M ▪ Residential Mortgage Revenue Bonds Indenture - \$24.8M ▪ Collateralized Home Mortgage Revenue Bonds Indenture - \$300K ▪ Multifamily Indentures - \$42.9M
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2d

BOARD REPORT ITEM
BOND FINANCE DIVISION
APRIL 25, 2019

REPORT ITEM

Report on the Department's 2nd Quarter Investment Report relating to funds held under Bond Trust Indentures

BACKGROUND

- The Department's Investment Policy excludes funds invested under a bond trust indenture for the benefit of bond holders because the trustee for each trust indenture controls the authorized investments in accordance with the requirements of that indenture. Management of assets within an indenture is the responsibility of the Trustee. This internal management report is for informational purposes only and, while not required under the Public Funds Investment Act, it is consistent with the prescribed format and detail as required by the Public Funds Investment Act. It details the types of investments, maturity dates, carrying (face amount) values, and fair market values at the beginning and end of the quarter.
- Overall, the portfolio carrying value increased by approximately \$2.2 million (see page 3), resulting in an end of quarter balance of \$934,751,690. There were two new multifamily bond issues during the quarter.

The portfolio consists of those investments described in the attached Bond Trust Indentures Supplemental Management Report.

	<u>Beginning Quarter</u>	<u>Ending Quarter</u>
Mortgage Backed Securities (MBS)	69%	78%
Guaranteed Investment Contracts/Investment Agreements	16%	3%
Repurchase Agreements	4%	5%
Money Markets and Mutual Funds	6%	6%
Treasury Bills	5%	8%

The increase in MBS is due to the pooling of mortgage loans in connection with the issuance of single family bonds. The decrease in investment agreements is due to the withdrawal of bond proceeds for the purchase of MBS. The increase in Repurchase Agreements is the due to the deposit of mortgage loan principal repayments. The increase in Treasury Bills is due to the issuance of multifamily bonds.

Portfolio activity for the quarter:

- The MBS purchases this quarter were approximately \$120.4 million, due to the issuance of single family bonds and the investment of proceeds in MBS.
- The MBS sales of approximately \$17.6 were the result of the RMRB 2009AB MBS sale and bond redemption.
- The maturities in MBS were approximately \$12.8 million, which represent loan repayments or payoffs.

The table below shows the trend in MBS activity.

	2nd Qtr FY 18	3rd Qtr FY 18	4th Qtr FY 18	1st Qtr FY 19	2nd Qtr FY 19	Total
Purchases	\$ 50,000,000			\$ 62,399,364	\$ 120,432,081	\$ 232,831,445
Sales					\$ 17,579,637	\$ 17,579,637
Maturities	\$ 21,792,104	\$ 16,255,646	\$ 14,288,320	\$ 14,306,899	\$ 12,796,395	\$ 79,439,364
Transfers						\$ -

- The process of valuing investments at fair market value identifies unrealized gains and losses. These gains or losses do not impact the overall portfolio because the Department typically holds MBS investments until maturity.
- The fair market value (the amount at which a financial instrument could be exchanged in a current transaction between willing parties) increased \$11.2 million (see pages 3 and 4), with fair market value being greater than the carrying value. The national average for a 30-year fixed rate mortgage, as reported by the Freddie Mac Primary Mortgage Market Survey as of February 28, 2019, was 4.35%, down from 4.81% at the end of November 2018. There are various factors that affect the fair market value of these investments, but there is a correlation between the prevailing mortgage interest rates and the change in market value.
- Given the current financial environment, this change in market value is to be expected. However, the change is cyclical and is reflective of a general movement toward higher yields in the bond market as a whole.
- The ability of the Department's investments to provide the appropriate cash flow to pay debt service and eventually retire the related bond debt is of more importance than the assessed relative value in the bond market as a whole.
- The more relevant measures of indenture parity are reported on page 5 in the Bond Trust Indenture Parity Comparison. This report shows parity (ratio of assets to liabilities) by indenture with assets greater than liabilities in a range from 100.17% to 122.00%, which would indicate the Department has sufficient assets to meet its obligations.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
 BOND FINANCE DIVISION
 BOND TRUST INDENTURES
 Supplemental Management Report
 Quarter Ending February 28, 2019

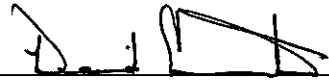
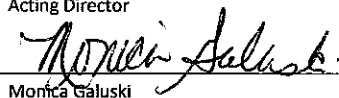
	FAIR VALUE (MARKET) @ 11/30/18	CARRYING VALUE @ 11/30/18	ACCRETION / PURCHASES	AMORTIZATION/ SALES	MATURITIES	TRANSFERS	CARRYING VALUE @ 02/28/19	FAIR VALUE (MARKET) @ 02/28/19	CHANGE IN FAIR VALUE (MARKET)	RECOGNIZED GAIN
INDENTURE RELATED:										
Single Family	523,979,347.28	513,332,933.15	124,580,469.00	(124,484,015.30)	(8,774,543.49)	-	504,654,843.36	522,665,229.81	7,363,972.32	-
RMRB	155,517,977.88	151,568,224.89	2,558,591.45	(21,748,916.61)	(3,551,195.19)	-	128,826,704.54	132,430,749.65	(345,707.88)	1,889,973.64
CHMRB	2,074,813.69	2,010,275.75	140,320.84	(300,731.01)	(110,952.71)	-	1,738,912.87	1,805,276.33	1,825.52	-
Taxable Mortgage Program	4,248,487.51	4,234,065.81	128,323.44	-	(16,858.54)	-	4,345,530.71	4,384,996.89	25,044.48	-
Multi Family	251,439,622.61	261,405,391.38	44,901,312.99	(10,778,160.67)	(342,845.06)	-	295,185,698.64	289,455,060.94	4,235,131.07	-
	937,260,248.97	932,550,890.98	172,309,017.72	(157,311,823.59)	(12,796,394.99)	0.00	934,751,690.12	950,741,313.62	11,280,265.51	1,889,973.64

(b) (8) The Department is in compliance with regards to investing its funds in a manner which will provide by priority the following objectives: (1) safety of principal, (2) sufficient liquidity to meet Department cash flow needs, (3) a market rate of return for the risk assumed, and (4) conformation to all applicable state statutes governing the investment of public funds including Section 2306 of the Department's enabling legislation and specifically, Section 2256 of the Texas Government Code, the Public Funds Investment Act.

Per Section 2256.007(d) of the Texas Government Code, the Public Funds Investment Act:

David Cervantes completed 5.0 hrs. of training on the Texas Public Funds Investment Act on August 11, 2017

Monica Galuski completed 5.0 hrs. of training on the Texas Public Funds Investment Act on February 8, 2019

	4/17/19
David Cervantes Acting Director	Date
	4/12/19
Monica Galuski Director of Bond Finance/Chief Investment Officer	Date

TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS
 BOND FINANCE DIVISION
 BOND TRUST INDENTURES
 Supplemental Management Report
 Quarter Ending February 28, 2019

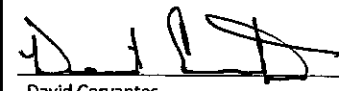
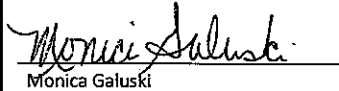
INVESTMENT TYPE	FAIR VALUE (MARKET) @ 11/30/18	CARRYING VALUE @ 11/30/18	ACCRETION / PURCHASES	AMORTIZATION/ SALES	MATURITIES	TRANSFERS	CARRYING VALUE @ 02/28/19	FAIR VALUE (MARKET) @ 02/28/19	CHANGE IN FAIR VALUE (MARKET)	RECOGNIZED GAIN
INDENTURE RELATED:										
Mortgage-Backed Securities	644,365,283.09	639,402,339.57	120,432,080.74	(17,579,636.95)	(12,796,394.99)	-	729,458,388.37	745,307,756.16	10,886,424.27	1,889,973.64
Guaranteed Inv Contracts	148,425,419.26	148,425,419.26	30,221.33	(117,817,024.60)	-	-	30,638,615.99	30,638,615.99	-	-
Investment Agreements	1,475,602.66	1,475,602.66	-	(792,234.75)	-	-	683,367.91	683,367.91	-	-
Treasury-Backed Mutual Funds	55,607,437.55	55,607,437.55	8,395,234.56	(9,773,896.70)	-	-	54,228,775.41	54,228,775.41	-	-
Repurchase Agreements	43,163,549.21	43,163,549.21	17,398,402.66	(10,344,766.62)	-	-	50,217,185.25	50,217,185.25	-	-
Treasury Notes / Bonds	44,222,957.20	44,476,542.73	26,053,078.43	(1,004,263.97)	-	-	69,525,357.19	69,665,612.90	393,841.24	-
	937,260,248.97	932,550,890.98	172,309,017.72	(157,311,823.59)	(12,796,394.99)	0.00	934,751,690.12	950,741,313.62	11,280,265.51	1,889,973.64

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	Date 4/17/19
David Cervantes Acting Director	
	Date 4/10/19
Monica Galuski Director of Bond Finance/Chief Investment Officer	

Texas Department of Housing and Community Affairs
Bond Finance Division
Executive Summary
As of February 28, 2019

	Single Family Indenture Funds	Residential Mortgage Revenue Bond Indenture Funds	Collateralized Home Mortgage Revenue Bond Indenture Funds	Multi-Family Indenture Funds	Combined Totals
PARITY COMPARISON:					
PARITY ASSETS					
Cash	\$ 160,873			\$ 4,912,770	\$ 5,073,643
Investments ⁽¹⁾	\$ 57,430,479	\$ 18,358,477	\$ 140,322	\$ 293,681,736	\$ 369,611,014
Mortgage Backed Securities ⁽¹⁾	\$ 446,868,422	\$ 108,290,332	\$ 1,600,318	\$ -	\$ 556,759,072
Loans Receivable ⁽²⁾	\$ 22,329			\$ 805,241,577	\$ 805,263,906
Accrued Interest Receivable	\$ 1,767,742	\$ 385,126	\$ 9,225	\$ 6,137,179	\$ 8,299,272
TOTAL PARITY ASSETS	\$ 506,249,845	\$ 127,033,935	\$ 1,749,865	\$ 1,109,973,262	\$ 1,745,006,907
PARITY LIABILITIES					
Notes Payable	\$ 12,000,000	\$ 10,000,000		\$ 87,630,843	\$ 109,630,843
Bonds Payable ⁽¹⁾	\$ 452,138,931	\$ 93,415,000		\$ 888,861,202	\$ 1,434,415,133
Accrued Interest Payable	\$ 6,179,519	\$ 711,493		\$ 6,218,671	\$ 13,109,683
Other Non-Current Liabilities ⁽³⁾				\$ 125,366,543	\$ 125,366,543
TOTAL PARITY LIABILITIES	\$ 470,318,450	\$ 104,126,493	\$ -	\$ 1,108,077,259	\$ 1,682,522,202
PARITY DIFFERENCE	\$ 35,931,395	\$ 22,907,442	\$ 1,749,865	\$ 1,896,003	\$ 62,484,705
PARITY	107.64%	122.00%	N/A	100.17%	103.71%

(1) Investments, Mortgage Backed Securities and Bonds Payable reported at par value not fair value. This adjustment is consistent with indenture cashflows prepared for rating agencies.

Also, the CHMRB Bonds were redeemed in full in January 2019.

(2) Loans Receivable include whole loans only. Special mortgage loans are excluded.

(3) Other Non-Current Liabilities include "Due to Developers" (for insurance, taxes and other operating expenses) and "Earning Due to Developers" (on investments).

Note: Based on preliminary and unaudited financial statements, subject to change in audited financial statements.

2e

BOARD REPORT ITEM
BOND FINANCE DIVISION
APRIL 25, 2019

Report on the closing of the Department's 2019 Series A Residential Mortgage Revenue Bonds

BACKGROUND

On January 17, 2019, the Board approved the issuance of the Department's 2019 Series A Residential Mortgage Revenue Bonds (the Bonds). The Bonds were offered for sale through a retail order period held on February 4, 2019, and an institutional order period held on February 5, 2019. The Bond Purchase Agreement was executed February 6, 2019, and the Bonds closed March 19, 2019.

The financing team included Bracewell LLP, Bond Counsel, McCall, Parkhurst & Horton, L.L.P. and Mahomes Bolden PC, Disclosure Counsel, and an underwriting team lead by Jefferies as Senior Manager, with JP Morgan, Piper Jaffray, Ramirez & Co., and RBC Capital Markets serving as Co-Managers for the transaction.

Staff worked closely with the financing team to implement a structure that would maximize bond premium for use in funding down payment and closing cost assistance, while keeping mortgage rates as low as possible. The bond structure included high premium serial bonds that were protected from redemption prior to July 1, 2028, as well as traditional par serial bonds, term bonds, and premium Planned Amortization Class, or PAC bonds.

The par amount of Bonds sold was \$166,350,000 and the premium received was \$8,649,226, for total bond proceeds of \$174,999,226. The premium was enough to fully fund down payment and closing cost assistance for loans originated through this program, and to pay almost all of the remaining administrative costs, including lender compensation, resulting in an issuer contribution of approximately \$3.4 million to close the transaction.

On February 5, 2019, the Department bid a Guaranteed Investment Contract (GIC) for the investment of \$175,665,600 of bond proceeds and amounts to be used for down payment and closing cost assistance and administrative costs of the loans. The winning bidder was Natixis Funding Corp. The GIC pays 2.451% interest and matures March 1, 2020.

This issuance made approximately \$50 million in funds available for Low Rate Loans, which provide no down payment or closing cost assistance. Borrowers choose between a government loan (FHA, VA, or USDA-RD) with a 3.99% mortgage rate and a conventional loan with a 4.38% mortgage rate. Approximately \$116 million was made available for Assisted Loans, which provide 4 points of down payment and closing cost assistance in the form of 30-year, non-

amortizing, 0% interest second loans that are due on sale or refinance of the first mortgage. The mortgage rate for Assisted Loans was initially 5.30%, but was reduced to 4.99% on April 3, 2019, following a steady decline in market interest rates. Over 88% of funds made available through this program have been reserved, and we expect the program to be fully committed by the end of April.

A detailed summary of the pricing prepared by Jefferies, the senior manager for this issue, is included as an attachment.



**Texas Department of Housing and Community Affairs
Residential Mortgage Revenue Bonds
Series 2019 A**

Retail Pricing: February 4, 2019

Institutional Pricing: February 5, 2019

Closing: March 19, 2019

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1. Overview of Financing



Executive Summary



EXECUTIVE SUMMARY

Timing and Underwriting	<u>Retail Order Period:</u> <u>Institutional Pricing:</u> <u>Method of Sale:</u>	February 4, 2019 February 5, 2019 Negotiated
Underwriters	<u>Senior Manager:</u> <u>Co- Managers:</u>	Jefferies, LLC J.P. Morgan Piper Jaffray & Co. Ramirez & Co., Inc. RBC Capital Markets
Use of Proceeds:	<p>The Series 2019A Bonds are being issued for the primary purpose of providing funds for the purchase of the Mortgage Certificates guaranteed as to timely payment of principal and interest by GNMA or Fannie Mae, (the "2019A Mortgage Certificates"), which represent beneficial ownership of pools of Mortgage Loans.</p>	
Bond Structure	<p>The 2019 Series A bond structure included \$17.5 million premium serial bonds, \$91.4 million par bonds, and \$57.4 million premium PAC bond</p>	
Tax Status	<p>Non-AMT</p>	
Ratings	<p>Moody's S&P</p>	
Bondholder Security	<p>The Series 2019A Bonds, the Prior Bonds and, unless subordinated, all bonds subsequently issued pursuant to the Trust Indenture are equally and ratably secured by the Trust Indenture for the equal benefit, protection and security of the owners of the Bonds, each of which, regardless of time of issuance or maturity is to be of equal rank without preference, priority or distinction, except as otherwise provided in the Trust Indenture</p> <p>Principal and redemption of and interest on all Bonds are payable solely from and are secured by a pledge of and lien on the Trust Estate, which consists generally of the Revenues, Mortgages, Mortgage Loans (including Mortgage Certificates), money, and Investment Securities held in the Funds (excluding the Rebate Fund), and other property pledged under the Trust Indenture and any Supplemental Indenture. Revenues include all payments with respect to the Mortgage Loans (net of servicing, accounting and collection fees) which include Mortgage Certificates (net of servicing and guaranty fees) and the earnings on investments of amounts held under the Trust Indenture and any Supplemental Indenture.</p>	
Borrowing Cost	<p>Bond Yield 3.409%</p>	
Investment of Proceeds	<p>Moneys in all Funds will be invested pursuant to the Depository Agreement with the Texas Treasury Safekeeping Trust Company in Investment Securities. Moneys held or invested in all Funds and Accounts under the Trust Indenture (other than the Rebate Account, the Swap Agreement Termination Payment Subaccount and the Swap Agreement Termination Receipt Subaccount of the Surplus Revenues Account of the Revenue Fund and the Policy Payments Account) are for the equal and ratable benefit of all owners of the Bonds.</p>	

Results of Sale

Bond Issue Component	Buyer Profile
\$10,790,000	Retail: 100%
2021-2030 Serial Bonds	Institutional: 0%
17,510,000	Retail: 50%
2020-2032 Premium Serial Bonds	Institutional: 50%
6,340,000	Retail: 0%
2034 Term Bonds	Institutional: 100%
18,735,000	Retail: 3%
2039 Term Bonds	Institutional: 97%
23,315,000	Retail: 5%
2044 Term Bonds	Institutional: 95%
57,410,000	Retail: 0%
2049 Premium PAC	Institutional: 100%
32,250,000	Retail: 6%
2050 Term Bonds	Institutional: 94%

Market Conditions

- Municipals underperformed the week's Treasury rally across the curve, except for the long-end which played some catch up, outperforming Treasuries by ~4-5 basis points
- The week's rally, driven by the Fed's "patient" stance following Wednesday's FOMC meeting, only slightly reversed after Friday's very strong NFP print
- Despite the week's rate underperformance, credit spreads tightened as technicals remain strong with money flowing into municipal funds and supply remaining thin
- Unsurprisingly, weekly bid-wanted volume materially contracted to \$3 billion on the week, compared to a \$4.1 billion 4-wk MAVG, and a \$6 billion weekly avg. in December

Commentary

- On February 5, 2019, TDHCA successfully sold \$166,350,000 in single family revenue bonds for its mortgage lending program that also generated 5.2% of premium proceeds (\$8.7 million) for the Department's down payment assistance program. The premium structures included PAC bonds and serial bonds, with the latter being the first use of significant size in several years
- Leading up to pricing, the working group carefully evaluated TDHCA's need to originate new loans and generate premium for down payment assistance and lend fees. Ultimately, the use of premium serial bonds in addition to a 4.75% coupon premium PAC bond created over 5 points of premium proceeds. The premium serials provided an incremental 1.7% (\$2.8 million) of premium
- The premium serials were structured to be callable from non-origination, but not from prepayments (until after the optional redemption date). Prepayment lockout created only minimal cashflow impacts at very high prepayment speeds which were significantly less than the premium produced
- In addition to the increased proceeds, the premium structure reduced the overall bond yield by approximately 3 bps compared to a structure with all par serial bonds
- Despite heavy housing volume on the day of pricing—TDHCA competed with 3 other housing transactions that came to market—the transaction was well received and 2.6x oversubscribed
 - Notably, a new, non-traditional, municipal housing investor was brought in that placed over \$74 million in orders. In total, 24 institutional accounts participated in the deal
 - Utilizing the new investor order, the Department was able to achieve tighten spreads of 5 bps on nearly \$75 million of the Bonds, almost half the transaction, bringing TDHCA pricing levels in line with other transactions in the market issued by "specialty state" HFAs
- Additionally, the Underwriters underwrote \$15.5 million in select maturities to maintain aggressive pricing and spread integrity

Premium Bond Yield Savings			
	Par	Premium (Price)	Savings (bps)
7/1/2021	1.85%	1.80% (107.1)	+5
7/1/2022	1.95%	1.85% (110.0)	+10
7/1/2023	2.05%	1.93% (112.6)	+12
7/1/2024	2.20%	2.01% (114.9)	+19
7/1/2025	2.35%	2.10% (117.0)	+25
7/1/2026	2.50%	2.21% (118.7)	+29
7/1/2027	2.65%	2.33% (120.0)	+32
7/1/2028	2.75%	2.44% (121.1)	+31
7/1/2029	2.90%	2.56% (120.0) ¹	+34
7/1/2030	3.00%	2.70% (118.8) ¹	+30
7/1/2031	3.20% ²	2.83% (117.6) ¹	+37

PARTICIPANTS

Issuer	Texas Department of Housing and Community Affairs
Bond Counsel	Bracewell LLP
Disclosure Counsel	McCall, Parkhurst & Horton, L.L.P.
Co-Disclosure Counsel	Mahomes Bolden PC
Financial Advisor	George K. Baum & Company
Senior Manager	Jefferies LLC
Co-Manager	RBC Capital Markets Ramirez Piper Jaffray
Underwriter's Counsel	Chapman and Cutler, LLP
Trustee	Bank of New York Mellon
Trustee's Counsel	McGuire, Craddock & Strother, P.C.
Rating Agencies	Moody's Investors Service
Printer	ImageMaster, Inc.

UNDERWRITER'S DISCOUNT

TOTAL UNDERWRITER'S DISCOUNT	(\$/Bond)	\$ Amount
Takedown	\$5.96431	\$992,163.75
Management Fee ¹	\$1.00000	\$166,350.00
Underwriting Expenses	\$0.46047	\$76,598.58
Total Underwriter's Discount	\$7.42478	\$1,235,112.33

BREAKDOWN OF UNDERWRITING EXPENSES	(\$/Bond)	\$ Amount
Underwriter's Counsel Fees	\$0.30057	\$50,000.00
CUSIP Fee (30 CUSIPs) ²	\$0.00783	\$1,302.50
iPreo (i.e., Order Entry, Wires, Taxes, etc.) ³	\$0.06827	\$11,356.13
iPreo Order Monitor ⁴	\$0.03266	\$5,433.41
Day Loan ⁵	\$0.01461	\$2,430.54
DTC ⁶	\$0.00481	\$800.00
DAC ⁶	\$0.00166	\$276.00
Jefferies' Out-of-Pocket Expenses	\$0.03006	\$5,000.00
Total Underwriting Expenses	\$0.46047	\$76,598.58

SOURCES AND USES OF FUNDS

SOURCES OF FUNDS	
Series 2019A Bond Proceeds	\$174,999,226.00
Issuer Contribution	\$3,440,723.83
TOTAL	\$178,439,949.83
USES OF FUNDS	
2019A Mortgage Loan Account	\$175,665,600.00
Revenue Fund Deposit	\$500,000.00
Underwriter Compensation	\$1,235,112.33
Cost of Issuance	\$1,039,237.50
TOTAL	\$178,439,949.83

Preliminary Official Statement Cover



PRELIMINARY OFFICIAL STATEMENT DATED JANUARY 22, 2019

NEW ISSUE – BOOK ENTRY ONLY

RATINGS:
Moody's: "Aaa"
S & P: "AA+"
See "RATINGS" herein

Bracewell LLP, Bond Counsel, is of the opinion that, subject to certain conditions described herein under existing law, (i) interest on the Series 2019A Bonds is excludable from gross income for federal income tax purposes and (ii) interest on the Series 2019A Bonds is not a specific preference item subject to the alternative minimum tax.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

\$166,340,000*
Residential Mortgage Revenue Bonds
Series 2019A

Dated Date: Date of Delivery

Due: See Inside Cover

The Texas Department of Housing and Community Affairs Residential Mortgage Revenue Bonds, Series 2019A (the "Series 2019A Bonds") are issuable by the Texas Department of Housing and Community Affairs (the "Department") only as fully registered bonds, without coupons, and will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Series 2019A Bonds. The Series 2019A Bonds will be released only in book-entry form in denominations of \$5,000 or any integral multiple thereof. For as long as Cede & Co. is the exclusive registered owner of the Series 2019A Bonds, the principal or redemption price of, and interest on, the Series 2019A Bonds will be payable by The Bank of New York Mellon Trust Company, N.A., Houston, Texas, as Trustee, to DTC, which will be responsible for making such payments to DTC Participants (as defined herein), for subsequent remittance to the owners of beneficial interests in the Series 2019A Bonds. The purchasers of the Series 2019A Bonds will not receive certificates representing their beneficial ownership interest. See "THE SERIES 2019A BONDS - DTC and Book-Entry."

The Series 2019A Bonds will accrue interest from the date of delivery, until maturity or prior redemption at the per annum rates of interest set forth on the inside cover page hereof. Interest on the Series 2019A Bonds will be payable to DTC commencing July 1, 2019, and semi-annually thereafter on each January 1 and July 1 until maturity or prior redemption thereof, as more fully described on the inside cover page hereof.

THE SERIES 2019A BONDS ARE SUBJECT TO REDEMPTION ON THE DATES AND AT THE REDEMPTION PRICES WHICH ARE MORE FULLY DESCRIBED HEREIN. See "THE SERIES 2019A BONDS – Redemption Provisions."

The Series 2019A Bonds are being issued for the primary purpose of providing funds for the purchase of mortgage-backed, pass-through certificates (the "Mortgage Certificates"). The Mortgage Certificates purchased with the proceeds of the Series 2019A Bonds will be guaranteed as to timely payment of principal and interest by either the Government National Mortgage Association ("GNMA") (the "GNMA Certificates") or the Federal National Mortgage Association ("Fannie Mae") (the "Fannie Mae Certificates"). See APPENDIX B-1 and APPENDIX B-2. The Series 2019A Bonds, the Prior Bonds (as defined herein), and, unless subordinated, all Bonds subsequently issued under the Trust Indenture are equally and ratably secured by the Trust Estate (as defined herein) held by the Trustee under the Trust Indenture. See "SECURITY FOR THE BONDS" and "THE TRUST INDENTURE."

THE SERIES 2019A BONDS ARE LIMITED OBLIGATIONS OF THE DEPARTMENT AND ARE PAYABLE SOLELY FROM THE REVENUES AND FUNDS PLEDGED FOR THE PAYMENT THEREOF AS MORE FULLY DESCRIBED HEREIN. NEITHER THE STATE OF TEXAS (THE "STATE") NOR ANY AGENCY OF THE STATE, OTHER THAN THE DEPARTMENT, NOR THE UNITED STATES OF AMERICA OR ANY AGENCY, DEPARTMENT OR OTHER INSTRUMENTALITY THEREOF, INCLUDING GNMA AND FANNIE MAE, IS OBLIGATED TO PAY THE PRINCIPAL OR REDEMPTION PRICE OF OR INTEREST ON THE SERIES 2019A BONDS. NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE STATE OR THE UNITED STATES OF AMERICA IS PLEDGED, GIVEN OR LOANED TO SUCH PAYMENT. THE DEPARTMENT HAS NO TAXING POWER. GNMA AND FANNIE MAE GUARANTEE ONLY THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE GNMA CERTIFICATES AND FANNIE MAE CERTIFICATES, RESPECTIVELY, WHEN DUE AND DO NOT GUARANTEE THE PAYMENT OF THE SERIES 2019A BONDS OR ANY OTHER OBLIGATIONS ISSUED BY THE DEPARTMENT.

The Series 2019A Bonds are offered when, as, and if issued by the Department. Delivery of the Series 2019A Bonds is subject to approval of the legality thereof by Bracewell LLP, Bond Counsel, and certain other conditions. Delivery of the Series 2019A Bonds is also subject to the approval of the legality thereof by the Attorney General of the State. Certain legal matters will be passed upon for the Department by its General Counsel, James "Beau" Eccles, Esq. and by its Co-Disclosure Counsel, McCall, Parkhurst & Horton L.L.P. and Mahomes Bolden PC. Certain legal matters will be passed upon for the Underwriters by their Counsel, Chapman and Cutler LLP. Certain financial advisory services have been provided to the Department by George K. Baum & Company. It is expected that the Series 2019A Bonds will be available for delivery to DTC in book-entry only form on or about March 20, 2019.

Jefferies

J.P. Morgan

Piper Jaffray & Co.

Ramirez & Co., Inc.

RBC Capital Markets

_____, 2019

* Preliminary, subject to change

Official Statement Cover



OFFICIAL STATEMENT DATED FEBRUARY 6, 2019

NEW ISSUE – BOOK ENTRY ONLY

RATINGS:
Moody's: "Aaa"
S & P: "AA+"
See "RATINGS" herein

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TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

\$166,350,000

**Residential Mortgage Revenue Bonds
Series 2019A**

Dated Date: Date of Delivery

Due: See Inside Cover

The Texas Department of Housing and Community Affairs Residential Mortgage Revenue Bonds, Series 2019A (the "Series 2019A Bonds") are issuable by the Texas Department of Housing and Community Affairs (the "Department") only as fully registered bonds, without coupons, and will be registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Series 2019A Bonds. The Series 2019A Bonds will be released only in book-entry form in denominations of \$5,000 or any integral multiple thereof. For as long as Cede & Co. is the exclusive registered owner of the Series 2019A Bonds, the principal or redemption price of, and interest on, the Series 2019A Bonds will be payable by The Bank of New York Mellon Trust Company, N.A., Houston, Texas, as Trustee, to DTC, which will be responsible for making such payments to DTC Participants (as defined herein), for subsequent remittance to the owners of beneficial interests in the Series 2019A Bonds. The purchasers of the Series 2019A Bonds will not receive certificates representing their beneficial ownership interest. See "THE SERIES 2019A BONDS – DTC and Book-Entry."

The Series 2019A Bonds will accrue interest from the date of delivery, until maturity or prior redemption at the per annum rates of interest set forth on the inside cover page hereof. Interest on the Series 2019A Bonds will be payable to DTC commencing July 1, 2019, and semi-annually thereafter on each January 1 and July 1 until maturity or prior redemption thereof, as more fully described on the inside cover page hereof.

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The Series 2019A Bonds are offered when, as, and if issued by the Department. Delivery of the Series 2019A Bonds is subject to approval of the legality thereof by Bracewell LLP, Bond Counsel, and certain other conditions. Delivery of the Series 2019A Bonds is also subject to the approval of the legality thereof by the Attorney General of the State. Certain legal matters will be passed upon for the Department by its General Counsel, James "Beau" Eccles, Esq. and by its Co-Disclosure Counsel, McCall, Parkhurst & Horton L.L.P. and Mahomes Bolden PC. Certain legal matters will be passed upon for the Underwriters by their Counsel, Chapman and Cutler LLP. Certain financial advisory services have been provided to the Department by George K. Baum & Company. It is expected that the Series 2019A Bonds will be available for delivery to DTC in book-entry only form on or about March 19, 2019.

Jefferies

J.P. Morgan

Piper Jaffray & Co.

Ramirez & Co., Inc.

RBC Capital Markets

Financing Schedule



November 2018						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2018						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2019						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

**Texas Department of Housing and Community Affairs
2019A(B) Residential Mortgage Revenue Bonds (Non-AMT) (Taxable) (New Money)**

xx/xx/2022	TEFRA EXPIRATION	TDHCA, BC
Date	Action	Party
12/07/18	Submit Packages to the Rating Agencies	TDHCA, FA
12/11/18	Distribute Draft of Guaranteed Investment Contract Bid Specifications	WG
12/11/18	Deadline for HB 1295 Certifications to be delivered in writing to TDHCA	WG
12/11/18	Distribute draft of BRB NOI	TDHCA, FA, BC
12/12/18	Comments Due on Revised BPA and POS	WG
12/17/18	Distribute Draft of BRB Application	TDHCA, FA, BC
12/18/18	TDHCA Submits BRB NOI and Application to BRB (Non-Exempt Transaction)	
12/19/18	Distribute Final Documents (POS, Series Supplement, and BPA)	WG
12/18-19/2018	Federal Reserve Open Market Committee Meeting	
12/24/2018-12/26/2018	Christmas Holiday- TDHCA Closed	TDHCA
12/31/2018-1/1/2019	New Year Holiday- TDHCA Closed	TDHCA
01/03/19	Finalize document for TDHCA Board Meeting	TDHCA, BC
01/04/19	Receive Ratings on the Bonds	TDHCA, FA
01/07/19	BRB Planning Session	
01/08/19	TDHCA Review Deadline for Board Item and Attachments	TDHCA
01/10/19	TDHCA Board Books Posted (Including Substantially Final Documents)	TDHCA
01/16/19	File Volume Cap Reservation	BC
01/17/19	TDHCA Board Meeting (Final Approval Including Documents) 8:00 AM	TDHCA
01/17/19	Submit Transcript to Texas Attorney General for Preliminary Approval	BC
01/17/19	BRB Board Meeting to Approve the Bonds 10:00 AM	
01/18/19	Due Diligence Call	WG
01/21/19	Martin Luther King Holiday- TDHCA Closed	TDHCA
01/22/19	Publish the POS	WG
1/29-30/2019	Federal Reserve Open Market Committee Meeting	
02/01/19	Review Preliminary Pricing Wire	TDHCA, FA
02/04/19	Pre-Pricing Call and Scale Discussion	TDHCA, UW, FA
02/04/19	Retail Pricing Order Period and Potential Acceleration of Institutional Pricing	WG
02/05/19	Price the Bonds; Bid GIC (Pricing will be in NY)	WG
02/06/19	Execute BPA	WG
02/07/19	Distribute Draft of the Official Statement and Draft of GIC	DC
02/11/19	Begin Originating Loans	TDHCA
02/13/19	Final Comments Due on the Official Statement	WG
02/14/19	Print the Official Statement (within 7 business days of BPA execution)	DC
02/15/19	Deliver Initial Bonds to Texas Attorney General	BC
02/18/19	President's Day Holiday- TDHCA Closed	TDHCA
02/21/19	TDHCA Board Meeting (No Action Required)	TDHCA
03/12/19	Deliver final executed documents to Texas Attorney General	BC
03/18/19	Pre-Close	WG
03/19/19	Close	WG
03/21/19	TDHCA Board Meeting (Report to the Board on Bond Issue)	TDHCA
05/17/19	BRB Final Report Due (within 60 days of closing)	TDHCA



2. Pricing Information

Pre-pricing Book



Texas Department of Housing and Community Affairs Residential Mortgage Revenue Bonds, Series 2019 A

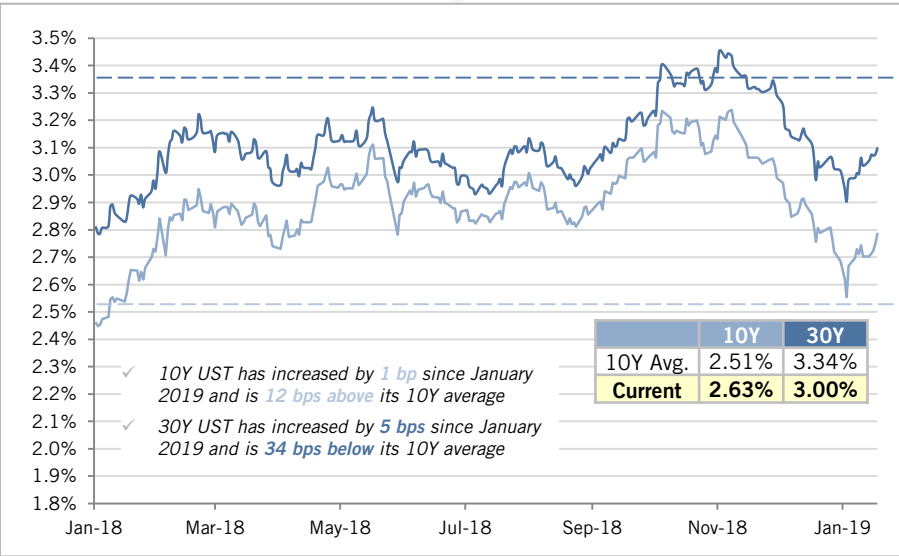
Pre-pricing Book



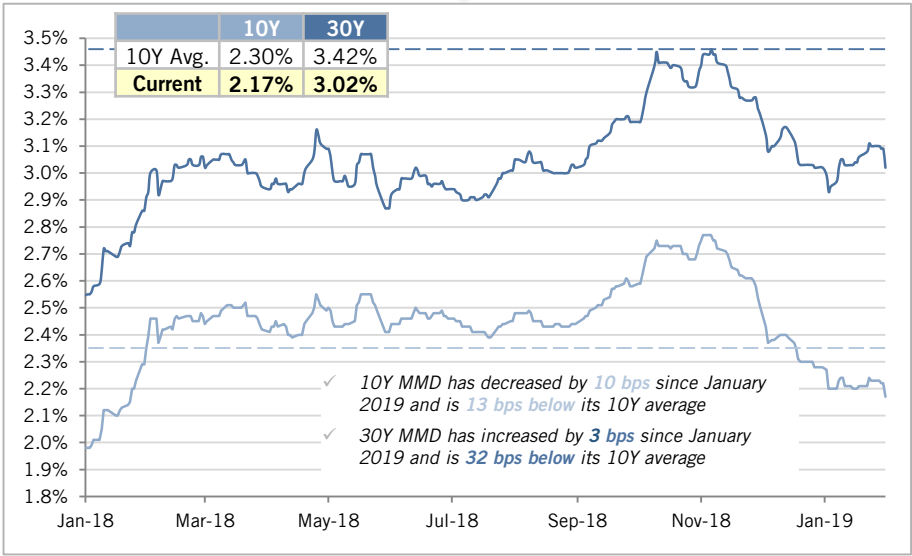
Pricing: February 4-5, 2019
Closing: March 19, 2019

Market Snapshot

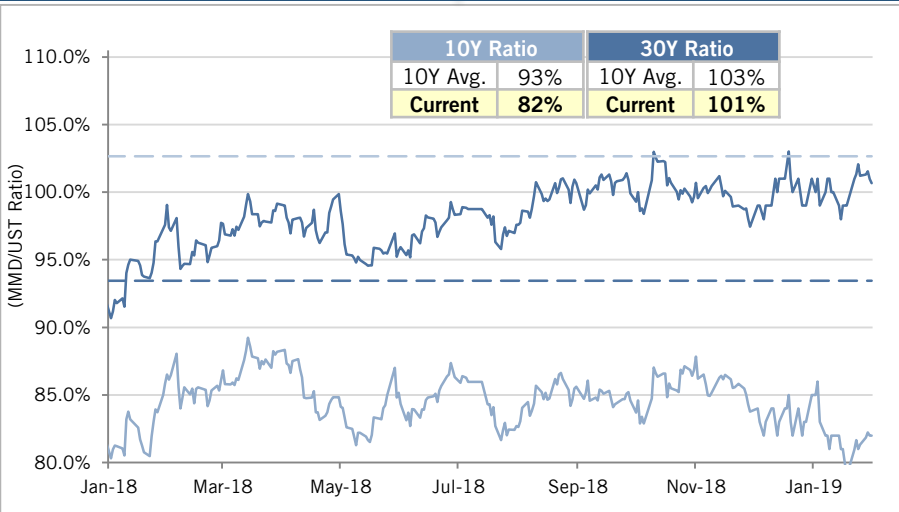
UST Performance (2018 - YTD)



MMD Performance (2018 - YTD)

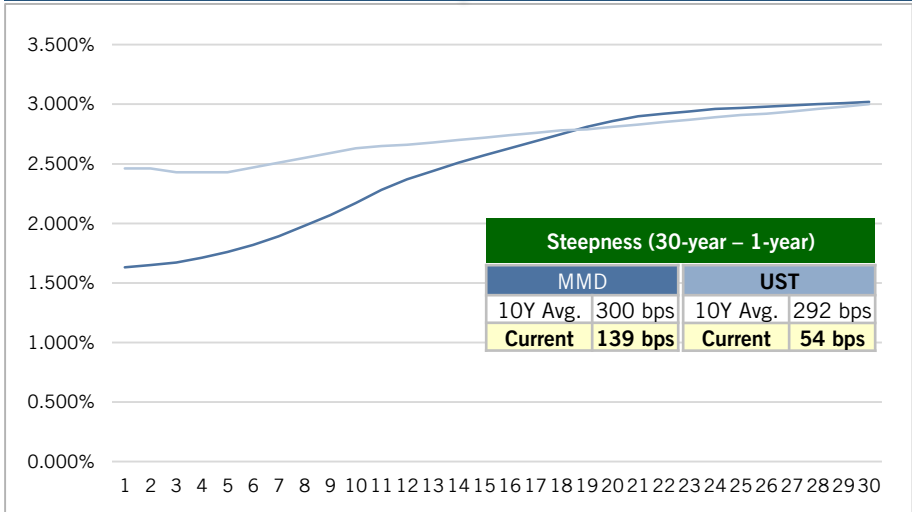


MMD/UST Ratios (2018 - YTD)



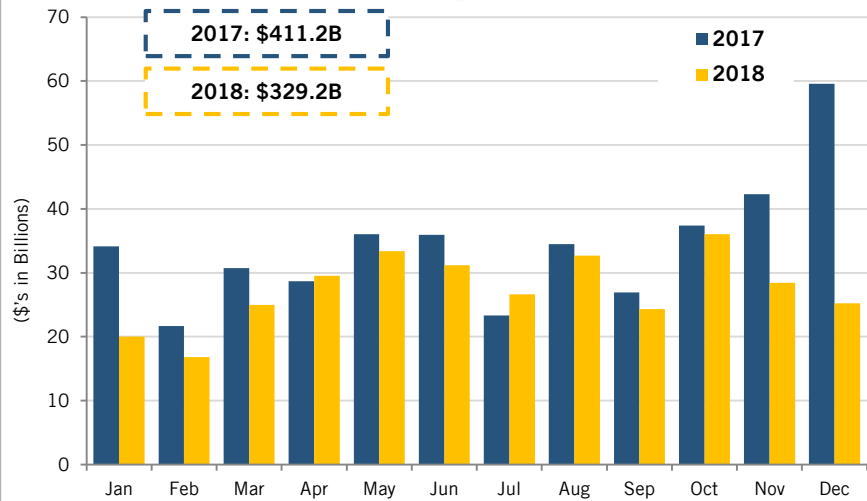
Current rates as of January 31

Shape of the Yield Curve

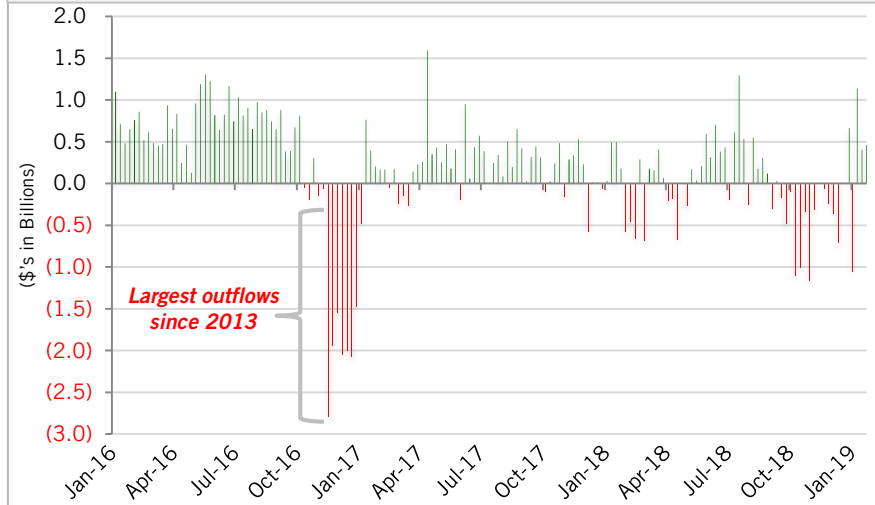


Municipal Supply and Demand

Municipal issuance through 2018 was down 20% compared to the previous year

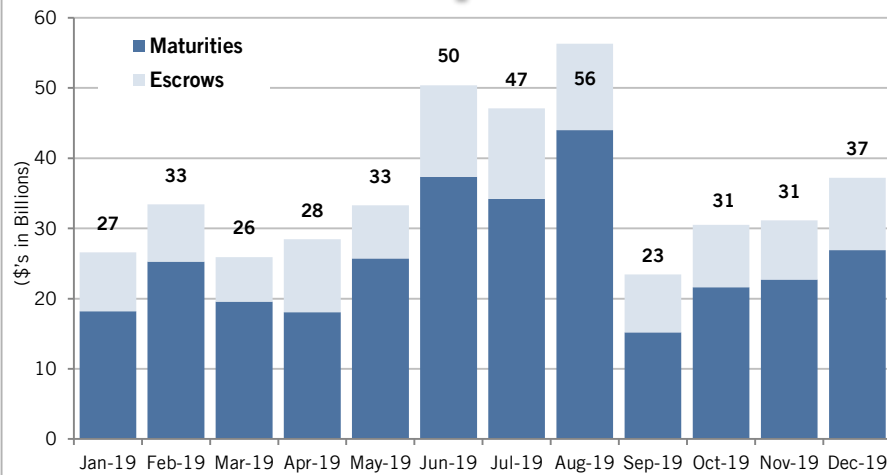


2018 saw net outflows of \$1.2 billion



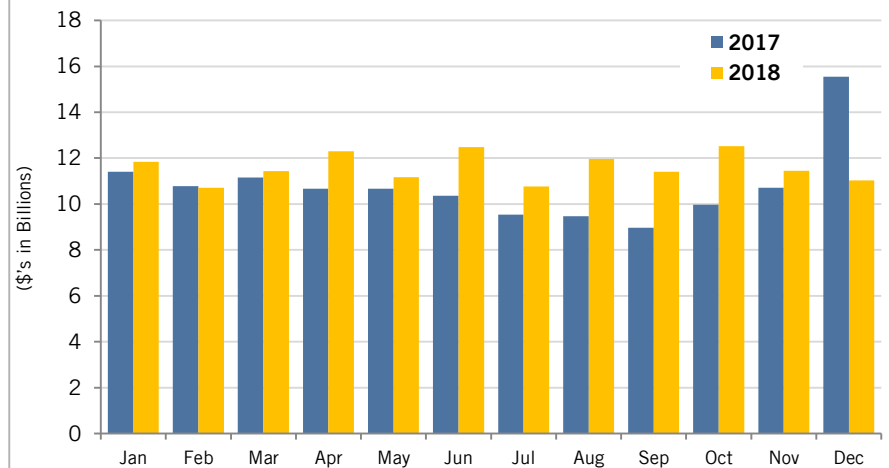
Source: EPFR as of 1/28/2019

Expected redemptions for the year are highest in the summer months



Source: Bloomberg as of 1/28/2019
Jefferies LLC / February 2019

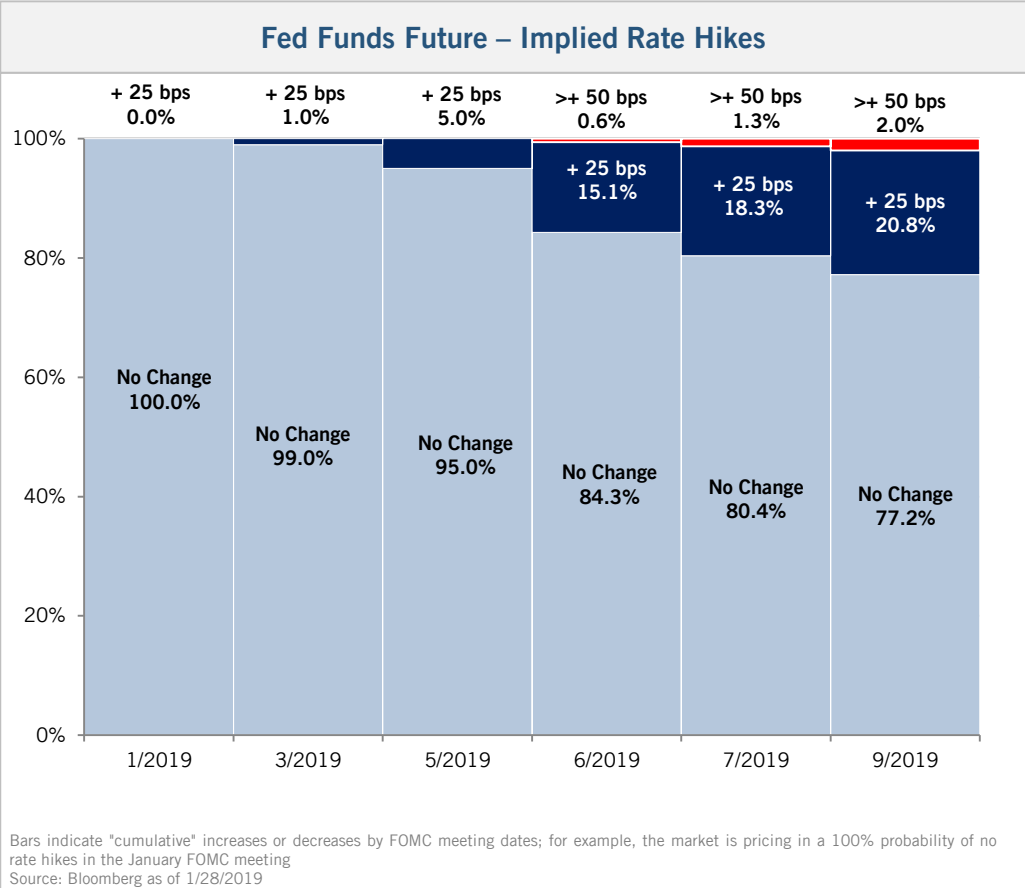
Average municipal daily trading volume during 2018 was \$11.58 billion, compared to \$10.7 billion during 2017



Source: SIFMA as of 1/28/2019

Economic Activity and Consensus Forecasts

- The week was headlined with Brexit talks, US/China trade talks and the Fed meeting mid-week
- As expected, the Fed concluded to hold rates steady and pledged a “patient” approach, expecting “ample” balance sheet
- Municipal rates rallied the day after the Fed announcement, with long end MMD bumping 7 bps after a relatively quiet week through Wednesday
- On the economic release front, ADP numbers were released showing an addition of 213,000 jobs in January
- The upcoming calendar expands after a light week to \$7.2 billion with \$5.4 billion in negotiated transactions
 - The largest transaction is the State of Washington’s \$640.0 million competitive bond sale
- Weekly fund flows for the week totaled \$960.0 million in inflows marking four consecutive weeks of fund inflows



Market Consensus Interest Rate Forecasts					
	Q1 2019	Q2 2019	Q3 2019	Q4 2019	Q1 2020
Fed Funds Target Rate	2.55%	2.75%	2.85%	2.90%	2.85%
3-Month Libor	2.81%	2.96%	3.04%	3.09%	3.12%
2-Year UST	2.73%	2.87%	2.91%	2.93%	2.96%
10-Year UST	2.88%	3.01%	3.07%	3.10%	3.14%
30-Year UST	3.12%	3.26%	3.32%	3.36%	3.45%
Steepness (30Y less 2Y)	39 bps	39 bps	41 bps	43 bps	49 bps

Source: Bloomberg as of 1/28/2019

Forward Calendar

Week of February 4, 2019 (Sorted by Par Size)					
Date	Issuer	State	Amount (\$000's)	Type	Ratings (M/S&P/F)
02/05/2019	State of Washington	WA	\$638,595	Competitive	Aa1/AA+/AA+
02/06/2019	Board of Trustees of Michigan State University	MI	625,000	Negotiated	Aa2/AA/NR
02/06/2019	State of Hawaii	HI	550,000	Negotiated	NR/AA+/AA
02/06/2019	L.A County Metropolitan Transportation Authority	CA	545,000	Negotiated	Aa2/AAA/AA+
02/06/2019	Massachusetts Development Agency	MA	415,000	Negotiated	NR/BBB+/BBB+
02/07/2019	California Municipal Finance Authority	CA	182,000	Negotiated	A3/NR/NR
02/05/2019	Texas Department of Housing and Community Affairs	TX	166,340	Negotiated	Aaa/AA+/NR
02/06/2019	California Infrastructure and Economic Development Bank	TX	163,000	Negotiated	Aaa/AAA/NR
02/07/2019	City & County of San Francisco, California	CA	152,205	Negotiated	NR/AA+/NR
02/05/2019	New York City Housing Development Corporation	NY	149,770	Negotiated	Aa2/AA-/NR
02/05/2019	City of Garland, Texas	TX	148,305	Negotiated	NR/A+/AA-
02/05/2019	San Jacinto Community College	TX	143,465	Negotiated	Aa1/AA/NR
02/05/2019	City of Riverside, California	CA	131,000	Negotiated	NR/AAA/AA+
02/05/2019	Spokane School District	WA	128,645	Competitive	NR/AA/NR
02/05/2019	Dublin City School District Franklin, Delaware and Union Counties	OH	125,000	Negotiated	Aa1/AAA/NR
02/05/2019	Elk Grove Unified School District	CA	121,000	Competitive	NR/NR/AAA
02/06/2019	Connecticut Housing Finance Authority	CT	122,735	Negotiated	Aaa/AAA/NR
02/05/2019	The Nature of Conservancy	VA	100,000	Negotiated	Aa2/AA-/NR
02/05/2019	Desert Sands Unified School District	CA	100,000	Negotiated	Aa2/AA/NR
02/05/2019	South Dakota Housing Development Authority	SD	99,000	Negotiated	Aaa/AAA/NR
02/06/2019	City of El Paso, Texas	TX	93,000	Negotiated	NR/AA/AA
02/07/2019	Minnesota Housing Finance Agency (Pass-through)	MN	50,560	Negotiated	Aaa/NR/NR
Total for the Week (All Competitive and Negotiated Transactions)			\$7,166,183		

Economic Calendar

Monday February 4	Tuesday February 5	Wednesday February 6	Thursday February 7	Friday February 8
Economic Releases				
<ul style="list-style-type: none"> 10:00am – Factory Orders 10:00am – Durable Goods Orders 	<ul style="list-style-type: none"> 8:30am – Trade Balance 	<ul style="list-style-type: none"> 7:00am – MBA Mortgage Applications 	<ul style="list-style-type: none"> 8:30am – Initial Jobless Claims 	
Treasury Auctions				
	<ul style="list-style-type: none"> 4-week and 8-week UST 		<ul style="list-style-type: none"> 13-week and 26-week UST 	

Other Economic Releases expected next week due to the Government Shutdown:

- Personal Income | Personal Spending
- GDP Annualized QoQ
- GDP Price Index
- Housing Starts
- New Home Sales
- Durable Goods Orders

Recently Priced Housing Transactions

New York State HFA				
Affordable Housing Revenue Bonds				
2019 Series C				
1/31/2019				
Aa2 NR NR				
Non-AMT				
\$134,390,000				
Optional call in 5/1/2028 @ 100, and other provisions				
Jefferies				

Maturity	Par	Yield	MMD	Spread
11/1/2019	1,715	1.550		
5/1/2020	1,755	1.600	1.68	- 8
11/1/2020	1,790	1.650	1.68	- 3
5/1/2021	1,845	1.750	1.70	+ 5
11/1/2021	1,865	1.800	1.70	+ 10
5/1/2022	1,915	1.850	1.72	+ 13
11/1/2022	1,815	1.900	1.74	+ 16
5/1/2023	1,855	2.000	1.76	+ 24
11/1/2023	1,905	2.100	1.79	+ 31
5/1/2024	1,940	2.200	1.81	+ 39
11/1/2024	2,025	2.250	1.84	+ 41
5/1/2025	2,055	2.350	1.88	+ 47
11/1/2025	2,075	2.400	1.91	+ 49
5/1/2026	2,165	2.500	1.96	+ 54
11/1/2026	2,175	2.600	2.00	+ 60
5/1/2027	2,260	2.650	2.05	+ 60
11/1/2027	2,330	2.700	2.08	+ 62
5/1/2028	2,400	2.800	2.14	+ 66
11/1/2028	2,465	2.850	2.17	+ 68
5/1/2029	2,540	2.950	2.24	+ 71
11/1/2029	2,550	2.950	2.27	+ 68
5/1/2030	2,665	3.100	2.36	+ 74
11/1/2030	2,780	3.150	2.38	+ 77
5/1/2031	2,845	3.200	2.45	+ 75
11/1/2031	2,915	3.250	2.46	+ 79
11/1/2034	19,265	3.500	2.63	+ 87
11/1/2039	40,205	3.850	2.93	+ 92
11/1/2045	20,275	3.950	3.05	+ 90

Indiana Housing and Community Development Authority				
Single Family Mortgage Revenue Bonds				
2019 Series A				
1/24/2019				
Aaa N/A AAA				
Non-AMT				
\$48,780,000				
Optional call in 7/1/2028 @ 100				
RBC Capital Markets				

Maturity	Par	Yield	MMD	Spread
1/1/2020	360	1.700	1.69	+ 1
7/1/2020	400	1.800	1.70	+ 10
1/1/2021	405	1.850	1.71	+ 14
7/1/2021	415	1.900	1.72	+ 18
1/1/2022	430	1.950	1.73	+ 22
7/1/2022	435	2.000	1.75	+ 25
1/1/2023	450	2.100	1.78	+ 32
7/1/2023	460	2.150	1.80	+ 35
1/1/2024	470	2.200	1.84	+ 36
7/1/2024	485	2.250	1.86	+ 39
1/1/2025	495	2.400	1.89	+ 51
7/1/2025	510	2.450	1.92	+ 53
1/1/2026	520	2.550	1.96	+ 59
7/1/2026	535	2.600	2.00	+ 60
1/1/2027	550	2.650	2.05	+ 60
7/1/2027	560	2.750	2.08	+ 67
1/1/2028	580	2.800	2.14	+ 66
7/1/2028	590	2.850	2.17	+ 68
1/1/2029	605	3.000	2.24	+ 76
7/1/2029	620	3.000	2.27	+ 73
1/1/2030	635	3.100	2.36	+ 74
7/1/2030	655	3.150	2.38	+ 77
7/1/2034	5,850	3.500	2.65	+ 85
7/1/2039	9,165	3.850	2.95	+ 90
7/1/2042	6,610	3.967 100.250	3.03	+ 94
7/1/2048	15,990	2.620 107.514	1.84	+ 78
*PAC Avg Life 5.0 yrs over range of 100-500% PSA @ 4.25% coupon				

Ohio Housing Finance Agency				
Residential Mortgage Revenue Bonds				
(MBS Program)				
1/23/2019				
Aaa N/A N/A				
Non-AMT				
\$150,000,000				
Optional call in 3/1/2028 @ 100				
Citi				

Maturity	Par	Yield	MMD	Spread
9/1/2019	315	1.600		
3/1/2020	660	1.650	1.69	- 4
9/1/2020	680	1.750	1.70	+ 5
3/1/2021	695	1.800	1.70	+ 10
9/1/2021	715	1.850	1.71	+ 14
3/1/2022	735	2.000	1.71	+ 29
9/1/2022	755	2.050	1.74	+ 31
3/1/2023	775	2.150	1.76	+ 39
9/1/2023	795	2.200	1.79	+ 41
3/1/2024	815	2.250	1.82	+ 43
9/1/2024	835	2.300	1.85	+ 45
3/1/2025	860	2.400	1.88	+ 52
9/1/2025	885	2.450	1.91	+ 54
3/1/2026	905	2.500	1.95	+ 55
9/1/2026	930	2.550	1.99	+ 56
3/1/2027	960	2.650	2.04	+ 61
9/1/2027	980	2.700	2.07	+ 63
3/1/2028	1,010	2.800	2.13	+ 67
9/1/2028	1,035	2.850	2.16	+ 69
3/1/2029	1,065	2.950	2.22	+ 73
9/1/2029	1,090	3.000	2.25	+ 75
3/1/2030	1,125	3.050	2.34	+ 71
9/1/2030	1,150	3.100	2.36	+ 74
9/1/2034	10,400	3.500	2.62	+ 88
9/1/2039	16,490	3.850	2.92	+ 93
3/1/2049	46,330	4.000	3.08	+ 92
9/1/2049	57,010	2.600 108.747	1.82	+ 78
*PAC Avg Life 5.0 yrs over range of 100-500% PSA @ 4.50% coupon				

New Mexico Mortgage Finance Authority				
Single Family Mortgage Program Class I Bonds				
2019 Series A				
1/17/2019				
Aaa N/A N/A				
Non-AMT				
\$70,000,000				
Optional Call in 7/1/2028 @ 100				
Citi				

Maturity	Par	Yield	MMD	Spread
1/1/2020	385	1.700	1.69	+ 1
7/1/2020	390	1.800	1.70	+ 10
1/1/2021	395	1.850	1.70	+ 15
7/1/2021	405	1.850	1.71	+ 14
1/1/2022	410	2.000	1.72	+ 28
7/1/2022	415	2.050	1.74	+ 31
1/1/2023	415	2.150	1.77	+ 38
7/1/2023	425	2.200	1.79	+ 41
1/1/2024	430	2.250	1.83	+ 42
7/1/2024	440	2.300	1.85	+ 45
1/1/2025	445	2.400	1.88	+ 52
7/1/2025	455	2.450	1.91	+ 54
1/1/2026	455	2.550	1.94	+ 61
7/1/2026	465	2.600	1.98	+ 67
1/1/2027	475	2.700	2.02	+ 68
7/1/2027	485	2.750	2.05	+ 70
1/1/2028	490	2.800	2.11	+ 69
7/1/2028	500	2.850	2.14	+ 71
1/1/2029	510	3.000	2.20	+ 80
7/1/2029	515	3.000	2.23	+ 77
1/1/2030	530	3.100	2.29	+ 81
7/1/2030	540	3.100	2.31	+ 79
1/1/2031	550	3.200	2.38	+ 82
7/1/2031	560	3.200	2.40	+ 80
7/1/2034	3,610	3.450	2.58	+ 87
7/1/2039	7,180	3.850	2.88	+ 97
7/1/2049	19,625	4.000	3.04	+ 96
1/1/2050	28,500	2.610 107.541	1.83	+ 78
*PAC Avg Life 5.0 yrs over range of 100-400% PSA @ 4.25% coupon				

Recently Priced Housing Transactions and TDHCA's 2018A Pricing Levels

Maine State Housing Authority					Pennsylvania Housing Finance Authority					CDA - Maryland DHCD					Texas DHCA				
Mortgage Purchase Bonds 2019 Series A (Non-AMT) 1/16/2019 Aa1 I AA+ I N/A Non-AMT \$39,465,000 Optional Call in 5/15/2028 @ 100 Citi					Single Family Mortgage Revenue Bonds 2019 Series-128A (Non-AMT) 1/15/2019 Aa2 I AA+ I N/A Non-AMT \$100,000,000 Optional Call in 10/1/2027 @ 100 RBC					Housing Revenue Bonds 2019 Series A (Non-AMT) 1/8/2019 Aa2 I N/R I AA Non-AMT \$14,715,000 Optional Call in 7/1/2028 @ 100 BAML					Single Family Mortgage Revenue Bonds 2018 Series A (Non-AMT) 8/1/2018 Aa1 I AA+ I N/A Non-AMT \$143,995,000 Optional Call in 9/1/2027 @ 100 RBC				
Maturity	Par	Yield	MMD	Spread	Maturity	Par	Yield	MMD	Spread	Maturity	Par	Yield	MMD	Spread	Maturity	Par	Yield	MMD	Spread
11/15/2020	715	1.750	1.70	+ 5						12/1/2020	3,055	1.850	1.73	+ 12	9/1/2019	900	1.650	1.49	+ 16
11/15/2021	740	1.850	1.72	+ 13						1/1/2021	45	1.875	1.73	+ 15	3/1/2020	905	1.800	1.57	+ 23
11/15/2022	300	2.050	1.76	+ 29						7/1/2021	70	1.900	1.74	+ 16	9/1/2020	920	1.900	1.64	+ 26
11/15/2023	695	2.200	1.81	+ 39						1/1/2022	70	2.000	1.76	+ 24	3/1/2021	930	1.950	1.71	+ 24
11/15/2024	2,590	2.300	1.87	+ 43						7/1/2022	70	2.050	1.79	+ 26	9/1/2021	940	2.000	1.77	+ 23
11/15/2025	760	2.450	1.92	+ 53						1/1/2023	75	2.150	1.82	+ 33	3/1/2022	955	2.100	1.84	+ 26
11/15/2026	795	2.550	2.00	+ 55						7/1/2023	75	2.200	1.84	+ 36	9/1/2022	965	2.200	1.88	+ 32
11/15/2027	3,330	2.700	2.07	+ 63						1/1/2024	75	2.250	1.87	+ 38	3/1/2023	985	2.250	1.94	+ 31
11/15/2028	875	2.850	2.16	+ 69						7/1/2024	75	2.300	1.89	+ 41	9/1/2023	1,005	2.300	1.99	+ 31
11/15/2029	915	3.000	2.24	+ 76						1/1/2025	75	2.450	1.91	+ 54	3/1/2024	1,015	2.450	2.05	+ 40
11/15/2030	955	3.050	2.32	+ 73						7/1/2025	75	2.500	1.94	+ 56	9/1/2024	1,030	2.500	2.10	+ 40
										1/1/2026	80	2.550	1.97	+ 58	3/1/2025	1,035	2.600	2.16	+ 44
										7/1/2026	80	2.600	2.01	+ 59	9/1/2025	1,055	2.650	2.21	+ 44
										1/1/2027	80	2.700	2.05	+ 65	3/1/2026	1,070	2.800	2.28	+ 52
										7/1/2027	80	2.750	2.08	+ 67	9/1/2026	1,095	2.850	2.32	+ 53
										1/1/2028	85	2.800	2.13	+ 67	3/1/2027	1,115	2.950	2.36	+ 59
										7/1/2028	85	2.850	2.15	+ 70	9/1/2027	1,130	3.000	2.39	+ 61
										1/1/2029	85	2.950	2.20	+ 75	3/1/2028	1,150	3.050	2.43	+ 62
										7/1/2029	85	2.950	2.22	+ 73	9/1/2028	1,175	3.100	2.46	+ 64
										1/1/2030	85	3.000	2.27	+ 73	3/1/2029	1,190	3.150	2.50	+ 65
										7/1/2030	85	3.000	2.29	+ 71	9/1/2029	1,210	3.200	2.52	+ 68
										1/1/2031	90	3.150	2.34	+ 81					
										7/1/2031	90	3.150	2.36	+ 79					
					10/1/2034	17,040	3.500	2.57	+ 93	7/1/2034	580	3.400	2.54	+ 86	9/1/2033	10,610	3.350	2.72	+ 63
					4/1/2038	28,165	3.850	2.82	+ 103	7/1/2039	1,120	3.750	2.81	+ 94	9/1/2038	16,090	3.958	2.90	+ 92
										7/1/2044	1,355	3.875	2.92	+ 96	9/1/2043	20,110	4.091	2.96	+ 96
					10/1/2047	54,795	4.000	3.01	+ 99										
										7/1/2049	1,650	3.950	2.97	+ 98	9/1/2048	25,345	4.128	3.01	+ 96
										7/1/2054	1,995	4.050	2.97	+ 108	3/1/2049	50,065	4.091	1.98	+ 76
										1/1/2061	3,245	4.200	2.97	+ 123					
*PAC Avg Life 5.0 yrs over range of 100-400% PSA @ 4.000% coupon															*PAC Avg Life 5.0 yrs over range of 100-400% PSA @ 4.750% coupon				

Syndicate Price Views

Premium Serial Bonds									
Maturity	Jefferies	JPM	Piper	Ramirez	RBC	Maturity	Max	Min	Average
7/1/2020	6.00	5.00	6.00	6.00	6.00	7/1/2020	6.00	5.00	5.80
7/1/2021	9.00	8.00	6.00	9.00	9.00	7/1/2021	9.00	6.00	8.20
7/1/2022	11.00	10.00	10.00	12.00	12.00	7/1/2022	12.00	10.00	11.00
7/1/2023	13.00	12.00	12.00	12.00	14.00	7/1/2023	14.00	12.00	12.60
7/1/2024	15.00	15.00	12.00	17.00	16.00	7/1/2024	17.00	12.00	15.00
7/1/2025	17.00	18.00	15.00	20.00	18.00	7/1/2025	20.00	15.00	17.60
7/1/2026	20.00	20.00	17.00	22.00	20.00	7/1/2026	22.00	17.00	19.80
7/1/2027	23.00	23.00	19.00	24.00	23.00	7/1/2027	24.00	19.00	22.40
7/1/2028	25.00	25.00	20.00	25.00	25.00	7/1/2028	25.00	20.00	24.00
7/1/2029	27.00	28.00	22.00	25.00	27.00	7/1/2029	28.00	22.00	25.80
7/1/2030	30.00	30.00	22.00	30.00	30.00	7/1/2030	30.00	22.00	28.40
1/1/2031	33.00	33.00	22.00	28.00	33.00	1/1/2031	33.00	22.00	29.80
7/1/2031	33.00	35.00	22.00	31.00	33.00	7/1/2031	35.00	22.00	30.80
1/1/2032	33.00	35.00	22.00	31.00	33.00	1/1/2032	35.00	22.00	30.80
7/1/2032	33.00	35.00	22.00	35.00	33.00	7/1/2032	35.00	22.00	31.60
1/1/2033	33.00	35.00	22.00	34.00	33.00	1/1/2033	35.00	22.00	31.40
7/1/2033	33.00	35.00	22.00	39.00	33.00	7/1/2033	39.00	22.00	32.40

Par Bonds									
Maturity	Jefferies	JPM	Piper	Ramirez	RBC	Maturity	Max	Min	Average
1/1/2021	1.85	1.60	2.00	1.90	1.85	1/1/2021	2.00	1.60	1.84
1/1/2022	1.95	1.85	2.10	1.95	1.95	1/1/2022	2.10	1.85	1.96
1/1/2023	2.05	1.95	2.20	2.00	2.05	1/1/2023	2.20	1.95	2.05
1/1/2024	2.20	2.15	2.30	2.25	2.20	1/1/2024	2.30	2.15	2.22
1/1/2025	2.35	2.25	2.40	2.35	2.35	1/1/2025	2.40	2.25	2.34
1/1/2026	2.50	2.45	2.50	2.50	2.50	1/1/2026	2.50	2.45	2.49
1/1/2027	2.65	2.60	2.65	2.65	2.65	1/1/2027	2.65	2.60	2.64
1/1/2028	2.75	2.70	2.75	2.85	2.75	1/1/2028	2.85	2.70	2.76
1/1/2029	2.90	2.90	2.85	3.00	2.95	1/1/2029	3.00	2.85	2.92
1/1/2030	3.00	3.05	3.00	3.15	3.05	1/1/2030	3.15	3.00	3.05
7/1/2034	3.50	3.50	3.45	3.50	3.50	7/1/2034	3.50	3.45	3.49
7/1/2039	3.85	3.80	3.75	3.85	3.85	7/1/2039	3.85	3.75	3.82
7/1/2044	3.95	3.95	3.85	3.95	3.95	7/1/2044	3.95	3.85	3.93
7/1/2049	2.55	2.55	2.65-2.70	2.55	2.55	7/1/2049	2.55	2.55	2.55
1/1/2050	4.00	4.13	3.90-4.00	4.05	4.00	1/1/2050	4.13	4.00	4.04

Daily Rate Sheets



Jefferies' AAA Scale				
Yr.	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year
1	1.65%	0.00%	-0.02%	0.22%
2	1.70%	0.00%	-0.06%	0.12%
3	1.79%	0.00%	-0.05%	0.14%
4	1.88%	0.00%	-0.07%	0.15%
5	1.93%	0.00%	-0.07%	0.10%
6	2.04%	0.00%	-0.06%	0.09%
7	2.12%	0.00%	-0.07%	0.07%
8	2.22%	0.00%	-0.07%	0.08%
9	2.33%	0.00%	-0.05%	0.08%
10	2.43%	0.00%	-0.05%	0.09%
11	2.52%	0.00%	-0.05%	0.08%
12	2.59%	0.00%	-0.05%	0.08%
13	2.65%	0.00%	-0.05%	0.07%
14	2.70%	0.00%	-0.05%	0.06%
15	2.77%	0.00%	-0.04%	0.09%
16	2.85%	0.01%	-0.03%	0.14%
17	2.89%	0.01%	-0.03%	0.13%
18	2.92%	0.00%	-0.05%	0.13%
19	2.95%	0.00%	-0.05%	0.13%
20	2.97%	0.00%	-0.05%	0.11%
21	3.01%	0.01%	-0.04%	0.12%
22	3.03%	0.01%	-0.05%	0.13%
23	3.05%	0.01%	-0.05%	0.14%
24	3.06%	0.01%	-0.05%	0.13%
25	3.07%	0.01%	-0.05%	0.13%
26	3.08%	0.01%	-0.05%	0.13%
27	3.09%	0.01%	-0.05%	0.12%
28	3.10%	0.01%	-0.05%	0.12%
29	3.11%	0.01%	-0.05%	0.12%
30	3.12%	0.01%	-0.05%	0.12%

UST				
Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	
2.48%	0.01%	-0.02%	0.64%	
2.51%	0.05%	-0.08%	0.35%	
2.49%	0.06%	-0.07%	0.18%	
2.50%	0.07%	-0.07%	0.06%	
2.54%	0.07%	-0.07%	-0.09%	
2.58%	0.07%	-0.07%	-0.13%	
2.62%	0.06%	-0.06%	-0.12%	
2.65%	0.06%	-0.06%	-0.11%	
2.69%	0.06%	-0.06%	-0.09%	
2.70%	0.06%	-0.06%	-0.09%	
2.72%	0.05%	-0.05%	-0.08%	
2.74%	0.05%	-0.05%	-0.08%	
2.75%	0.05%	-0.05%	-0.07%	
2.77%	0.05%	-0.05%	-0.07%	
2.79%	0.05%	-0.05%	-0.06%	
2.80%	0.05%	-0.05%	-0.06%	
2.82%	0.05%	-0.05%	-0.05%	
2.84%	0.04%	-0.05%	-0.05%	
2.86%	0.04%	-0.05%	-0.04%	
2.87%	0.04%	-0.05%	-0.04%	
2.89%	0.04%	-0.04%	-0.03%	
2.91%	0.04%	-0.04%	-0.03%	
2.92%	0.04%	-0.04%	-0.02%	
2.94%	0.04%	-0.04%	-0.01%	
2.96%	0.03%	-0.04%	-0.01%	
2.97%	0.03%	-0.04%	0.00%	
2.99%	0.03%	-0.04%	0.00%	
3.01%	0.03%	-0.04%	0.01%	
3.03%	0.03%	-0.04%	0.01%	

SIFMA Swaps				
Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	
1.66%	0.01%	-0.03%	0.24%	
1.69%	0.03%	-0.05%	0.07%	
1.70%	0.04%	-0.04%	-0.05%	
1.73%	0.04%	-0.05%	-0.13%	
1.79%	0.05%	-0.04%	-0.15%	
1.84%	0.05%	-0.04%	-0.17%	
1.89%	0.05%	-0.04%	-0.18%	
1.94%	0.05%	-0.04%	-0.18%	
1.98%	0.05%	-0.04%	-0.18%	
2.03%	0.04%	-0.04%	-0.18%	
2.07%	0.04%	-0.04%	-0.17%	
2.11%	0.04%	-0.04%	-0.16%	
2.14%	0.04%	-0.04%	-0.15%	
2.17%	0.04%	-0.04%	-0.14%	
2.20%	0.04%	-0.04%	-0.14%	
2.21%	0.04%	-0.04%	-0.13%	
2.23%	0.04%	-0.04%	-0.13%	
2.25%	0.04%	-0.04%	-0.12%	
2.26%	0.04%	-0.04%	-0.12%	
2.28%	0.04%	-0.04%	-0.11%	
2.29%	0.04%	-0.04%	-0.11%	
2.30%	0.04%	-0.04%	-0.11%	
2.31%	0.04%	-0.03%	-0.10%	
2.32%	0.04%	-0.03%	-0.10%	
2.33%	0.04%	-0.03%	-0.10%	
2.34%	0.04%	-0.03%	-0.10%	
2.35%	0.04%	-0.03%	-0.09%	
2.35%	0.04%	-0.03%	-0.09%	
2.36%	0.04%	-0.03%	-0.09%	
2.37%	0.04%	-0.03%	-0.09%	

LIBOR Swaps				
Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	
2.71%	0.02%	-0.07%	0.60%	
2.65%	0.05%	-0.08%	0.30%	
2.60%	0.06%	-0.08%	0.10%	
2.58%	0.06%	-0.07%	-0.01%	
2.59%	0.07%	-0.07%	-0.06%	
2.61%	0.07%	-0.06%	-0.08%	
2.63%	0.07%	-0.06%	-0.10%	
2.66%	0.06%	-0.06%	-0.11%	
2.68%	0.06%	-0.06%	-0.11%	
2.71%	0.06%	-0.06%	-0.10%	
2.74%	0.06%	-0.06%	-0.10%	
2.76%	0.06%	-0.06%	-0.09%	
2.78%	0.05%	-0.06%	-0.09%	
2.79%	0.05%	-0.05%	-0.08%	
2.81%	0.05%	-0.05%	-0.08%	
2.81%	0.05%	-0.05%	-0.08%	
2.82%	0.05%	-0.05%	-0.08%	
2.82%	0.05%	-0.05%	-0.08%	
2.83%	0.05%	-0.05%	-0.08%	
2.84%	0.05%	-0.05%	-0.07%	
2.84%	0.05%	-0.05%	-0.07%	
2.84%	0.05%	-0.05%	-0.07%	
2.84%	0.04%	-0.05%	-0.07%	
2.84%	0.04%	-0.05%	-0.07%	
2.84%	0.04%	-0.05%	-0.06%	
2.84%	0.04%	-0.05%	-0.06%	
2.84%	0.04%	-0.05%	-0.06%	
2.84%	0.04%	-0.05%	-0.06%	
2.84%	0.04%	-0.05%	-0.06%	
2.84%	0.04%	-0.05%	-0.06%	

Jefferies' AAA Scale/UST		SIFMA/LIBOR	
Ratio		Ratio	
66.60%		61.25%	
67.86%		63.75%	
71.86%		65.50%	
75.28%		67.13%	
77.08%		69.00%	
80.22%		70.48%	
82.11%		71.88%	
84.85%		72.88%	
87.90%		73.83%	
90.50%		74.75%	
93.26%		75.46%	
95.25%		76.25%	
96.85%		76.92%	
98.07%		77.59%	
99.99%		78.25%	
102.25%		78.68%	
103.05%		79.11%	
103.49%		79.53%	
103.93%		79.95%	
104.01%		80.38%	
104.78%		80.68%	
104.86%		80.99%	
104.93%		81.30%	
104.66%		81.61%	
104.40%		81.92%	
104.13%		82.26%	
103.87%		82.60%	
103.61%		82.94%	
103.36%		83.28%	
103.11%		83.63%	

Key Rates				
	Today	Δ 1 Day	Δ 1 Week	Δ 1 Year
SIFMA*	1.43%	0.00%	0.14%	0.35%
1M LIBOR	2.51%	0.00%	0.00%	0.93%
3M LIBOR	2.74%	0.00%	-0.04%	0.95%
Fed Fund	2.40%	0.00%	0.00%	0.97%
Prime	5.50%	0.00%	0.00%	1.00%
SOFR	2.58%	0.19%	0.17%	N/A

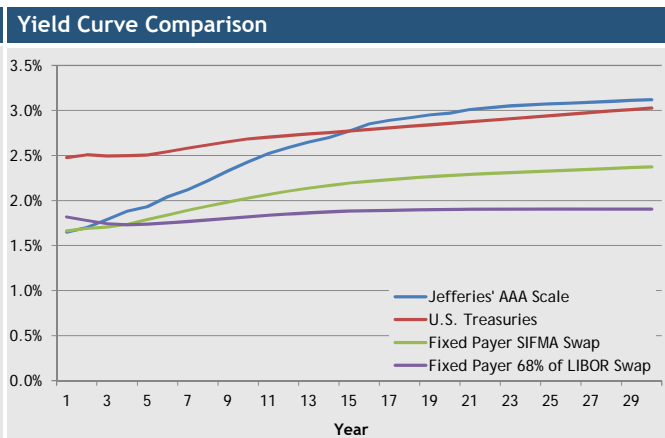
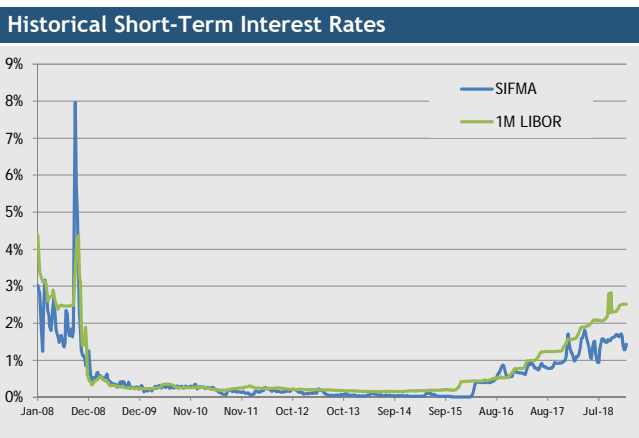
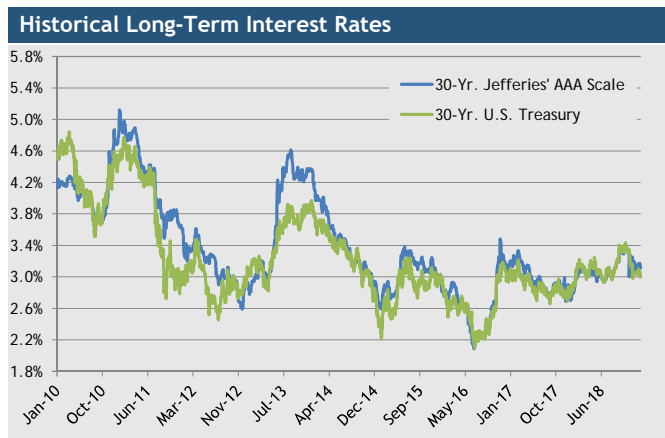
SIFMA/1M LIBOR RATIO				
	Today	Δ 1 Day	Δ 1 Week	Δ 1 Year
Spot	56.89%	-0.10%	5.49%	-11.49%
6M Avg.	67.12%	-0.05%	0.59%	-2.39%
2-Yr. Avg.	70.76%	-0.07%	-0.23%	-2.83%

Reinvestment Rates			
Years	UST	Agencies	
1	2.48%	2.25%	
2	2.51%	2.53%	
3	2.49%	2.51%	
4	2.50%	2.53%	
5	2.50%	2.54%	
7	2.58%	2.65%	
10	2.69%	3.09%	

Generic GO Credit Spreads*				
Years	AA	A	BBB	
10	16 bps	48 bps	85 bps	
20	21 bps	50 bps	86 bps	
30	21 bps	51 bps	86 bps	

*Source: Thomson Reuters

*Represents reset on January 30, 2019, effective from January 31, 2019 to February 06, 2019



Yr.	Jefferies' AAA Scale				UST				SIFMA Swaps				LIBOR Swaps				Jefferies' AAA Scale/UST		SIFMA/LIBOR	
	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Ratio	Ratio		
1	1.65%	0.00%	-0.03%	0.20%	2.48%	0.00%	-0.01%	0.69%	1.67%	0.01%	-0.02%	0.27%	2.73%	0.01%	-0.04%	0.66%	66.53%	61.25%		
2	1.71%	0.01%	-0.04%	0.09%	2.54%	0.03%	-0.03%	0.51%	1.72%	0.02%	-0.01%	0.15%	2.68%	0.03%	-0.04%	0.40%	67.40%	64.00%		
3	1.79%	0.00%	-0.05%	0.11%	2.53%	0.03%	-0.01%	0.34%	1.73%	0.02%	-0.01%	0.04%	2.63%	0.03%	-0.02%	0.23%	70.86%	65.50%		
4	1.88%	0.00%	-0.06%	0.12%	2.53%	0.03%	-0.01%	0.22%	1.76%	0.03%	0.00%	-0.02%	2.62%	0.03%	-0.01%	0.14%	74.28%	67.31%		
5	1.93%	0.00%	-0.06%	0.07%	2.54%	0.03%	-0.02%	0.10%	1.81%	0.02%	0.00%	-0.05%	2.62%	0.03%	-0.01%	0.09%	76.10%	69.00%		
6	2.04%	0.00%	-0.06%	0.05%	2.58%	0.03%	-0.01%	0.05%	1.86%	0.02%	0.00%	-0.06%	2.64%	0.03%	-0.01%	0.06%	79.15%	70.49%		
7	2.13%	0.01%	-0.05%	0.03%	2.62%	0.04%	0.00%	0.00%	1.92%	0.02%	0.00%	-0.08%	2.67%	0.03%	0.00%	0.04%	81.33%	71.88%		
8	2.23%	0.01%	-0.05%	0.03%	2.65%	0.04%	0.00%	0.01%	1.96%	0.03%	0.00%	-0.08%	2.69%	0.04%	0.00%	0.03%	84.02%	72.85%		
9	2.33%	0.00%	-0.04%	0.02%	2.69%	0.04%	0.00%	0.01%	2.01%	0.03%	0.00%	-0.08%	2.72%	0.04%	0.00%	0.03%	86.65%	73.78%		
10	2.44%	0.01%	-0.03%	0.04%	2.72%	0.04%	0.01%	0.02%	2.05%	0.03%	0.00%	-0.08%	2.75%	0.04%	0.00%	0.03%	89.57%	74.69%		
11	2.53%	0.01%	-0.03%	0.03%	2.74%	0.04%	0.01%	0.02%	2.09%	0.03%	0.00%	-0.07%	2.77%	0.04%	0.01%	0.03%	92.32%	75.44%		
12	2.60%	0.01%	-0.03%	0.03%	2.76%	0.04%	0.01%	0.02%	2.13%	0.03%	0.01%	-0.07%	2.80%	0.04%	0.00%	0.03%	94.30%	76.25%		
13	2.66%	0.01%	-0.03%	0.03%	2.77%	0.04%	0.01%	0.02%	2.16%	0.03%	0.01%	-0.06%	2.81%	0.03%	0.00%	0.03%	95.90%	76.92%		
14	2.71%	0.01%	-0.02%	0.02%	2.79%	0.04%	0.01%	0.02%	2.19%	0.03%	0.01%	-0.06%	2.83%	0.03%	0.00%	0.03%	97.13%	77.59%		
15	2.78%	0.01%	-0.01%	0.05%	2.81%	0.04%	0.01%	0.02%	2.22%	0.03%	0.01%	-0.05%	2.84%	0.03%	0.00%	0.03%	99.05%	78.25%		
16	2.86%	0.01%	-0.01%	0.09%	2.82%	0.04%	0.01%	0.03%	2.24%	0.03%	0.01%	-0.05%	2.85%	0.03%	0.00%	0.03%	101.30%	78.67%		
17	2.90%	0.01%	-0.01%	0.08%	2.84%	0.04%	0.01%	0.03%	2.25%	0.03%	0.01%	-0.05%	2.85%	0.03%	0.00%	0.03%	102.12%	79.08%		
18	2.93%	0.01%	-0.02%	0.08%	2.86%	0.03%	0.01%	0.03%	2.27%	0.02%	0.01%	-0.04%	2.86%	0.03%	0.00%	0.03%	102.58%	79.49%		
19	2.96%	0.01%	-0.03%	0.08%	2.87%	0.03%	0.01%	0.03%	2.29%	0.02%	0.01%	-0.04%	2.86%	0.03%	0.00%	0.03%	103.03%	79.90%		
20	2.99%	0.02%	-0.03%	0.07%	2.89%	0.03%	0.01%	0.03%	2.30%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	103.48%	80.31%		
21	3.02%	0.01%	-0.02%	0.07%	2.91%	0.03%	0.01%	0.03%	2.31%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	103.92%	80.63%		
22	3.04%	0.01%	-0.02%	0.08%	2.92%	0.03%	0.02%	0.03%	2.32%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	104.02%	80.94%		
23	3.06%	0.01%	-0.02%	0.09%	2.94%	0.03%	0.02%	0.04%	2.33%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	104.11%	81.26%		
24	3.07%	0.01%	-0.02%	0.08%	2.96%	0.03%	0.02%	0.04%	2.34%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	103.87%	81.57%		
25	3.08%	0.01%	-0.02%	0.07%	2.97%	0.03%	0.02%	0.04%	2.35%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	103.63%	81.89%		
26	3.09%	0.01%	-0.03%	0.07%	2.99%	0.03%	0.02%	0.04%	2.36%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	103.39%	82.23%		
27	3.10%	0.01%	-0.03%	0.07%	3.01%	0.03%	0.02%	0.04%	2.37%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.03%	103.15%	82.58%		
28	3.11%	0.01%	-0.03%	0.07%	3.02%	0.03%	0.02%	0.04%	2.38%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.04%	102.92%	82.93%		
29	3.12%	0.01%	-0.03%	0.07%	3.04%	0.03%	0.02%	0.05%	2.39%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.00%	0.04%	102.68%	83.28%		
30	3.13%	0.01%	-0.03%	0.07%	3.06%	0.03%	0.02%	0.05%	2.40%	0.02%	0.01%	-0.03%	2.87%	0.03%	0.01%	0.04%	102.45%	83.63%		

Key Rates				
	Today	Δ 1 Day	Δ 1 Week	Δ 1 Year
SIFMA*	1.43%	0.00%	0.14%	0.35%
1M LIBOR	2.51%	0.00%	0.01%	0.93%
3M LIBOR	2.73%	0.00%	-0.04%	0.94%
Fed Fund	2.40%	0.00%	0.00%	0.99%
Prime	5.50%	0.00%	0.00%	1.00%
SOFR	2.47%	-0.11%	0.07%	N/A

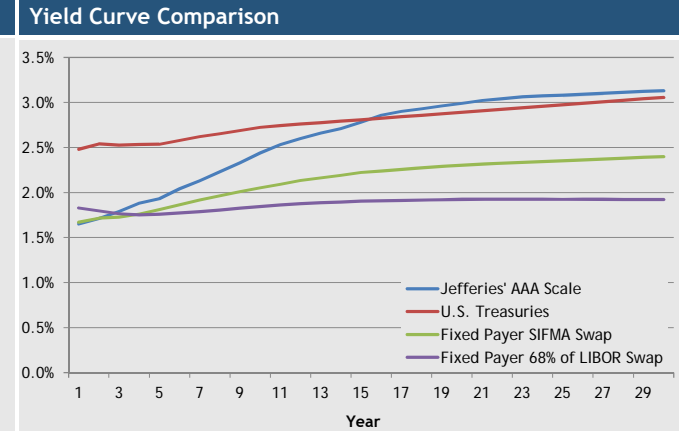
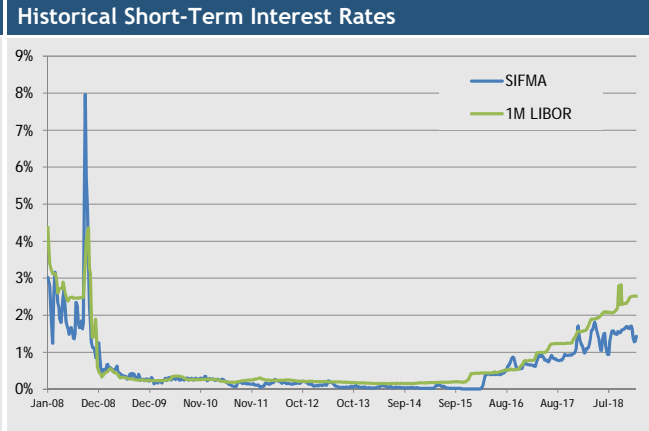
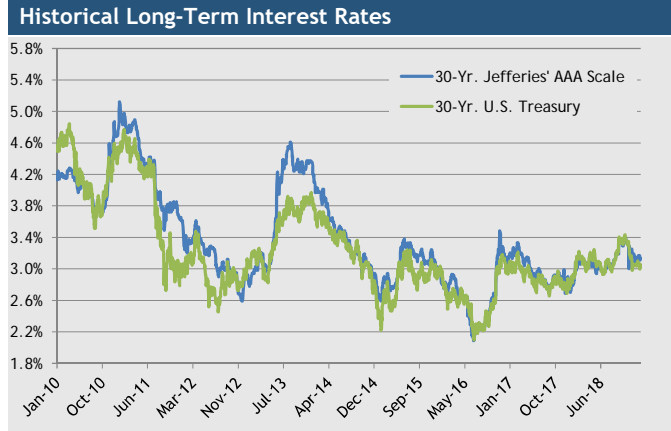
SIFMA/1M LIBOR RATIO				
	Today	Δ 1 Day	Δ 1 Week	Δ 1 Year
Spot	56.88%	-0.01%	5.32%	-11.47%
6M Avg.	67.34%	-0.05%	0.07%	-2.26%
2-Yr. Avg.	70.76%	-0.08%	-0.22%	-3.01%

Reinvestment Rates		
	Years	UST Agencies
1	2.48%	2.25%
2	2.54%	2.53%
3	2.53%	2.51%
4	2.53%	2.53%
5	2.54%	2.54%
7	2.62%	2.65%
10	2.72%	3.09%

Generic GO Credit Spreads*			
	Years	AA	A BBB
10	16 bps	48 bps	85 bps
20	21 bps	50 bps	86 bps
30	21 bps	51 bps	86 bps

*Source: Thomson Reuters

*Represents reset on January 30, 2019, effective from January 31, 2019 to February 06, 2019



Yr.	Jefferies' AAA Scale				UST				SIFMA Swaps				LIBOR Swaps				Jefferies' AAA Scale/UST		SIFMA/LIBOR	
	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Rate	Δ 1 Day	Δ 1 Week	Δ 1 Year	Ratio	Ratio		
1	1.65%	0.00%	-0.03%	0.20%	2.48%	0.00%	-0.03%	0.69%	1.67%	0.00%	-0.02%	0.28%	2.73%	0.00%	-0.05%	0.66%	66.67%	61.25%		
2	1.71%	0.00%	-0.04%	0.09%	2.52%	-0.01%	-0.08%	0.50%	1.70%	-0.01%	-0.05%	0.13%	2.67%	-0.01%	-0.08%	0.39%	67.75%	63.75%		
3	1.79%	0.00%	-0.06%	0.11%	2.50%	-0.02%	-0.09%	0.32%	1.71%	-0.01%	-0.05%	0.02%	2.62%	-0.02%	-0.08%	0.21%	71.54%	65.50%		
4	1.88%	0.00%	-0.06%	0.12%	2.51%	-0.02%	-0.09%	0.20%	1.74%	-0.02%	-0.05%	-0.04%	2.60%	-0.02%	-0.08%	0.12%	75.00%	67.13%		
5	1.93%	0.00%	-0.07%	0.07%	2.51%	-0.03%	-0.09%	0.07%	1.79%	-0.02%	-0.05%	-0.07%	2.60%	-0.02%	-0.08%	0.07%	76.86%	69.00%		
6	2.04%	0.00%	-0.06%	0.05%	2.55%	-0.02%	-0.08%	0.03%	1.85%	-0.02%	-0.05%	-0.08%	2.62%	-0.02%	-0.08%	0.04%	79.87%	70.50%		
7	2.13%	0.00%	-0.05%	0.03%	2.60%	-0.02%	-0.07%	-0.02%	1.90%	-0.02%	-0.05%	-0.10%	2.64%	-0.02%	-0.07%	0.01%	82.02%	71.88%		
8	2.23%	0.00%	-0.06%	0.03%	2.63%	-0.02%	-0.07%	-0.02%	1.94%	-0.02%	-0.05%	-0.10%	2.67%	-0.03%	-0.07%	0.01%	84.76%	72.88%		
9	2.33%	0.00%	-0.06%	0.02%	2.67%	-0.02%	-0.06%	-0.01%	1.99%	-0.02%	-0.05%	-0.10%	2.70%	-0.02%	-0.07%	0.00%	87.43%	73.82%		
10	2.44%	0.00%	-0.04%	0.04%	2.70%	-0.03%	-0.06%	-0.01%	2.04%	-0.02%	-0.05%	-0.10%	2.72%	-0.02%	-0.07%	0.01%	90.40%	74.75%		
11	2.53%	0.00%	-0.04%	0.03%	2.72%	-0.02%	-0.06%	-0.01%	2.08%	-0.02%	-0.04%	-0.09%	2.75%	-0.02%	-0.06%	0.00%	93.16%	75.47%		
12	2.60%	0.00%	-0.04%	0.03%	2.73%	-0.02%	-0.06%	0.00%	2.11%	-0.02%	-0.04%	-0.09%	2.77%	-0.02%	-0.06%	0.01%	95.16%	76.25%		
13	2.66%	0.00%	-0.04%	0.03%	2.75%	-0.02%	-0.06%	0.00%	2.14%	-0.02%	-0.04%	-0.08%	2.79%	-0.02%	-0.06%	0.01%	96.76%	76.92%		
14	2.71%	0.00%	-0.04%	0.02%	2.77%	-0.02%	-0.06%	0.00%	2.17%	-0.02%	-0.04%	-0.08%	2.80%	-0.02%	-0.06%	0.01%	97.99%	77.59%		
15	2.78%	0.00%	-0.03%	0.05%	2.78%	-0.02%	-0.05%	0.00%	2.20%	-0.02%	-0.04%	-0.07%	2.82%	-0.02%	-0.06%	0.01%	99.92%	78.25%		
16	2.86%	0.00%	-0.02%	0.09%	2.80%	-0.02%	-0.05%	0.00%	2.22%	-0.02%	-0.04%	-0.07%	2.82%	-0.02%	-0.06%	0.01%	102.18%	78.68%		
17	2.90%	0.00%	-0.03%	0.08%	2.82%	-0.02%	-0.05%	0.00%	2.24%	-0.02%	-0.04%	-0.06%	2.83%	-0.02%	-0.05%	0.01%	103.00%	79.11%		
18	2.93%	0.00%	-0.04%	0.08%	2.83%	-0.02%	-0.05%	0.00%	2.25%	-0.02%	-0.04%	-0.06%	2.83%	-0.02%	-0.05%	0.01%	103.45%	79.53%		
19	2.96%	0.00%	-0.04%	0.08%	2.85%	-0.02%	-0.05%	0.01%	2.27%	-0.02%	-0.04%	-0.05%	2.84%	-0.02%	-0.05%	0.01%	103.90%	79.95%		
20	2.99%	0.00%	-0.04%	0.07%	2.87%	-0.02%	-0.05%	0.01%	2.29%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.34%	80.38%		
21	3.02%	0.00%	-0.04%	0.07%	2.88%	-0.02%	-0.05%	0.01%	2.30%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.78%	80.68%		
22	3.04%	0.00%	-0.04%	0.08%	2.90%	-0.02%	-0.05%	0.01%	2.31%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.87%	80.99%		
23	3.06%	0.00%	-0.04%	0.09%	2.92%	-0.02%	-0.04%	0.01%	2.32%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.96%	81.29%		
24	3.07%	0.00%	-0.04%	0.08%	2.93%	-0.02%	-0.04%	0.01%	2.33%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.70%	81.60%		
25	3.08%	0.00%	-0.04%	0.07%	2.95%	-0.02%	-0.04%	0.02%	2.33%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.45%	81.90%		
26	3.09%	0.00%	-0.04%	0.07%	2.97%	-0.02%	-0.04%	0.02%	2.34%	-0.02%	-0.04%	-0.05%	2.85%	-0.02%	-0.05%	0.01%	104.20%	82.25%		
27	3.10%	0.00%	-0.04%	0.07%	2.98%	-0.02%	-0.04%	0.02%	2.35%	-0.02%	-0.04%	-0.04%	2.85%	-0.02%	-0.05%	0.01%	103.96%	82.59%		
28	3.11%	0.00%	-0.04%	0.07%	3.00%	-0.02%	-0.04%	0.02%	2.36%	-0.02%	-0.04%	-0.04%	2.85%	-0.02%	-0.05%	0.01%	103.71%	82.94%		
29	3.12%	0.00%	-0.04%	0.07%	3.02%	-0.02%	-0.04%	0.02%	2.37%	-0.02%	-0.04%	-0.04%	2.85%	-0.02%	-0.05%	0.02%	103.47%	83.28%		
30	3.13%	0.00%	-0.04%	0.07%	3.03%	-0.02%	-0.04%	0.02%	2.38%	-0.02%	-0.04%	-0.04%	2.85%	-0.02%	-0.05%	0.02%	103.23%	83.63%		

Key Rates				
	Today	Δ 1 Day	Δ 1 Week	Δ 1 Year
SIFMA*	1.43%	0.00%	0.14%	0.35%
1M LIBOR	2.51%	0.00%	0.01%	0.93%
3M LIBOR	2.73%	0.00%	-0.02%	0.94%
Fed Fund	2.40%	0.00%	0.00%	0.99%
Prime	5.50%	0.00%	0.00%	1.00%
SOFR	2.40%	-0.07%	-0.01%	N/A

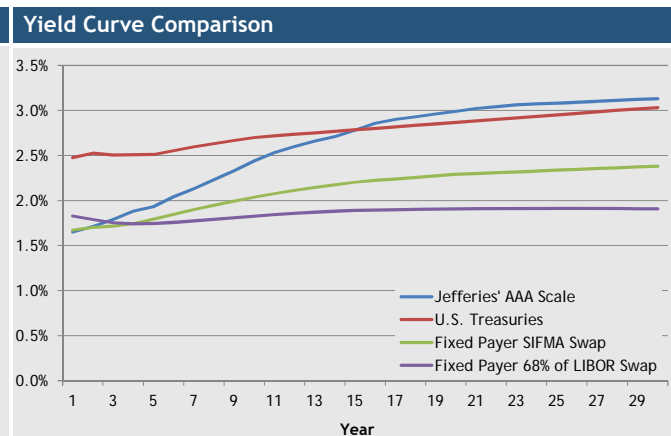
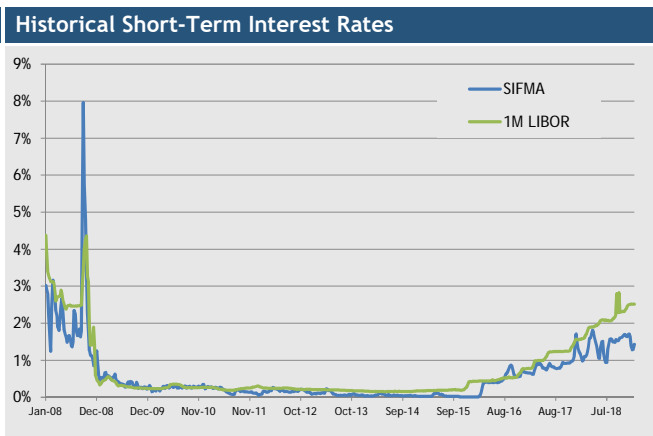
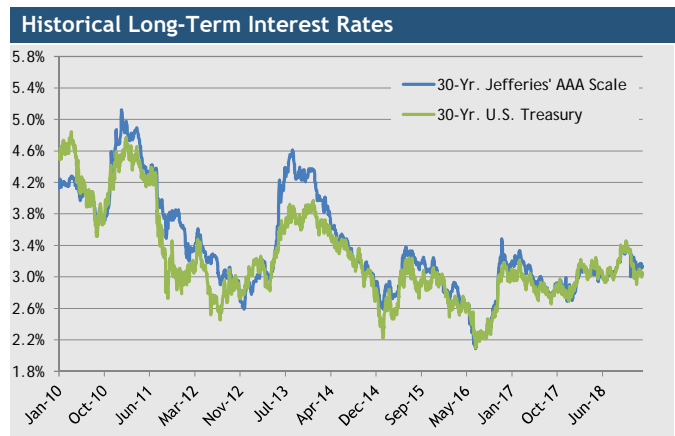
SIFMA/1M LIBOR RATIO				
	Today	Δ 1 Day	Δ 1 Week	Δ 1 Year
Spot	56.90%	0.02%	5.30%	-11.45%
6M Avg.	67.29%	-0.05%	0.07%	-2.24%
2-Yr. Avg.	70.69%	-0.07%	-0.22%	-2.92%

Reinvestment Rates			
Years	UST	Agencies	
1	2.48%	2.25%	
2	2.52%	2.55%	
3	2.50%	2.53%	
4	2.51%	2.54%	
5	2.51%	2.55%	
7	2.60%	2.66%	
10	2.70%	3.10%	

Generic GO Credit Spreads*				
Years	AA	A	BBB	
10	16 bps	48 bps	85 bps	
20	21 bps	50 bps	86 bps	
30	21 bps	51 bps	86 bps	

*Source: Thomson Reuters

*Represents reset on January 30, 2019, effective from January 31, 2019 to February 06, 2019



Pricing Wires



Pre-Marketing Wire

DRAFT FOR DISCUSSION PURPOSES

RE: \$ 166,340,000*
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A

WE PLAN TO PRICE THE ABOVE REFERENCED ISSUE NEXT WEEK:

MONDAY, FEBRUARY 4TH- RETAIL ORDER PERIOD

TUESDAY, FEBRUARY 5TH- INSTITUTIONAL PRICING

POS LINK: <https://www.munios.com/munios-notice.aspx?i=1PBOFW73cEO>

PLEASE USE THE FOLLOWING FOR PREMARKETING PURPOSES.

\$ 20,605,000*
Series 2019A Premium Serial Bonds

MOODY'S: Aaa S&P: AA+ FITCH:
NAF

DATED:03/20/2019 FIRST COUPON:07/01/2019

DUE: 01/01 & 07/01

MATURITY	AMOUNT*	COUPON	SPREAD
07/01/2020	860M	5.00%	+6
07/01/2021	900M	5.00%	+9
07/01/2022	935M	5.00%	+11
07/01/2023	975M	5.00%	+13
07/01/2024	1,015M	5.00%	+15
07/01/2025	1,060M	5.00%	+17
07/01/2026	1,105M	5.00%	+20
07/01/2027	1,155M	5.00%	+23
07/01/2028	1,210M	5.00%	+25
07/01/2029	1,265M	5.00%	+27
07/01/2030	1,330M	5.00%	+30
01/01/2031	1,370M	5.00%	+33
07/01/2031	1,405M	5.00%	+33
01/01/2032	1,445M	5.00%	+33
07/01/2032	1,485M	5.00%	+33
01/01/2033	1,525M	5.00%	+33
07/01/2033	1,565M	5.00%	+33

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Premium Serial Bonds are subject to Special Redemption from Unexpected Proceeds as set forth on page four of the Preliminary Official Statement.

\$ 145,735,000*
Series 2019A Par Bonds

MOODY'S: Aaa S&P: AA+ FITCH:
NAF

DATED:03/20/2019 FIRST COUPON:07/01/2019

DUE: 01/01 & 07/01

MATURITY	AMOUNT*	COUPON	PRICE	ADD'L TAKEDOWN (Pts)
01/01/2021	885M	1.85%	100.00	
01/01/2022	920M	1.95%	100.00	
01/01/2023	960M	2.05%	100.00	
01/01/2024	1,000M	2.20%	100.00	
01/01/2025	1,045M	2.35%	100.00	
01/01/2026	1,095M	2.50%	100.00	
01/01/2027	1,140M	2.65%	100.00	
01/01/2028	1,190M	2.75%	100.00	
01/01/2029	1,240M	2.90%	100.00	
01/01/2030	1,310M	3.00%	100.00	
07/01/2034	3,255M	3.50%	100.00	
07/01/2039	18,735M	3.85%	100.00	
07/01/2044	23,310M	3.95%	100.00	
01/01/2049	57,405M	4.75%	2.55	
(Approx. \$ Price				
(PAC)				
(Avg. Life: 4.90 years over a range of 100.00 to 400.00% of PSA experience)				
APPROXIMATE AVERAGE LIFE DATE: 2/14/2024				
01/01/2050	32,245M	4.00%	100.00	

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Par Bonds are subject to redemption prior to maturity as further described in the Preliminary Official Statement.

TABLE OF PROJECTED WEIGHTED AVERAGE LIVES*						
PREPAYMENT	2034 TERM	2039 TERM	2044 TERM	2050 TERM	2049 PAC	
SPEED	BOND	BOND	BOND	BOND	BOND	
0%	15.0	18.1	23.1	27.6	16.4	
50%	15.0	17.7	21.0	22.5	7.1	
75%	14.6	16.6	18.9	19.6	5.6	
100%	13.8	15.2	16.7	17.0	4.9	
125%	12.7	13.6	14.6	14.7	4.9	
150%	11.4	12.1	12.8	12.9	4.9	
175%	10.4	10.9	11.3	11.3	4.9	
200%	9.6	9.8	10.1	10.1	4.9	
300%	6.7	6.6	6.7	6.6	4.9	
400%	4.6	4.5	4.5	4.5	4.9	
500%	3.8	3.8	3.8	3.8	3.6	

Sinking Fund Schedule

2034 Term Bond

01/01/2034	1,605M
07/01/2034	1,650M

Sinking Fund Schedule

2039 Term Bond

01/01/2035	1,700M
07/01/2035	1,740M
01/01/2036	1,770M
07/01/2036	1,810M
01/01/2037	1,850M
07/01/2037	1,885M
01/01/2038	1,930M
07/01/2038	1,970M
01/01/2039	2,020M
07/01/2039	2,060M

Sinking Fund Schedule

2044 Term Bond

01/01/2040	2,105M
07/01/2040	2,150M
01/01/2041	2,200M
07/01/2041	2,250M
01/01/2042	2,300M
07/01/2042	2,350M
01/01/2043	2,405M
07/01/2043	2,460M
01/01/2044	2,515M
07/01/2044	2,575M

Sinking Fund Schedule

2049 Term Bond

01/01/2020	250M
07/01/2020	435M
01/01/2021	445M
07/01/2021	455M
01/01/2022	470M
07/01/2022	480M
01/01/2023	495M
07/01/2023	505M
01/01/2024	520M
07/01/2024	535M
01/01/2025	545M
07/01/2025	560M
01/01/2026	575M
07/01/2026	590M
01/01/2027	605M
07/01/2027	625M
01/01/2028	640M
07/01/2028	655M
01/01/2029	675M
07/01/2029	690M
01/01/2030	700M

07/01/2030	720M
01/01/2031	740M
07/01/2031	760M
01/01/2032	780M
07/01/2032	800M
01/01/2033	820M
07/01/2033	840M
01/01/2034	865M
07/01/2034	885M
01/01/2035	915M
07/01/2035	930M
01/01/2036	955M
07/01/2036	980M
01/01/2037	1,005M
07/01/2037	1,035M
01/01/2038	1,060M
07/01/2038	1,090M
01/01/2039	1,115M
07/01/2039	1,145M
01/01/2040	1,175M
07/01/2040	1,210M
01/01/2041	1,240M
07/01/2041	1,270M
01/01/2042	1,305M
07/01/2042	1,340M
01/01/2043	1,375M
07/01/2043	1,410M
01/01/2044	1,450M
07/01/2044	1,485M
01/01/2045	1,525M
07/01/2045	1,565M
01/01/2046	1,605M
07/01/2046	1,650M
01/01/2047	1,690M
07/01/2047	1,735M
01/01/2048	1,780M
07/01/2048	1,830M
01/01/2049	1,875M

Sinking Fund Schedule

2050 Term Bond

01/01/2045	2,630M
07/01/2045	2,690M
01/01/2046	2,750M
07/01/2046	2,805M
01/01/2047	2,875M
07/01/2047	2,940M
01/01/2048	3,005M
07/01/2048	3,075M
01/01/2049	3,145M
07/01/2049	4,995M
01/01/2050	1,335M

* - APPROXIMATE SUBJECT TO CHANGE

The compliance addendum MSRB Rule G-11 will apply.

Delivery is firm for Tuesday, March 19, 2019.

This issue is book entry only. This issue is clearing through DTC.

Jefferies LLC
J.P. Morgan Securities LLC
Piper Jaffray & Co
Ramirez & Co., Inc.
RBC Capital Markets

By: Jefferies LLC New York, NY

Retail Wire

DRAFT FOR DISCUSSION PURPOSES

RE: \$ 166,315,000*
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A

WE WILL TAKE RETAIL ORDERS UNTIL 4:00 PM ET, TODAY, FEBRUARY 4, 2019.

POS LINK: <https://www.munios.com/munios-notice.aspx?i=1PBOFW73cEO>

THE ISSUER INTENDS TO MAKE THE SERIES 2019A PAR BONDS MATURING IN 2034, 2039, 2044 AND 2050 AVAILABLE TO BOTH RETAIL AND INSTITUTIONAL INVESTORS. FOR ORDERS RECEIVED DURING THE RETAIL ORDER PERIOD, THE ISSUER RESERVES THE RIGHT TO LIMIT THE RETAIL ALLOTMENTS ON EACH OF THOSE MATURITIES TO 50% OF THE AGGREGATE PAR VALUE OF EACH MATURITY AT THE FINAL PRICE.

\$ 17,505,000*
Series 2019A Premium Serial Bonds

MOODY'S: Aaa S&P: AA+ FITCH:
NAF

DATED: 03/19/2019 FIRST COUPON: 07/01/2019

DUE: 01/01 & 07/01

MATURITY	AMOUNT*	COUPON	PRICE	ADD'L TAKEDOWN (Pts)
07/01/2020	860M	5.00%	1.68	3/8
		(Approx. \$ Price	104.195)	
07/01/2021	900M	5.00%	1.74	3/8
		(Approx. \$ Price	107.264)	
07/01/2022	935M	5.00%	1.79	3/8
		(Approx. \$ Price	110.188)	
07/01/2023	975M	5.00%	1.86	1/2
		(Approx. \$ Price	112.867)	
07/01/2024	1,015M	5.00%	1.93	1/2
		(Approx. \$ Price	115.347)	
07/01/2025	1,060M	5.00%	2.02	1/2
		(Approx. \$ Price	117.498)	
07/01/2026	1,105M	5.00%	2.13	5/8
		(Approx. \$ Price	119.264)	
07/01/2027	1,155M	5.00%	2.24	5/8
		(Approx. \$ Price	120.757)	
07/01/2028	1,210M	5.00%	2.35	5/8
		(Approx. \$ Price	121.983)	
07/01/2029	1,265M	5.00%	2.47	5/8
		(Approx. \$ Price PTC 07/01/2028	120.870	Approx. YTM 2.666)
07/01/2030	1,330M	5.00%	2.60	5/8
		(Approx. \$ Price PTC 07/01/2028	119.678	Approx. YTM 2.938)
01/01/2031	1,370M	5.00%	2.70	5/8
		(Approx. \$ Price PTC 07/01/2028	118.770	Approx. YTM 3.087)
07/01/2031	1,405M	5.00%	2.72	5/8
		(Approx. \$ Price PTC 07/01/2028	118.590	Approx. YTM 3.161)
01/01/2032	1,440M	5.00%	2.77	5/8
		(Approx. \$ Price PTC 07/01/2028	118.140	Approx. YTM 3.254)
07/01/2032	1,480M	5.00%	2.78	5/8

(Approx. \$ Price PTC 07/01/2028 118.050 Approx. YTM 3.309)

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Premium Serial Bonds are subject to Special Redemption from Unexpected Proceeds as set forth on page four of the Preliminary Official Statement.

\$ 148,810,000*
Series 2019A Par Bonds

MOODY'S: Aaa S&P: AA+ FITCH: NAF

DATED:03/19/2019 FIRST COUPON:07/01/2019

DUE: 01/01 & 07/01

MATURITY	AMOUNT*	COUPON	PRICE	ADD'L TAKEDOWN (Pts)
01/01/2021	885M	1.85%	100.00	3/8
01/01/2022	920M	1.95%	100.00	3/8
01/01/2023	960M	2.05%	100.00	1/2
01/01/2024	1,000M	2.20%	100.00	1/2
01/01/2025	1,045M	2.35%	100.00	1/2
01/01/2026	1,095M	2.50%	100.00	5/8
01/01/2027	1,140M	2.65%	100.00	5/8
01/01/2028	1,190M	2.75%	100.00	5/8
01/01/2029	1,245M	2.90%	100.00	5/8
01/01/2030	1,310M	3.00%	100.00	5/8
07/01/2034	6,340M	3.50%	100.00	5/8
07/01/2039	18,730M	3.85%	100.00	5/8
07/01/2044	23,310M	3.95%	100.00	5/8
01/01/2049 (PAC)	57,400M NO RETAIL			
(Avg. Life: 4.90 years over a range of 100.00 to 400.00% of PSA experience)				
APPROXIMATE AVERAGE LIFE DATE: 2/15/2024				
01/01/2050	32,240M	4.00%	100.00	5/8

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Par Bonds are subject to redemption prior to maturity as further described in the Preliminary Official Statement.

TABLE OF PROJECTED WEIGHTED AVERAGE LIVES*

PREPAYMENT SPEED	2034 TERM BOND	2039 TERM BOND	2044 TERM BOND	2050 TERM BOND	2049 PAC BOND
0%	14.5	18.1	23.1	27.9	16.9

50%	14.5	17.7	21.2	23.0	7.2
75%	14.2	16.6	19.0	19.8	5.6
100%	13.4	15.2	16.8	17.2	4.9
125%	12.2	13.6	14.7	14.9	4.9
150%	11.2	12.2	13.0	13.0	4.9
175%	10.2	11.0	11.5	11.5	4.9
200%	9.4	9.9	10.3	10.3	4.9
300%	6.7	6.8	6.9	6.9	4.9
400%	4.8	4.8	4.8	4.8	4.9
500%	4.0	3.9	3.9	3.9	3.7

Sinking Fund Schedule

2034 Term Bond

01/01/2033	1,525M
07/01/2033	1,565M
01/01/2034	1,605M
07/01/2034	1,645M

Sinking Fund Schedule

2039 Term Bond

01/01/2035	1,700M
07/01/2035	1,740M
01/01/2036	1,770M
07/01/2036	1,810M
01/01/2037	1,850M
07/01/2037	1,885M
01/01/2038	1,930M
07/01/2038	1,970M
01/01/2039	2,015M
07/01/2039	2,060M

Sinking Fund Schedule

2044 Term Bond

01/01/2040	2,105M
07/01/2040	2,150M
01/01/2041	2,200M
07/01/2041	2,250M
01/01/2042	2,300M
07/01/2042	2,350M
01/01/2043	2,405M
07/01/2043	2,460M
01/01/2044	2,515M
07/01/2044	2,575M

Sinking Fund Schedule

2049 Term Bond

01/01/2020	250M
07/01/2020	435M
01/01/2021	445M
07/01/2021	455M
01/01/2022	470M
07/01/2022	480M
01/01/2023	495M

07/01/2023	505M
01/01/2024	520M
07/01/2024	535M
01/01/2025	545M
07/01/2025	560M
01/01/2026	575M
07/01/2026	590M
01/01/2027	605M
07/01/2027	625M
01/01/2028	640M
07/01/2028	655M
01/01/2029	675M
07/01/2029	690M
01/01/2030	700M
07/01/2030	720M
01/01/2031	740M
07/01/2031	760M
01/01/2032	780M
07/01/2032	800M
01/01/2033	820M
07/01/2033	840M
01/01/2034	865M
07/01/2034	885M
01/01/2035	915M
07/01/2035	930M
01/01/2036	955M
07/01/2036	980M
01/01/2037	1,005M
07/01/2037	1,035M
01/01/2038	1,060M
07/01/2038	1,090M
01/01/2039	1,115M
07/01/2039	1,145M
01/01/2040	1,175M
07/01/2040	1,210M
01/01/2041	1,240M
07/01/2041	1,270M
01/01/2042	1,305M
07/01/2042	1,340M
01/01/2043	1,375M
07/01/2043	1,410M
01/01/2044	1,450M
07/01/2044	1,485M
01/01/2045	1,525M
07/01/2045	1,565M
01/01/2046	1,605M
07/01/2046	1,650M
01/01/2047	1,685M
07/01/2047	1,735M
01/01/2048	1,780M
07/01/2048	1,830M
01/01/2049	1,875M

Sinking Fund Schedule

2050 Term Bond

01/01/2045	2,630M
07/01/2045	2,690M
01/01/2046	2,750M
07/01/2046	2,805M
01/01/2047	2,875M
07/01/2047	2,940M

01/01/2048	3,005M
07/01/2048	3,075M
01/01/2049	3,140M
07/01/2049	4,995M
01/01/2050	1,335M

* - APPROXIMATE SUBJECT TO CHANGE

Order period until today 4:00 PM, Eastern, Monday, 02/04/19.
Please use Electronic Order Entry to enter orders or call (212) 336-7150.

The managers reserve the right to terminate or extend the order period prior to or later than the above-mentioned time and date and to confirm bonds at their discretion.

PRIORITY OF ORDERS AS FOLLOWS:

1. Texas Retail
2. National Retail

A "RETAIL" ORDER IS DEFINED AS AN ORDER PLACED FOR THE ACCOUNT OF AN INDIVIDUAL, BANK TRUST, OR INVESTMENT ADVISOR ACTING ON BEHALF OF AN INDIVIDUAL, WITH A MAXIMUM OF \$500,000 PER ACCOUNT, OR AT THE DISCRETION OF THE ISSUER, SOME LARGER AMOUNT. RETAIL ORDERS DO NOT INCLUDE BANK PORTFOLIOS, INSURANCE COMPANIES, BOND FUNDS OR MUNICIPALITIES. ZIP CODES ARE REQUIRED WITH ALL RETAIL ORDERS.

The compliance addendum MSRB Rule G-11 will apply.

Delivery is firm for Tuesday, March 19, 2019.

This issue is book entry only. This issue is clearing through DTC.

Jefferies LLC
J.P. Morgan Securities LLC
Piper Jaffray & Co
Ramirez & Co., Inc.
RBC Capital Markets

By: Jefferies LLC New York, NY

Institutional Release

DRAFT FOR DISCUSSION PURPOSES

RE: \$ 166,315,000*
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A

WE HAVE A RELEASE. WE WILL TAKE ORDERS UNTIL 11:30 AM ET, TODAY, FEBRUARY 5, 2019.

POS LINK: <https://www.munios.com/munios-notice.aspx?i=1PBOFW73cEO>

THE ISSUER INTENDS TO MAKE THE SERIES 2019A PAR BONDS MATURING IN 2034, 2039, 2044 AND 2050 AVAILABLE TO BOTH RETAIL AND INSTITUTIONAL INVESTORS. FOR ORDERS RECEIVED DURING THE RETAIL ORDER PERIOD, THE ISSUER RESERVES THE RIGHT TO LIMIT THE RETAIL ALLOTMENTS ON EACH OF THOSE MATURITIES TO 50% OF THE AGGREGATE PAR VALUE OF EACH MATURITY AT THE FINAL PRICE.

\$ 17,505,000*
Series 2019A Premium Serial Bonds

MOODY'S: Aaa S&P: AA+ FITCH: NAF

DATED:03/19/2019 FIRST COUPON:07/01/2019

DUE: 01/01 & 07/01

MATURITY	AMOUNT*	COUPON	PRICE	ADD'L TAKEDOWN (Pts)
07/01/2020	860M	5.00%	1.71	3/8
		(Approx. \$ Price	104.156)	
07/01/2021	900M	5.00%	1.77	3/8
		(Approx. \$ Price	107.194)	
07/01/2022	935M	5.00%	1.82	3/8
		(Approx. \$ Price	110.087)	
07/01/2023	975M	5.00%	1.89	1/2
		(Approx. \$ Price	112.735)	
07/01/2024	1,015M	5.00%	1.96	1/2
		(Approx. \$ Price	115.184)	
07/01/2025	1,060M	5.00%	2.05	1/2
		(Approx. \$ Price	117.305)	
07/01/2026	1,105M	5.00%	2.16	5/8
		(Approx. \$ Price	119.041)	
07/01/2027	1,155M	5.00%	2.28	5/8
		(Approx. \$ Price	120.421)	
07/01/2028	1,210M	5.00%	2.39	5/8
		(Approx. \$ Price	121.611)	
07/01/2029	1,265M	5.00%	2.51	5/8
		(Approx. \$ Price PTC 07/01/2028	120.502	Approx. YTM 2.703)
07/01/2030	1,330M	5.00%	2.65	5/8
		(Approx. \$ Price PTC 07/01/2028	119.223	Approx. YTM 2.981)
01/01/2031	1,370M	5.00%	2.76	5/8
		(Approx. \$ Price PTC 07/01/2028	118.229	Approx. YTM 3.137)
07/01/2031	1,405M	5.00%	2.78	5/8
		(Approx. \$ Price PTC 07/01/2028	118.050	Approx. YTM 3.210)
01/01/2032	1,440M	5.00%	2.83	5/8
		(Approx. \$ Price PTC 07/01/2028	117.602	Approx. YTM 3.301)
07/01/2032	1,480M	5.00%	2.84	5/8

(Approx. \$ Price PTC 07/01/2028 117.513 Approx. YTM 3.355)

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Premium Serial Bonds are subject to Special Redemption from Unexpected Proceeds as set forth on page four of the Preliminary Official Statement.

\$ 148,810,000*
Series 2019A Par Bonds

MOODY'S: Aaa S&P: AA+ FITCH:
NAF

DATED:03/19/2019 FIRST COUPON:07/01/2019

DUE: 01/01 & 07/01

MATURITY	AMOUNT*	COUPON	PRICE	ADD'L TAKEDOWN (Pts)
01/01/2021	885M	1.85%	100.00	3/8
01/01/2022	920M	1.95%	100.00	3/8
01/01/2023	960M	2.05%	100.00	1/2
01/01/2024 NMO	1,000M	2.20%	100.00	1/2
01/01/2025 NMO	1,045M	2.35%	100.00	1/2
01/01/2026 NMO	1,095M	2.50%	100.00	5/8
01/01/2027 NMO	1,140M	2.65%	100.00	5/8
01/01/2028 NMO	1,190M	2.75%	100.00	5/8
01/01/2029 NMO	1,245M	2.90%	100.00	5/8
01/01/2030 NMO	1,310M	3.00%	100.00	5/8
07/01/2034	6,340M	3.50%	100.00	5/8
07/01/2039	18,730M	3.85%	100.00	5/8
07/01/2044	23,310M	3.95%	100.00	5/8
01/01/2049	57,400M	4.75%	2.55	0.575
(Approx. \$ Price 109.981)				
(PAC)				
(Avg. Life: 4.90 years over a range of 100.00 to 400.00% of PSA experience)				
APPROXIMATE AVERAGE LIFE DATE: 2/15/2024				
01/01/2050	32,240M	4.00%	100.00	5/8

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Par Bonds are subject to redemption prior to maturity as further described in the Preliminary Official Statement.

TABLE OF PROJECTED WEIGHTED AVERAGE LIVES*
PREPAYMENT 2034 TERM 2039 TERM 2044 TERM 2050 TERM 2049 PAC

SPEED	BOND	BOND	BOND	BOND	BOND
0%	14.5	18.1	23.1	27.9	16.9
50%	14.5	17.7	21.2	23.0	7.2
75%	14.2	16.6	19.0	19.8	5.6
100%	13.4	15.2	16.8	17.2	4.9
125%	12.2	13.6	14.7	14.9	4.9
150%	11.2	12.2	13.0	13.0	4.9
175%	10.2	11.0	11.5	11.5	4.9
200%	9.4	9.9	10.3	10.3	4.9
300%	6.7	6.8	6.9	6.9	4.9
400%	4.8	4.8	4.8	4.8	4.9
500%	4.0	3.9	3.9	3.9	3.7

Sinking Fund Schedule

2034 Term Bond

01/01/2033	1,525M
07/01/2033	1,565M
01/01/2034	1,605M
07/01/2034	1,645M

Sinking Fund Schedule

2039 Term Bond

01/01/2035	1,700M
07/01/2035	1,740M
01/01/2036	1,770M
07/01/2036	1,810M
01/01/2037	1,850M
07/01/2037	1,885M
01/01/2038	1,930M
07/01/2038	1,970M
01/01/2039	2,015M
07/01/2039	2,060M

Sinking Fund Schedule

2044 Term Bond

01/01/2040	2,105M
07/01/2040	2,150M
01/01/2041	2,200M
07/01/2041	2,250M
01/01/2042	2,300M
07/01/2042	2,350M
01/01/2043	2,405M
07/01/2043	2,460M
01/01/2044	2,515M
07/01/2044	2,575M

Sinking Fund Schedule

2049 Term Bond

01/01/2020	250M
07/01/2020	435M
01/01/2021	445M
07/01/2021	455M
01/01/2022	470M

07/01/2022	480M
01/01/2023	495M
07/01/2023	505M
01/01/2024	520M
07/01/2024	535M
01/01/2025	545M
07/01/2025	560M
01/01/2026	575M
07/01/2026	590M
01/01/2027	605M
07/01/2027	625M
01/01/2028	640M
07/01/2028	655M
01/01/2029	675M
07/01/2029	690M
01/01/2030	700M
07/01/2030	720M
01/01/2031	740M
07/01/2031	760M
01/01/2032	780M
07/01/2032	800M
01/01/2033	820M
07/01/2033	840M
01/01/2034	865M
07/01/2034	885M
01/01/2035	915M
07/01/2035	930M
01/01/2036	955M
07/01/2036	980M
01/01/2037	1,005M
07/01/2037	1,035M
01/01/2038	1,060M
07/01/2038	1,090M
01/01/2039	1,115M
07/01/2039	1,145M
01/01/2040	1,175M
07/01/2040	1,210M
01/01/2041	1,240M
07/01/2041	1,270M
01/01/2042	1,305M
07/01/2042	1,340M
01/01/2043	1,375M
07/01/2043	1,410M
01/01/2044	1,450M
07/01/2044	1,485M
01/01/2045	1,525M
07/01/2045	1,565M
01/01/2046	1,605M
07/01/2046	1,650M
01/01/2047	1,685M
07/01/2047	1,735M
01/01/2048	1,780M
07/01/2048	1,830M
01/01/2049	1,875M

Sinking Fund Schedule

2050 Term Bond

01/01/2045	2,630M
07/01/2045	2,690M
01/01/2046	2,750M
07/01/2046	2,805M

01/01/2047	2,875M
07/01/2047	2,940M
01/01/2048	3,005M
07/01/2048	3,075M
01/01/2049	3,140M
07/01/2049	4,995M
01/01/2050	1,335M

* - APPROXIMATE SUBJECT TO CHANGE

PRIORITY OF ORDERS AS FOLLOWS:

1. Net Designated (In the event an order is placed by an institution that is an affiliate of a member of the syndicate member who may not be compensated for the investor's order, that member's share will be re-allocated on a proportional basis to the other managers.)

2. Member

PRIORITY POLICY:

No firm may receive more than 60.00% of any designation.

Each designee must receive a minimum of 10.00% for each priority order.

At least 3 firm(s) must be designated.

The Senior Manager requests the identification of all priority orders at the time the orders are entered.

The compliance addendum MSRB Rule G-11 will apply.

Delivery is firm for Tuesday, March 19, 2019.

This issue is book entry only. This issue is clearing through DTC.

Jefferies LLC
J.P. Morgan Securities LLC
Piper Jaffray & Co
Ramirez & Co., Inc.
RBC Capital Markets

By: Jefferies LLC New York, NY

Final Pricing Wire

RE: \$ 166,350,000
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A

SLIGHT REVISION TO AVERAGE LIFE TABLE

WE HAVE RECEIVED THE WRITTEN AWARD. TRADE TIME IS 2:00PM EST.

POS LINK: <https://www.munios.com/munios-notice.aspx?i=1PBOFW73cEO>

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THE ISSUER INTENDS TO MAKE THE SERIES 2019A PAR BONDS MATURING IN 2034, 2039, 2044 AND 2050 AVAILABLE TO BOTH RETAIL AND INSTITUTIONAL INVESTORS. FOR ORDERS RECEIVED DURING THE RETAIL ORDER PERIOD, THE ISSUER RESERVES THE RIGHT TO LIMIT THE RETAIL ALLOTMENTS ON EACH OF THOSE MATURITIES TO 50% OF THE AGGREGATE PAR VALUE OF EACH MATURITY AT THE FINAL PRICE.

*

\$ 17,510,000
Series 2019A Premium Serial Bonds

MOODY'S: Aaa S&P: AA+ FITCH: NAF

DATED: 03/19/2019 FIRST COUPON: 07/01/2019 INTEREST ACCRUES: 03/19/2019

DUE: 01/01 & 07/01

INITIAL TRADE DATE: 02/06/2019 @ 2:00PM Eastern

MATURITY	AMOUNT	COUPON	ADD'L		CUSIP
			PRICE	TAKEDOWN (Pts)	
07/01/2020	860M	5.00%	1.74	3/8	882750NF5
		(Approx. \$	Price 104.116)		
07/01/2021	900M	5.00%	1.80	3/8	882750NG3
		(Approx. \$	Price 107.124)		
07/01/2022	935M	5.00%	1.85	3/8	882750NH1
		(Approx. \$	Price 109.987)		
07/01/2023	975M	5.00%	1.93	1/2	882750NJ7
		(Approx. \$	Price 112.559)		
07/01/2024	1,015M	5.00%	2.01	1/2	882750NK4
		(Approx. \$	Price 114.913)		
07/01/2025	1,060M	5.00%	2.10	1/2	882750NL2
		(Approx. \$	Price 116.984)		
07/01/2026	1,105M	5.00%	2.21	5/8	882750NM0
		(Approx. \$	Price 118.671)		
07/01/2027	1,155M	5.00%	2.33	5/8	882750NN8
		(Approx. \$	Price 120.004)		

07/01/2028	1,210M	5.00%	2.44	5/8	882750NP3
			(Approx. \$ Price 121.147)		
07/01/2029	1,270M	5.00%	2.56	5/8	882750NQ1
	(Approx. \$ Price PTC 07/01/2028 120.043 Approx.				
YTM 2.749)					
07/01/2030	1,330M	5.00%	2.70	5/8	882750NR9
	(Approx. \$ Price PTC 07/01/2028 118.770 Approx.				
YTM 3.024)					
01/01/2031	1,370M	5.00%	2.81	5/8	882750NS7
	(Approx. \$ Price PTC 07/01/2028 117.781 Approx.				
YTM 3.179)					
07/01/2031	1,405M	5.00%	2.83	5/8	882750NT5
	(Approx. \$ Price PTC 07/01/2028 117.602 Approx.				
YTM 3.250)					
01/01/2032	1,440M	5.00%	2.88	5/8	882750NU2
	(Approx. \$ Price PTC 07/01/2028 117.157 Approx.				
YTM 3.340)					
07/01/2032	1,480M	5.00%	2.89	5/8	882750NV0
	(Approx. \$ Price PTC 07/01/2028 117.068 Approx.				
YTM 3.393)					

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Premium Serial Bonds are subject to Special Redemption from Unexpected Proceeds as set forth on page four of the Preliminary Official Statement.

\$ 148,840,000
Series 2019A Par Bonds

MOODY'S: Aaa S&P: AA+ FITCH:
NAF

DATED:03/19/2019 FIRST COUPON:07/01/2019 INTEREST ACCRUES:03/19/2019

DUE: 01/01 & 07/01

INITIAL TRADE DATE: 02/06/2019 @ 2:00PM Eastern

MATURITY	AMOUNT	COUPON	PRICE	ADD'L TAKEDOWN (Pts)	CUSIP
01/01/2021	885M	1.85%	100.00	3/8	882750NW8
01/01/2022	920M	1.95%	100.00	3/8	882750NX6
01/01/2023	960M	2.05%	100.00	1/2	882750NY4
01/01/2024	1,000M	2.20%	100.00	1/2	882750NZ1
01/01/2025	1,045M	2.35%	100.00	1/2	882750PA4
01/01/2026	1,095M	2.50%	100.00	5/8	882750PB2
01/01/2027	1,140M	2.65%	100.00	5/8	882750PC0
01/01/2028	1,190M	2.75%	100.00	5/8	882750PD8
01/01/2029	1,245M	2.90%	100.00	5/8	882750PE6
01/01/2030	1,310M	3.00%	100.00	5/8	882750PF3
07/01/2034	6,340M	3.50%	100.00	5/8	882750PG1

07/01/2039	18,735M	3.80%	100.00	5/8	882750PH9
07/01/2044	23,315M	3.90%	100.00	5/8	882750PJ5
01/01/2049	57,410M	4.75%	2.52	0.575	882750PK2
	(Approx. \$ Price 110.128)				
	(PAC)				
	(Avg. Life: 4.90 years over a range of 100.00 to 400.00% of PSA experience)				
	APPROXIMATE AVERAGE LIFE DATE: 2/15/2024				
01/01/2050	32,250M	3.95%	100.00	5/8	882750PL0

CALL FEATURES: Optional call in 07/01/2028 @ 100.00

Special Redemption- The Series 2019A Par Bonds are subject to redemption prior to maturity as further described in the Preliminary Official Statement.

TABLE OF PROJECTED WEIGHTED AVERAGE LIVES*

PREPAYMENT SPEED	2034 TERM BOND	2039 TERM BOND	2044 TERM BOND	2050 TERM BOND	2049 PAC BOND
0%	14.5	18.1	23.1	27.8	16.6
50%	14.5	17.7	21.1	22.6	7.1
75%	14.1	16.5	18.9	19.5	5.6
100%	13.3	15.1	16.7	16.9	4.9
125%	12.2	13.6	14.6	14.7	4.9
150%	11.1	12.2	12.9	12.9	4.9
175%	10.2	10.9	11.4	11.4	4.9
200%	9.3	9.9	10.2	10.2	4.9
300%	6.7	6.8	6.8	6.8	4.9
400%	4.8	4.8	4.8	4.8	4.9
500%	4.0	3.9	3.9	3.9	3.7

Sinking Fund Schedule

2034 Term Bond

01/01/2033	1,525M
07/01/2033	1,565M
01/01/2034	1,605M
07/01/2034	1,645M

Sinking Fund Schedule

2039 Term Bond

01/01/2035	1,700M
07/01/2035	1,740M
01/01/2036	1,770M
07/01/2036	1,810M
01/01/2037	1,850M
07/01/2037	1,885M
01/01/2038	1,930M
07/01/2038	1,970M
01/01/2039	2,015M
07/01/2039	2,065M

Sinking Fund Schedule

2044 Term Bond

01/01/2040	2,105M
07/01/2040	2,150M
01/01/2041	2,200M
07/01/2041	2,250M
01/01/2042	2,300M
07/01/2042	2,350M
01/01/2043	2,405M
07/01/2043	2,460M
01/01/2044	2,515M
07/01/2044	2,580M

Sinking Fund Schedule

2049 Term Bond

01/01/2020	250M
07/01/2020	435M
01/01/2021	445M
07/01/2021	455M
01/01/2022	470M
07/01/2022	480M
01/01/2023	495M
07/01/2023	505M
01/01/2024	520M
07/01/2024	535M
01/01/2025	545M
07/01/2025	560M
01/01/2026	575M
07/01/2026	590M
01/01/2027	605M
07/01/2027	625M
01/01/2028	640M
07/01/2028	655M
01/01/2029	675M
07/01/2029	690M
01/01/2030	700M
07/01/2030	720M
01/01/2031	740M
07/01/2031	760M
01/01/2032	780M
07/01/2032	800M
01/01/2033	820M
07/01/2033	840M
01/01/2034	865M
07/01/2034	885M
01/01/2035	915M
07/01/2035	930M
01/01/2036	955M
07/01/2036	980M
01/01/2037	1,005M
07/01/2037	1,035M
01/01/2038	1,060M
07/01/2038	1,090M
01/01/2039	1,115M
07/01/2039	1,145M
01/01/2040	1,175M
07/01/2040	1,210M
01/01/2041	1,240M
07/01/2041	1,270M

01/01/2042	1,305M
07/01/2042	1,340M
01/01/2043	1,375M
07/01/2043	1,410M
01/01/2044	1,450M
07/01/2044	1,485M
01/01/2045	1,525M
07/01/2045	1,565M
01/01/2046	1,605M
07/01/2046	1,650M
01/01/2047	1,685M
07/01/2047	1,735M
01/01/2048	1,780M
07/01/2048	1,835M
01/01/2049	1,880M

Sinking Fund Schedule

2050 Term Bond

01/01/2045	2,630M
07/01/2045	2,690M
01/01/2046	2,750M
07/01/2046	2,805M
01/01/2047	2,875M
07/01/2047	2,940M
01/01/2048	3,005M
07/01/2048	3,075M
01/01/2049	3,145M
07/01/2049	4,995M
01/01/2050	1,340M

PRIORITY OF ORDERS AS FOLLOWS:

1. Net Designated (In the event an order is placed by an institution that is an affiliate of a member of the syndicate member who may not be compensated for the investor's order, that member's share will be re-allocated on a proportional basis to the other managers.)

2. Member

PRIORITY POLICY:

No firm may receive more than 60.00% of any designation.

Each designee must receive a minimum of 10.00% for each priority order.

At least 3 firm(s) must be designated.

The Senior Manager requests the identification of all priority orders at the time the orders are entered.

The compliance addendum MSRB Rule G-11 will apply.

The Award is final for Wednesday, February 6, 2019 at 11:57AM Eastern .

Delivery is firm for Tuesday, March 19, 2019.

This issue is book entry only. This issue is clearing through DTC.

\$ 17,510,000
Series 2019A Premium Serial Bonds

Award: 02/06/2019
Award Time: 11:57AM Eastern
Delivery: 03/19/2019 (Firm)
Initial trade: 02/06/2019
Date of Execution: 02/06/2019
Time of Execution: 2:00PM Eastern

\$ 148,840,000
Series 2019A Par Bonds

Award: 02/06/2019
Award Time: 11:57AM Eastern
Delivery: 03/19/2019 (Firm)
Initial trade: 02/06/2019
Date of Execution: 02/06/2019
Time of Execution: 2:00PM Eastern

Jefferies LLC
J.P. Morgan Securities LLC
Piper Jaffray & Co
Ramirez & Co., Inc.
RBC Capital Markets

By: Jefferies LLC New York, NY



3. Financing Results

Summary of Results



Summary of Results

Market Bonds	\$166,350,000	
Bond Retail Pricing	2/4/2019	
Bond Pricing Date	2/5/2019	
Sing BPA	2/6/2019	
Delivery Date	3/19/2019	
Rating Reports	Moody's	Aaa
	S&P	AA+
Bond Yield	3.409%	

Serial Bonds

<u>Maturity</u>	<u>Principal</u>	<u>Coupon</u>	<u>Price</u>	<u>Premium</u>	<u>Yield</u>
1/1/2021	\$885,000	1.850%	100.000%	-	1.850%
1/1/2022	\$920,000	1.950%	100.000%	-	1.950%
1/1/2023	\$960,000	2.050%	100.000%	-	2.050%
1/1/2024	\$1,000,000	2.200%	100.000%	-	2.200%
1/1/2025	\$1,045,000	2.350%	100.000%	-	2.350%
1/1/2026	\$1,095,000	2.500%	100.000%	-	2.500%
1/1/2027	\$1,140,000	2.650%	100.000%	-	2.650%
1/1/2028	\$1,190,000	2.750%	100.000%	-	2.750%
1/1/2029	\$1,245,000	2.900%	100.000%	-	2.900%
1/1/2030	\$1,310,000	3.000%	100.000%	-	3.000%

Premium Serial Bonds

7/1/2020	\$860,000	5.000%	104.116%	35,397.60	1.741%
7/1/2021	\$900,000	5.000%	107.124%	64,116.00	1.800%
7/1/2022	\$935,000	5.000%	109.987%	93,378.45	1.850%
7/1/2023	\$975,000	5.000%	112.559%	122,450.25	1.930%
7/1/2024	\$1,015,000	5.000%	114.913%	151,366.95	2.010%
7/1/2025	\$1,060,000	5.000%	116.984%	180,030.40	2.100%
7/1/2026	\$1,105,000	5.000%	118.671%	206,314.55	2.210%
7/1/2027	\$1,155,000	5.000%	120.004%	231,046.20	2.330%
7/1/2028	\$1,210,000	5.000%	121.147%	255,878.70	2.440%
7/1/2029	\$1,270,000	5.000%	120.043%	254,546.10	2.749%
7/1/2030	\$1,330,000	5.000%	118.770%	249,641.00	3.024%
1/1/2031	\$1,370,000	5.000%	117.781%	243,599.70	3.179%
7/1/2031	\$1,405,000	5.000%	117.602%	247,308.10	3.250%
1/1/2032	\$1,440,000	5.000%	117.157%	247,060.80	3.340%
7/1/2032	\$1,480,000	5.000%	117.068%	252,606.40	3.393%

Term Bonds

7/1/2034	\$6,340,000	3.500%	100.000%	-	3.500%
7/1/2039	\$18,735,000	3.850%	100.000%	-	3.850%
7/1/2044	\$23,315,000	3.950%	100.000%	-	3.950%
1/1/2049	\$57,410,000	4.750%	110.128%	5,814,484.80	4.154%
1/1/2050	\$32,250,000	4.000%	100.000%	-	4.000%

TOTAL	\$166,350,000
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Pricing Progression



Texas Department of Housing and Community Affairs
Residential Mortgage Revenue Bonds
Series 2019A
\$166,350,000

Serial Bonds

<u>Maturity</u>	<u>Principal</u>	<u>Coupon</u>	<u>MMD</u>	<u>Pre-marketing</u>	<u>Final Pricing</u>
1/1/2021	\$885,000	1.850%	1.650%	+ 20	+ 21
1/1/2022	\$920,000	1.950%	1.670%	+ 28	+ 28
1/1/2023	\$960,000	2.050%	1.710%	+ 34	+ 34
1/1/2024	\$1,000,000	2.200%	1.760%	+ 44	+ 44
1/1/2025	\$1,045,000	2.350%	1.820%	+ 53	+ 53
1/1/2026	\$1,095,000	2.500%	1.890%	+ 61	+ 61
1/1/2027	\$1,140,000	2.650%	1.980%	+ 67	+ 66
1/1/2028	\$1,190,000	2.750%	2.070%	+ 68	+ 67
1/1/2029	\$1,245,000	2.900%	2.170%	+ 73	+ 72
1/1/2030	\$1,310,000	3.000%	2.280%	+ 72	+ 71

Premium Serial Bonds

7/1/2020	\$860,000	5.000%	1.640%	+ 6	+ 12
7/1/2021	\$900,000	5.000%	1.660%	+ 9	+ 15
7/1/2022	\$935,000	5.000%	1.680%	+ 11	+ 17
7/1/2023	\$975,000	5.000%	1.730%	+ 13	+ 20
7/1/2024	\$1,015,000	5.000%	1.780%	+ 15	+ 23
7/1/2025	\$1,060,000	5.000%	1.850%	+ 17	+ 25
7/1/2026	\$1,105,000	5.000%	1.930%	+ 20	+ 28
7/1/2027	\$1,155,000	5.000%	2.010%	+ 23	+ 31
7/1/2028	\$1,210,000	5.000%	2.100%	+ 25	+ 33
7/1/2029	\$1,270,000	5.000%	2.200%	+ 27	+ 35
7/1/2030	\$1,330,000	5.000%	2.300%	+ 30	+ 38
1/1/2031	\$1,370,000	5.000%	2.370%	+ 33	+ 41
7/1/2031	\$1,405,000	5.000%	2.390%	+ 33	+ 41
1/1/2032	\$1,440,000	5.000%	2.440%	+ 33	+ 41
7/1/2032	\$1,480,000	5.000%	2.450%	+ 33	+ 41

Term Bonds

7/1/2034	\$6,340,000	3.500%	2.570%	+ 93	+ 90
7/1/2039	\$18,735,000	3.850%	2.860%	+ 99	+ 91
7/1/2044	\$23,315,000	3.950%	2.970%	+ 98	+ 90
1/1/2049	\$57,410,000	4.750%	1.760%	+ 79	+ 76
1/1/2050	\$32,250,000	4.000%	3.020%	+ 98	+ 90

TOTAL	\$166,350,000				
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Pricing Comparisons



Housing Transactions Priced During the Week of February 3rd

Texas DHCA Residential Mortgage Revenue Bonds, Series 2019 A 2/5/2019 Aaa AA+ N/A Non-AMT \$166,315,000 Optional call in 7/1/2028 @ 100 Jefferies						
Maturity	Par	Coupon	Yield	MMD	Spread	
7/1/2020	860	5.00	1.740	1.62	+ 12	
1/1/2021	885	1.85	1.850	1.64	+ 21	
7/1/2021	900	5.00	1.800	1.65	+ 15	
1/1/2022	920	1.95	1.950	1.67	+ 28	
7/1/2022	935	5.00	1.850	1.68	+ 17	
1/1/2023	960	2.05	2.050	1.71	+ 34	
7/1/2023	975	5.00	1.930	1.73	+ 20	
1/1/2024	1,000	2.20	2.200	1.76	+ 44	
7/1/2024	1,015	5.00	2.010	1.78	+ 23	
1/1/2025	1,045	2.35	2.350	1.82	+ 53	
7/1/2025	1,060	5.00	2.100	1.85	+ 25	
1/1/2026	1,095	2.50	2.500	1.89	+ 61	
7/1/2026	1,105	5.00	2.210	1.93	+ 28	
1/1/2027	1,140	2.65	2.650	1.99	+ 66	
7/1/2027	1,155	5.00	2.330	2.02	+ 31	
1/1/2028	1,190	2.75	2.750	2.08	+ 67	
7/1/2028	1,210	5.00	2.440	2.11	+ 33	
1/1/2029	1,245	2.90	2.900	2.18	+ 72	
7/1/2029	1,265	5.00	2.560	2.21	+ 35	
1/1/2030	1,310	3.00	3.000	2.29	+ 71	
7/1/2030	1,330	5.00	2.700	2.32	+ 38	
1/1/2031	1,370	2.81	2.810	2.40	+ 41	
7/1/2031	1,405	5.00	2.830	2.42	+ 41	
1/1/2032	1,440	2.88	2.880	2.47	+ 41	
7/1/2032	1,480	5.00	2.890	2.48	+ 41	
7/1/2034	6,340	3.50	3.500	2.60	+ 90	
7/1/2039	18,730	3.80	3.800	2.89	+ 91	
7/1/2044	23,310	3.90	3.900	3.00	+ 90	
1/1/2049	57,400	4.75	2.520	1.76	+ 76	
*PAC Avg Life 5.0 yrs over range of 100-500% PSA @ 4.00% coupon						
1/1/2050	32,240	3.95	3.950	3.05	+ 90	

NYC HDC Multi-Family Housing Revenue Bonds 2019 Series A-3A 2/5/2019 Aa2 AA+ N/R Non-AMT \$149,770,000 Optional call in 2/1/2027 @ 100 Wells Fargo						
Maturity	Par	Coupon	Yield	MMD	Spread	
11/1/2019	2,590	1.50	1.500			
5/1/2020	2,620	1.60	1.600	1.62	- 2	
11/1/2020	2,650	1.65	1.650	1.62	+ 3	
5/1/2021	2,685	1.75	1.750	1.65	+ 10	
11/1/2021	2,715	1.80	1.800	1.65	+ 15	
5/1/2022	2,750	1.85	1.850	1.68	+ 17	
11/1/2022	2,785	1.90	1.900	1.70	+ 20	
5/1/2023	4,325	2.00	2.000	1.72	+ 28	
11/1/2023	4,365	2.10	2.100	1.75	+ 35	
5/1/2024	2,905	2.20	2.200	1.77	+ 43	
11/1/2024	3,565	2.25	2.250	1.80	+ 45	
5/1/2025	2,125	2.30	2.300	1.84	+ 46	
11/1/2025	2,190	2.35	2.350	1.87	+ 48	
5/1/2026	3,730	2.45	2.450	1.92	+ 53	
11/1/2026	7,025	2.55	2.550	1.95	+ 60	
5/1/2027	620	2.65	2.650	2.02	+ 63	
11/1/2027	5,820	2.70	2.700	2.04	+ 66	
5/1/2028	2,090	2.80	2.800	2.10	+ 70	
11/1/2028	4,050	2.85	2.850	2.13	+ 72	
5/1/2029	4,140	2.90	2.900	2.20	+ 70	
11/1/2029	4,200	2.95	2.950	2.23	+ 72	
5/1/2030	4,280	3.10	3.100	2.31	+ 79	
11/1/2030	4,335	3.13	3.125	2.34	+ 79	
5/1/2031	1,825	3.15	3.150	2.42	+ 73	
11/1/2031	1,850	3.20	3.200	2.43	+ 77	
11/1/2034	10,420	3.45	3.450	2.60	+ 85	
11/1/2039	17,285	3.80	3.800	2.89	+ 91	
11/1/2044	9,200	3.90	3.900	3.00	+ 90	
11/1/2049	20,130	3.95	3.950	3.05	+ 90	
11/1/2054	10,500	4.050	4.050	3.05	+ 100	

Connecticut HFA Series 2019 A Subseries A-1 2/6/2019 Aaa AAA N/A Non-AMT \$72,980,000 Optional call in 5/15/2028 @ 100 Citi						
Maturity	Par	Coupon	Yield	MMD	Spread	
11/15/2025	230	2.30	2.300	1.87	+ 43	
5/15/2026	1,415	2.45	2.450	1.92	+ 53	
11/15/2026	1,095	2.50	2.500	1.95	+ 55	
5/15/2027	1470	2.65	2.650	2.02	+ 63	
11/15/2027	1,405	2.70	2.700	2.05	+ 65	
5/15/2028	1,420	2.80	2.800	2.11	+ 69	
11/15/2028	1,470	2.80	2.800	2.14	+ 66	
5/15/2029	1,420	2.90	2.900	2.21	+ 69	
11/15/2029	1,605	2.95	2.950	2.24	+ 71	
5/15/2030	1,655	3.00	3.000	2.32	+ 68	
11/15/2030	1,670	3.05	3.050	2.35	+ 70	
5/15/2031	1,720	3.10	3.100	2.43	+ 67	
11/15/2031	1,480	3.15	3.150	2.44	+ 71	
5/15/2032	1,010	3.20	3.200	2.49	+ 71	
11/15/2032	1,865	3.25	3.250	2.50	+ 75	
11/15/2034	6,590	3.45	3.450	2.60	+ 85	
11/15/2039	15,720	3.800	3.800	2.89	+ 91	
11/15/2045	29,740	4.000	2.530	1.75	+ 78	
*PAC Avg Life 5.0 yrs over range of 100-500% PSA @ 4.00% coupon						

South Dakota Housing Development Authority Homeownership Mortgage Bonds, 2019 Series A 2/6/2019 Aaa AAA N/A Non-AMT \$99,000,000 Optional call in 5/1/2028 @ 100 BAML						
Maturity	Par	Coupon	Yield	MMD	Spread	
11/1/2019	530	1.50	1.500			
5/1/2020	985	1.60	1.600	1.62	- 2	
11/1/2020	1,000	1.65	1.650	1.62	+ 3	
5/1/2021	1,080	1.75	1.750	1.65	+ 10	
11/1/2021	1,095	1.80	1.800	1.65	+ 15	
5/1/2022	1,105	1.85	1.850	1.68	+ 17	
11/1/2022	1,115	1.90	1.900	1.69	+ 21	
5/1/2023	1,125	2.00	2.000	1.71	+ 29	
11/1/2023	1,135	2.10	2.100	1.74	+ 36	
5/1/2024	1,150	2.20	2.200	1.76	+ 44	
11/1/2024	1,165	2.25	2.250	1.79	+ 46	
5/1/2025	1,180	2.30	2.300	1.84	+ 46	
11/1/2025	1,190	2.35	2.350	1.87	+ 48	
5/1/2026	1,205	2.45	2.450	1.92	+ 53	
11/1/2026	1,220	2.55	2.550	1.95	+ 60	
5/1/2027	1,235	2.65	2.650	2.02	+ 63	
11/1/2027	1,255	2.70	2.700	2.05	+ 65	
5/1/2028	1,270	2.80	2.800	2.11	+ 69	
11/1/2028	1,290	2.85	2.850	2.14	+ 71	
5/1/2029	1,305	2.90	2.900	2.21	+ 69	
11/1/2029	1,325	2.95	2.950	2.24	+ 71	
5/1/2030	1,345	3.00	3.000	2.32	+ 68	
11/1/2030	1,365	3.10	3.100	2.35	+ 75	
5/1/2031	1,385	3.15	3.150	2.43	+ 72	
11/1/2031	1,410	3.20	3.200	2.44	+ 76	
11/1/2034	8,905	3.45	3.450	2.60	+ 85	
11/1/2039	17,190	3.80	3.800	2.89	+ 91	
5/1/2042	9,355	3.90	3.900	2.97	+ 93	
5/1/2049	34,085	4.00	2.510	1.75	+ 76	
*PAC Avg Life 5.0 yrs over range of 100-500% PSA @ 4.00% coupon						



4. Order Book



Orders and Allotments

Allotments per Syndicate Member												
		Jefferies		J.P. Morgan		Piper Jaffray		Ramirez & Co.		RBC		Total
Maturity	Par Amount (\$000)	Allotments	%	Allotments	%	Allotments	%	Allotments	%	Allotments	%	Allotments
7/1/2020	860	-	-	10	100%	-	-	-	-	-	-	10
1/1/2021	885	-	-	60	7%	825	93%	-	-	-	-	885
7/1/2021	900	100	100%	-	-	-	-	-	-	-	-	100
1/1/2022	920	125	14%	25	3%	770	84%	-	-	-	-	920
7/1/2022	935	-	-	-	-	-	-	-	-	-	-	-
1/1/2023	960	-	-	-	-	960	100%	-	-	-	-	960
7/1/2023	975	150	100%	-	-	-	-	-	-	-	-	150
1/1/2024	1,000	790	79%	110	11%	-	-	100	10%	-	-	1,000
7/1/2024	1,015	125	20%	500	80%	-	-	-	-	-	-	625
1/1/2025	1,045	1,045	100%	-	-	-	-	-	-	-	-	1,045
7/1/2025	1,060	600	100%	-	-	-	-	-	-	-	-	600
1/1/2026	1,095	1,085	99%	10	1%	-	-	-	-	-	-	1,095
7/1/2026	1,105	-	-	-	-	-	-	-	-	-	-	-
1/1/2027	1,140	1,140	100%	-	-	-	-	-	-	-	-	1,140
7/1/2027	1,155	-	-	-	-	-	-	-	-	-	-	-
1/1/2028	1,190	1,190	100%	-	-	-	-	-	-	-	-	1,190
7/1/2028	1,210	-	-	-	-	-	-	-	-	-	-	-
1/1/2029	1,245	1,245	100%	-	-	-	-	-	-	-	-	1,245
7/1/2029	1,270	500	100%	-	-	-	-	-	-	-	-	500
1/1/2030	1,310	1,310	100%	-	-	-	-	-	-	-	-	1,310
7/1/2030	1,330	-	-	-	-	-	-	-	-	-	-	-
1/1/2031	1,370	-	-	-	-	-	-	-	-	-	-	-
7/1/2031	1,405	-	-	-	-	-	-	-	-	-	-	-
1/1/2032	1,440	-	-	-	-	-	-	-	-	-	-	-
7/1/2032	1,480	-	-	-	-	-	-	-	-	-	-	-
7/1/2034	6,340	5,825	92%	15	0%	500	8%	-	-	-	-	6,340
7/1/2039	18,735	18,360	98%	275	1%	-	-	-	-	100	1%	18,735
7/1/2044	23,315	22,590	97%	225	1%	500	2%	-	-	-	-	23,315
1/1/2049	57,410	57,410	100%	-	-	-	-	-	-	-	-	57,410
1/1/2050	32,250	30,370	94%	1,805	6%	-	-	-	-	75	0%	32,250
Total	166,350,000	143,960,000	95%	3,035,000	2%	3,555,000	2%	100,000	0%	175,000	0%	150,825,000

Orders and Allotments by Maturity

		Retail		Institutional		Member		Total	
Maturity	Par Amount (\$000)	Orders	Allotments	Orders	Allotments	Orders	Allotments	Orders	Allotments
7/1/2020	860	10	10	-	-	-	-	10	10
1/1/2021	885	60	60	-	-	885	825	945	885
7/1/2021	900	100	100	-	-	-	-	100	100
1/1/2022	920	150	150	-	-	920	770	1,070	920
7/1/2022	935	-	-	-	-	-	-	-	-
1/1/2023	960	-	-	-	-	960	960	960	960
7/1/2023	975	150	150	-	-	-	-	150	150
1/1/2024	1,000	2,735	1,000	-	-	-	-	2,735	1,000
7/1/2024	1,015	625	625	-	-	-	-	625	625
1/1/2025	1,045	2,365	1,045	-	-	-	-	2,365	1,045
7/1/2025	1,060	100	100	500	500	-	-	600	600
1/1/2026	1,095	2,200	1,095	-	-	-	-	2,200	1,095
7/1/2026	1,105	-	-	-	-	-	-	-	-
1/1/2027	1,140	2,430	1,140	-	-	-	-	2,430	1,140
7/1/2027	1,155	-	-	-	-	-	-	-	-
1/1/2028	1,190	2,380	1,190	-	-	-	-	2,380	1,190
7/1/2028	1,210	-	-	-	-	-	-	-	-
1/1/2029	1,245	2,490	1,245	-	-	-	-	2,490	1,245
7/1/2029	1,270	-	-	500	500	1,270	-	1,770	500
1/1/2030	1,310	2,620	1,310	-	-	-	-	2,620	1,310
7/1/2030	1,330	-	-	-	-	-	-	-	-
1/1/2031	1,370	-	-	-	-	1,370	-	1,370	-
7/1/2031	1,405	-	-	-	-	1,405	-	1,405	-
1/1/2032	1,440	-	-	-	-	2,880	-	2,880	-
7/1/2032	1,480	-	-	-	-	2,960	-	2,960	-
7/1/2034	6,340	15	15	10,840	6,325	9,840	-	20,695	6,340
7/1/2039	18,735	685	485	44,960	18,250	10,000	-	55,645	18,735
7/1/2044	23,315	1,225	1,225	48,310	22,090	5,000	-	54,535	23,315
1/1/2049	57,410	-	-	221,200	57,410	35,000	-	256,200	57,410
1/1/2050	32,250	2,905	1,880	83,740	30,370	7,500	-	94,145	32,250
Total	166,350,000	23,245,000	12,825,000	410,050,000	135,445,000	79,990,000	2,555,000	513,285,000	150,825,000

Designations Summary



Orders and Allotments by Manager										
Syndicate Member	Texas Retail		National Retail		Institutional		Member		Total	
	Orders	Allotments	Orders	Allotments	Orders	Allotments	Orders	Allotments	Orders	Allotments
Jefferies	12,590	7,365	5,595	1,875	408,050	134,945	-	-	426,235	144,185
J.P. Morgan	2,330	1,935	1,930	875	-	-	17,920	-	22,180	2,810
Piper Jaffray	-	-	-	-	2,000	500	19,105	2,555	21,105	3,055
Ramirez & Co.	-	-	600	600	-	-	21,965	-	22,565	600
RBC	200	175	-	-	-	-	21,000	-	21,200	175
Total	15,120	9,475	8,125	3,350	410,050	135,445	79,990	2,555	513,285	150,825

Designations by Syndicate Member	
Underwriter	Total Designation
Jefferies LLC	488,758.25
J.P. Morgan Securities	87,362.50
Piper Jaffray & Co	87,602.75
Ramirez & Co.	70,327.75
RBC Capital Markets	83,150.00
Total Designations	817,201.25

Designations by Maturity



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A
\$166,350,000

Asset Preservation Inc.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2025	5.000	5.00	300.00	60.00%	1,500.00	60.00%
Jefferies LLC	7/1/2029	5.000	6.25	300.00	60.00%	1,875.00	60.00%
J.P. Morgan Sec	7/1/2025	5.000	5.00	75.00	15.00%	375.00	15.00%
J.P. Morgan Sec	7/1/2029	5.000	6.25	75.00	15.00%	468.75	15.00%
Piper Jaffray & Co	7/1/2025	5.000	5.00	75.00	15.00%	375.00	15.00%
Piper Jaffray & Co	7/1/2029	5.000	6.25	75.00	15.00%	468.75	15.00%
Ramirez & Co.	7/1/2025	5.000	5.00	50.00	10.00%	250.00	10.00%
Ramirez & Co.	7/1/2029	5.000	6.25	50.00	10.00%	312.50	10.00%
Institution Total				1,000.00		5,625.00	

Unspecified							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2034	3.500	6.25	50.00	10.00%	312.50	10.00%
J.P. Morgan Sec	7/1/2034	3.500	6.25	50.00	10.00%	312.50	10.00%
Piper Jaffray & Co	7/1/2034	3.500	6.25	300.00	60.00%	1,875.00	60.00%
Ramirez & Co.	7/1/2034	3.500	6.25	50.00	10.00%	312.50	10.00%
RBC Capital Markets	7/1/2034	3.500	6.25	50.00	10.00%	312.50	10.00%
Institution Total				500.00		3,125.00	

Nuveen Asset Management							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2034	3.500	6.25	2,295.00	60.00%	14,343.75	60.00%
Piper Jaffray & Co	7/1/2034	3.500	6.25	765.00	20.00%	4,781.25	20.00%
RBC Capital Markets	7/1/2034	3.500	6.25	765.00	20.00%	4,781.25	20.00%
Institution Total				3,825.00		23,906.25	

Pioneer Investment Management, Inc.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2034	3.500	6.25	1,200.00	60.00%	7,500.00	60.00%
Jefferies LLC	7/1/2039	3.800	6.25	1,500.00	60.00%	9,375.00	60.00%
J.P. Morgan Sec	7/1/2034	3.500	6.25	400.00	20.00%	2,500.00	20.00%
J.P. Morgan Sec	7/1/2039	3.800	6.25	500.00	20.00%	3,125.00	20.00%
RBC Capital Markets	7/1/2034	3.500	6.25	400.00	20.00%	2,500.00	20.00%
RBC Capital Markets	7/1/2039	3.800	6.25	500.00	20.00%	3,125.00	20.00%
Institution Total				4,500.00		28,125.00	

Southern Farm Bureau Life Insurance Co.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2039	3.800	6.25	1,200.00	60.00%	7,500.00	60.00%
J.P. Morgan Sec	7/1/2039	3.800	6.25	200.00	10.00%	1,250.00	10.00%
Piper Jaffray & Co	7/1/2039	3.800	6.25	600.00	30.00%	3,750.00	30.00%
Institution Total				2,000.00		12,500.00	

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A
\$166,350,000

Guggenheim Partners, LLC							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2039	3.800	6.25	8,250.00	60.00%	51,562.50	60.00%
Jefferies LLC	7/1/2044	3.900	6.25	9,654.00	60.00%	60,337.50	60.00%
Jefferies LLC	1/1/2050	3.950	6.25	12,000.00	60.00%	75,000.00	60.00%
J.P. Morgan Sec	7/1/2039	3.800	6.25	1,375.00	10.00%	8,593.75	10.00%
J.P. Morgan Sec	7/1/2044	3.900	6.25	1,609.00	10.00%	10,056.25	10.00%
J.P. Morgan Sec	1/1/2050	3.950	6.25	2,000.00	10.00%	12,500.00	10.00%
Piper Jaffray & Co	7/1/2039	3.800	6.25	1,375.00	10.00%	8,593.75	10.00%
Piper Jaffray & Co	7/1/2044	3.900	6.25	1,609.00	10.00%	10,056.25	10.00%
Piper Jaffray & Co	1/1/2050	3.950	6.25	2,000.00	10.00%	12,500.00	10.00%
Ramirez & Co.	7/1/2039	3.800	6.25	1,375.00	10.00%	8,593.75	10.00%
Ramirez & Co.	7/1/2044	3.900	6.25	1,609.00	10.00%	10,056.25	10.00%
Ramirez & Co.	1/1/2050	3.950	6.25	2,000.00	10.00%	12,500.00	10.00%
RBC Capital Markets	7/1/2039	3.800	6.25	1,375.00	10.00%	8,593.75	10.00%
RBC Capital Markets	7/1/2044	3.900	6.25	1,609.00	10.00%	10,056.25	10.00%
RBC Capital Markets	1/1/2050	3.950	6.25	2,000.00	10.00%	12,500.00	10.00%
Institution Total				49,840.00		311,500.00	

Sit Investment Advisors, Inc.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2044	3.900	6.25	300.00	60.00%	1,875.00	60.00%
J.P. Morgan Sec	7/1/2044	3.900	6.25	50.00	10.00%	312.50	10.00%
Piper Jaffray & Co	7/1/2044	3.900	6.25	50.00	10.00%	312.50	10.00%
Ramirez & Co.	7/1/2044	3.900	6.25	50.00	10.00%	312.50	10.00%
RBC Capital Markets	7/1/2044	3.900	6.25	50.00	10.00%	312.50	10.00%
Institution Total				500.00		3,125.00	

TORCHMARK CORPORATION							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2044	3.900	6.25	1,500.00	60.00%	9,375.00	60.00%
Jefferies LLC	1/1/2050	3.950	6.25	1,500.00	60.00%	9,375.00	60.00%
J.P. Morgan Sec	7/1/2044	3.900	6.25	250.00	10.00%	1,562.50	10.00%
J.P. Morgan Sec	1/1/2050	3.950	6.25	250.00	10.00%	1,562.50	10.00%
Piper Jaffray & Co	7/1/2044	3.900	6.25	250.00	10.00%	1,562.50	10.00%
Piper Jaffray & Co	1/1/2050	3.950	6.25	250.00	10.00%	1,562.50	10.00%
Ramirez & Co.	7/1/2044	3.900	6.25	250.00	10.00%	1,562.50	10.00%
Ramirez & Co.	1/1/2050	3.950	6.25	250.00	10.00%	1,562.50	10.00%
RBC Capital Markets	7/1/2044	3.900	6.25	250.00	10.00%	1,562.50	10.00%
RBC Capital Markets	1/1/2050	3.950	6.25	250.00	10.00%	1,562.50	10.00%
Institution Total				5,000.00		31,250.00	

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Residential Mortgage Revenue Bonds

Series 2019A

\$166,350,000

Americo Life							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	7/1/2044	3.900	6.25	1,800.00	60.00%	11,250.00	60.00%
Jefferies LLC	1/1/2050	3.950	6.25	600.00	60.00%	3,750.00	60.00%
J.P. Morgan Sec	7/1/2044	3.900	6.25	300.00	10.00%	1,875.00	10.00%
J.P. Morgan Sec	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
Piper Jaffray & Co	7/1/2044	3.900	6.25	300.00	10.00%	1,875.00	10.00%
Piper Jaffray & Co	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
Ramirez & Co.	7/1/2044	3.900	6.25	300.00	10.00%	1,875.00	10.00%
Ramirez & Co.	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
RBC Capital Markets	7/1/2044	3.900	6.25	300.00	10.00%	1,875.00	10.00%
RBC Capital Markets	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
Institution Total				4,000.00		25,000.00	

MFS Investment Management							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2049	4.750	5.75	7,200.00	60.00%	41,400.00	60.00%
J.P. Morgan Sec	1/1/2049	4.750	5.75	2,400.00	20.00%	13,800.00	20.00%
Piper Jaffray & Co	1/1/2049	4.750	5.75	1,200.00	10.00%	6,900.00	10.00%
RBC Capital Markets	1/1/2049	4.750	5.75	1,200.00	10.00%	6,900.00	10.00%
Institution Total				12,000.00		69,000.00	

Mackay Shields							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2049	4.750	5.75	9,000.00	60.00%	51,750.00	60.00%
J.P. Morgan Sec	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
Piper Jaffray & Co	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
Ramirez & Co.	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
RBC Capital Markets	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
Institution Total				15,000.00		86,250.00	

Capital Research							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2049	4.750	5.75	9,000.00	60.00%	51,750.00	60.00%
J.P. Morgan Sec	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
Piper Jaffray & Co	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
Ramirez & Co.	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
RBC Capital Markets	1/1/2049	4.750	5.75	1,500.00	10.00%	8,625.00	10.00%
Institution Total				15,000.00		86,250.00	

Brown Brothers Harriman							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2049	4.750	5.75	5,046.00	60.00%	29,014.50	60.00%
Piper Jaffray & Co	1/1/2049	4.750	5.75	1,682.00	20.00%	9,671.50	20.00%
Ramirez & Co.	1/1/2049	4.750	5.75	1,682.00	20.00%	9,671.50	20.00%
Institution Total				8,410.00		48,357.50	

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Residential Mortgage Revenue Bonds
Series 2019A
\$166,350,000

RW Baird & Co.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2049	4.750	5.75	3,000.00	60.00%	17,250.00	60.00%
J.P. Morgan Sec	1/1/2049	4.750	5.75	1,000.00	20.00%	5,750.00	20.00%
RBC Capital Markets	1/1/2049	4.750	5.75	1,000.00	20.00%	5,750.00	20.00%
Institution Total				5,000.00		28,750.00	

Charles Schwab & Co.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2049	4.750	5.75	1,200.00	60.00%	6,900.00	60.00%
J.P. Morgan Sec	1/1/2049	4.750	5.75	200.00	10.00%	1,150.00	10.00%
Piper Jaffray & Co	1/1/2049	4.750	5.75	200.00	10.00%	1,150.00	10.00%
Ramirez & Co.	1/1/2049	4.750	5.75	200.00	10.00%	1,150.00	10.00%
RBC Capital Markets	1/1/2049	4.750	5.75	200.00	10.00%	1,150.00	10.00%
Institution Total				2,000.00		11,500.00	

Conning Asset Management							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2050	3.950	6.25	1,722.00	60.00%	10,762.50	60.00%
J.P. Morgan Sec	1/1/2050	3.950	6.25	287.00	10.00%	1,793.75	10.00%
Piper Jaffray & Co	1/1/2050	3.950	6.25	287.00	10.00%	1,793.75	10.00%
Ramirez & Co.	1/1/2050	3.950	6.25	287.00	10.00%	1,793.75	10.00%
RBC Capital Markets	1/1/2050	3.950	6.25	287.00	10.00%	1,793.75	10.00%
Institution Total				2,870.00		17,937.50	

Searle & Company							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2050	3.950	6.25	1,800.00	60.00%	11,250.00	60.00%
J.P. Morgan Sec	1/1/2050	3.950	6.25	300.00	10.00%	1,875.00	10.00%
Piper Jaffray & Co	1/1/2050	3.950	6.25	300.00	10.00%	1,875.00	10.00%
Ramirez & Co.	1/1/2050	3.950	6.25	300.00	10.00%	1,875.00	10.00%
RBC Capital Markets	1/1/2050	3.950	6.25	300.00	10.00%	1,875.00	10.00%
Institution Total				3,000.00		18,750.00	

Edward D. Jones & Co.							
Underwriter	Maturity	Coupon	Credit	Amount	% of Total	Total \$	% of Total \$
Jefferies LLC	1/1/2050	3.950	6.25	600.00	60.00%	3,750.00	60.00%
J.P. Morgan Sec	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
Piper Jaffray & Co	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
Ramirez & Co.	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
RBC Capital Markets	1/1/2050	3.950	6.25	100.00	10.00%	625.00	10.00%
Institution Total				1,000.00		6,250.00	

Grand Total				135,445.00		817,201.25	
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5. Rating Reports



Moody's



MOODY'S

INVESTORS SERVICE

Rating Action: Moody's assigns Aaa to TX Dept. of Housing and Community Affairs' Residential Mtg. Revenue Bonds, Series 2019A, outlook stable

04 Jan 2019

New York, January 04, 2019 -- Moody's Investors Service has assigned a rating of Aaa to the proposed \$166,570,000 Texas Department of Housing and Community Affairs' Residential Mortgage Revenue Bonds (RMRB), Series 2019A. Moody's maintains existing Aaa ratings on all outstanding RMRB Bonds. The outlook on the ratings is stable.

RATINGS RATIONALE

The rating is based on the superior security provided by FNMA and GNMA mortgage-backed securities (MBS), a sound legal structure, and cash flow projections that exhibit sufficient revenues to pay timely debt service. The rating also reflects the sale of MBS securing the Series 2009 A & B Bonds which will not have any adverse rating on the Bonds.

RATING OUTLOOK

The outlook is stable based on the outlook of the US government.

FACTORS THAT COULD LEAD TO AN UPGRADE

- N/A

FACTORS THAT COULD LEAD TO A DOWNGRADE

- Downgrade of the US government's rating
- Substantial erosion of the program asset-to-debt ratio

LEGAL SECURITY

The bonds are limited obligation revenue bonds of the Department payable solely from the revenues pledged under the resolution. The bonds are on parity with other obligations secured by the existing RMRB master resolution.

USE OF PROCEEDS

The Series 2019A Bonds are being issued to provide funds for the purchase of mortgage-backed pass-through certificates guaranteed as to timely payment of principal and interest by the Government National Mortgage Association ("GNMA") or the Federal National Mortgage Association ("Fannie Mae").

PROFILE

The Residential Mortgage Revenue Bonds Program was established in 1987. The proceeds of bonds issued under this indenture are used to finance affordable residential housing to low and moderate income persons in the State of Texas. All the bonds under the indenture are secured equally by all of the mortgage loans.

METHODOLOGY

The principal methodology used in this rating was U.S. Housing Finance Agency Single Family Programs published in November 2016. Please see the Rating Methodologies page on www.moody.com for a copy of this methodology.

REGULATORY DISCLOSURES

For ratings issued on a program, series or category/class of debt, this announcement provides certain regulatory disclosures in relation to each rating of a subsequently issued bond or note of the same series or

category/class of debt or pursuant to a program for which the ratings are derived exclusively from existing ratings in accordance with Moody's rating practices. For ratings issued on a support provider, this announcement provides certain regulatory disclosures in relation to the credit rating action on the support provider and in relation to each particular credit rating action for securities that derive their credit ratings from the support provider's credit rating. For provisional ratings, this announcement provides certain regulatory disclosures in relation to the provisional rating assigned, and in relation to a definitive rating that may be assigned subsequent to the final issuance of the debt, in each case where the transaction structure and terms have not changed prior to the assignment of the definitive rating in a manner that would have affected the rating. For further information please see the ratings tab on the issuer/entity page for the respective issuer on www.moodys.com.

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Please see www.moodys.com for any updates on changes to the lead rating analyst and to the Moody's legal entity that has issued the rating.

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INVESTORS SERVICE

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Standard and Poor's



Jefferies

RatingsDirect®

Summary:

Texas Department of Housing & Community Affairs; Multifamily Multiple MBS; Single Family Multiple MBS

Primary Credit Analyst:

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Table Of Contents

Rationale

Outlook

Summary:

Texas Department of Housing & Community Affairs; Multifamily Multiple MBS; Single Family Multiple MBS

Credit Profile

US\$166.57 mil residential mtg rev bnds ser 2019A		
<i>Long Term Rating</i>	AA+/Stable	New
Texas Dept of Hsg & Comnty Affairs rmkt'd and conversion date 04/10/2013 (Taxable)		
<i>Long Term Rating</i>	AA+/Stable	Affirmed
Texas Dept of Hsg & Comnty Affairs SFMULTMBS		
<i>Long Term Rating</i>	AA+/Stable	Affirmed
Texas Dept of Hsg & Comnty Affairs SFMULTMBS		
<i>Long Term Rating</i>	AA+/Stable	Affirmed
Texas Dept of Hsg & Comnty Affairs SFMULTMBS		
<i>Long Term Rating</i>	AA+/Stable	Affirmed
Texas Dept of Hsg & Comnty Affairs (Resid Mtg Rev Bnd Trust Indenture)		
<i>Long Term Rating</i>	AA+/Stable	Affirmed

Rationale

S&P Global Ratings assigned its 'AA+' long-term rating to the Texas Department of Housing & Community Affairs' (TDHCA) series 2019A residential mortgage revenue bonds (RMRB). At the same time, we affirmed all outstanding ratings under the indenture. The outlook, where applicable, is stable.

The rating is based on the following strengths:

- Very strong resolution cash flows showing opening asset-to-liability (A/L) parity of 116.1% and low A/L parity of 104.1%;
- The bond program's cash flow sufficiency and overcollateralization;
- High-quality mortgage-backed security (MBS) assets, virtually all of which are secured through either Ginnie Mae or Fannie Mae; and
- The very high quality of investments of the indenture, consisting primarily of overnight repurchase agreements and U.S. Treasuries, and an investment policy that prioritizes safety of principal and sufficient liquidity to meet cash flow needs.

The series 2019 A bonds are the thirty-seventh series to be issued under the resolution and are being issued to provide funds to TDHCA for the purchase of MBS, pass-through certificates which will be guaranteed as to timely payment of

principal and interest by either Ginnie Mae or Fannie Mae. The bonds are being issued under the thirty-third supplemental RMRB trust indenture, dated March 1, 2019, supplement to the RMRB trust indenture dated Nov. 1, 1987.

We have analyzed consolidated cash flows, prepared by a third-party, comparing estimates of revenues with the debt service requirements and TDHCA expenses and have confirmed sufficiency of funds to pay full and timely debt service on the bonds under a variety of stress scenarios and conservative reinvestment rates. The cash flows were prepared with a basis date of Nov. 1, 2018, and include the planned series 2019 A issuance. Additionally, the cash flows assume the sale of the indenture's 2009 MBS and subsequent 2009 series A and B bond redemption. We believe this will not have an adverse rating on the bonds.

As of Sept. 30, 2018, \$120.6 million in aggregate principal amount of prior bonds were outstanding in the indenture. Additionally, we understand that TDHCA has a subordinate pledge of the resolution on an unrated \$10 million subordinate note. The note is not part of the resolution, and in our view, the subordinate note will have no rating impact on the resolution. As of Sept. 30, 2018, mortgage loans and mortgage certificates held under the RMRB program totaled \$132.5 million, a portion of which TDHCA plans to sell and use the proceeds to redeem certain outstanding bonds.

Outlook

The stable outlook reflects our opinion that the indenture will perform at the current rating level--specifically in regards to A/L parity, asset quality, and risk profile--during the two-year outlook period.

Upside scenario

Should the indenture's A/L parity increase to levels that are able to satisfy our stressed loss coverage requirements for a 'AAA' rating through over collateralization, we could take positive rating action. Additionally, positive rating action on the U.S. government could result in positive rating action on the bonds.

Downside scenario

While we find it unlikely, should the indenture's A/L parity deteriorate to near or below 100%, where full and timely payment on the bonds becomes uncertain, we could lower the rating. Additionally, negative rating action on the U.S. government could result in a lower rating on the bonds.

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at www.standardandpoors.com for further information. Complete ratings information is available to subscribers of RatingsDirect at www.capitaliq.com. All ratings affected by this rating action can be found on S&P Global Ratings' public website at www.standardandpoors.com. Use the Ratings search box located in the left column.

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6. Publications

Jefferies' Municipal Weekly Strategy



Municipal Weekly Strategy

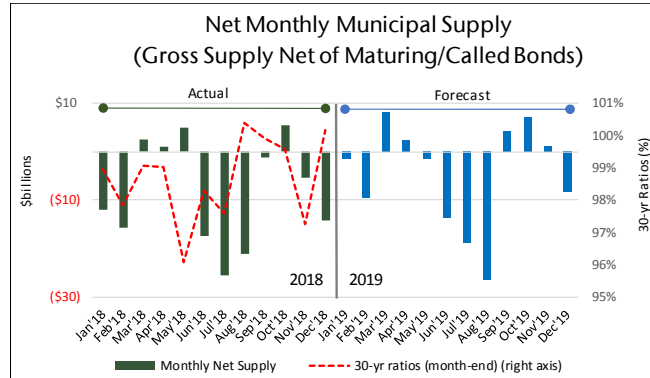
Commentary

“The secret of patience is to do something else in the meantime.” – Croft Pentz Market Recap – Long-end

- Municipals underperformed the week’s Treasury rally across the curve, except for the long-end which played some catch up, outperforming Treasuries by 3-4 basis points
- The week’s rally, driven by the Fed’s “patient” stance following Wednesday’s FOMC meeting, only slightly reversed after Friday’s very strong NFP print
- Despite the week’s rate underperformance, credit spreads tightened as technicals remain strong with money flowing into municipal funds and supply remaining thin
- Unsurprisingly, weekly bid-wanted volume materially contracted to \$3 billion on the week, compared to a \$4.1 billion 4-wk MAVG, and a \$6 billion wkly avg. in December
- Weekly municipal fund flows totaled almost \$1 billion on the week bringing aggregate flows to just over \$3 billion YTD
- Taxable municipal spreads were tighter by 5 to 10 basis points across the board as IG tightened 6-7 basis points and the market took a “risk-on” tone
- **CREDIT: Freedom Forum:** Press reports Johns Hopkins Univ. to purchase Newseum building on Pennsylvania Ave in D.C. for \$372mm; Newseum faced below-forecasted visitors and endowment draws to fund protracted deficits; LTD totals \$322mm. **Puerto Rico:** On Wed., the Employee Retirement Systems bondholders won a ruling in favor of their valid perfected lien on collateral in the First Circuit Court of Appeals. The bonds gapped \$10 points on the news. We still await approval of the COFINA Plan of Adjustment which should be in the coming weeks.

CHART OF THE WEEK:

We forecast net supply (excluding coupon reinvest) will total -\$56B in 2019 vs. -\$97B in 2018 (Source: Bloomberg, Jefferies)



Primary Market Recap

- The slightly larger calendar was generally well received. The largest deal of the week was the \$750mm MTA BANS issue which were well received on pricing but traded off 1-3 bps in the secondary market
- The \$700mm Main Street Natural Gas deal was also well received and saw little trading in the secondary after issue. The Jefferies-led \$134mm NYC HFA Deal saw strong retail support both on the front end and out long
- The calendar expands this week to \$7bn of which \$5.4B is negotiated and \$2.3B is competitive. The largest deals of the week are as follows:

Upcoming Transactions			
Issuer/Obligor	State	Amt (\$000)	Description
State of Hawaii General Obligation (Aa1/AA+)	HI	\$550,000	General Obligation
LA County Metro Trans Auth (Aa2/AAA/AA+)	CA	\$545,000	Sales Tax Revenues
Mass Dev Fin Agency - Wellforce (BBB+)	MA	\$415,000	Hospital revenue bonds

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Jefferies' Housing Weekly Update

Market Commentary¹

Last Week: Municipals underperformed the week's Treasury rally across the curve, except for the long-end which played some catch up, outperforming Treasuries by ~4-5 basis points. The week's rally, driven by the Fed's "patient" stance following Wednesday's FOMC meeting, only reversed slightly after Friday's very strong non-farm payroll print. Despite the week's rate underperformance, credit spreads tightened as technicals remain strong with money flowing into municipal funds and supply remaining thin. Unsurprisingly, weekly bid-wanted volume materially contracted to \$3 billion on the week, compared to a \$4.1 billion 4-wk MAVG, and a \$6 billion wky avg. in December. Weekly municipal fund flows totaled almost \$1 billion on the week bringing aggregate flows to just over \$3 billion YTD. Taxable municipal spreads were tighter by 5 to 10 basis points across the board as IG tightened 6-7 basis points and the market took a "risk-on" tone

Looking Ahead: The calendar expands this week to \$7 billion, with \$5.4 billion of negotiated deals. The largest issuance of the week is Michigan State University \$625 million Revenue Bonds. The largest housing deal on this week's calendar is Texas Department of Housing and Community Affairs' \$166 million Residential Mortgage Revenue Bonds sale, senior managed by Jefferies

Forward Economic Calendar²

Week of February 04, 2019	
2/4	Durable Goods Orders
2/6	MBA Mortgage Applications
2/7	Initial Jobless Claims
Week of February 11, 2019	
2/13	MBA Mortgage Applications
2/13	CPI MoM
2/14	Initial Jobless Claims
2/15	Retail Sales Advance MoM
2/15	University of Michigan Sentiment

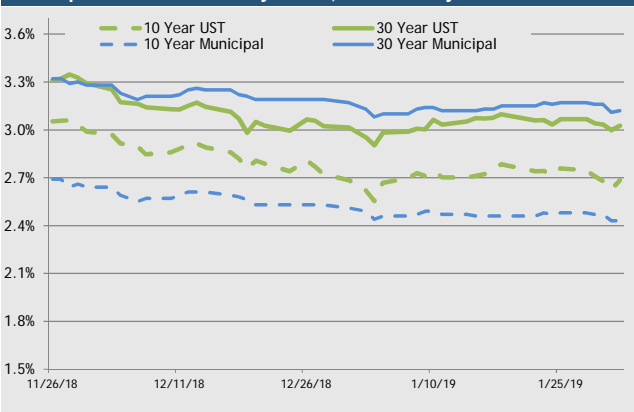
Forward Negotiated Municipal Calendar Highlights²

Week of February 04, 2019		
Issuer	Par Amt. (\$MM)	Ratings (expected)
Board of Trustees of Michigan State University	\$625.0	Aa2/AA/NR
State of Hawaii	\$550.0	NR/AA+/AA
L.A County Metropolitan Transportation Authority	\$545.0	Aa2/AAA/AA+
Massachusetts Development Agency	\$415.0	NR/BBB+/BBB+
California Municipal Finance Authority	\$182.0	A3/NR/NR
Texas Department of Housing and Community Affairs	\$166.3	Aaa/AA+/NR
California Infrastructure and Economic Dev. Bank	\$163.0	Aaa/AAA/NR
City & County of San Francisco, California	\$152.2	NR/AA+/NR
Total Negotiated Calendar	\$5,408.1	

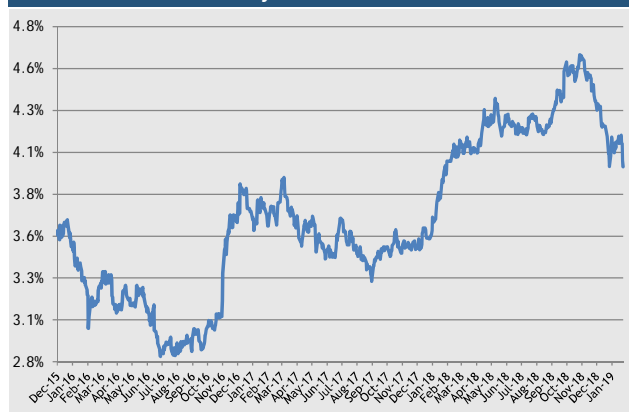
Forward Negotiated Municipal Housing Calendar²

Week of February 04, 2019		
Issuer	Par Amt. (\$MM)	Ratings (expected)
Texas Department of Housing and Community Affairs	\$166.3	Aaa/AA+/NR
New York City Housing Development Corporation	\$149.8	Aa2/AA-/NR
Connecticut Housing Finance Authority	\$122.7	Aaa/AAA/NR
South Dakota Housing Development Authority	\$99.0	Aaa/AAA/NR
Minnesota Housing Finance Agency (Pass-through)	\$50.6	Aaa/NR/NR
Capital Area Housing Finance Corporation	\$43.0	NR/AA+/NR
Total	\$631.4	

Municipal and U.S. Treasury Rates, Last 30 Days^{3,4}



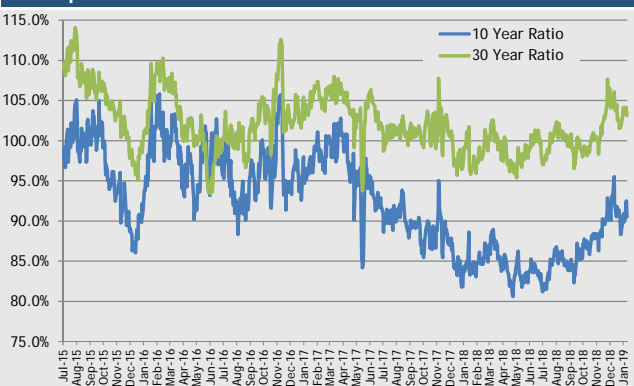
Fannie Mae 30 Year 60-day Forward Commitment Rate³



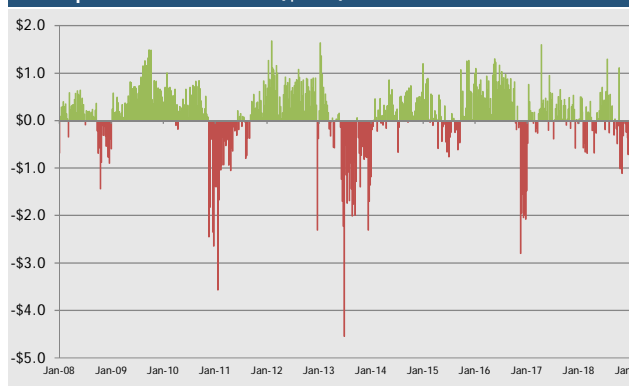
Select Housing Transactions²

Issuer	NYS HFA				
Series	2019C				
Sale Date	1/31				
Ratings	Aa2				
Par Amount (\$MM)	\$134.4				
Final Maturity ²	11/1/2045				
Coupon Type	Fixed				
Tax Status	Non-AMT				
Optional Call Feature	Callable				
Optional Call Date	5/1/2028				
5 Year Bond Yield	2.200%				
Spread to Benchmark	+ 39 bps				
10 Year Bond Yield	2.950%				
Spread to Benchmark	+ 71 bps				
20 Year Bond Yield	3.850%				
Spread to Benchmark	+ 92 bps				
Final Maturity Bond Yield ²	3.950%				
Spread to Benchmark	+ 90 bps				
PAC Bond Yield	N/A				
Spread to Benchmark	N/A				

Municipal / UST Ratios^{3,4}



Municipal Bond Fund Flows (\$BNs)⁵



FFB Rates for HUD Section 42⁶

	Years to Maturity	Years to First Call	All-in FFB Rate
Current	35 Years	10 Years	3.234%
	40 Years	10 Years	3.247%
Last Week	35 Years	10 Years	3.286%
	40 Years	10 Years	3.298%
Change	35 Years	10 Years	-5 bps
	40 Years	10 Years	-5 bps

FHA/HUD Project Loan Rates⁷

	Term Amort	Loan Rate (including MIP)
Current	35yr 223f	4.34% - 4.91%
	40yr 221d4	4.69% - 5.07%
Last Week	35yr 223f	4.42% - 4.99%
	40yr 221d4	4.74% - 5.12%
Change	35yr 223f	-8 bps - -8 bps
	40yr 221d4	-5 bps - -5 bps

Jefferies' Indicative MF Pass-through Rate¹

		Avg. Life	Yield	
			Low	High
Current	Taxable	5.0 Years	3.70%	3.80%
	Tax-exempt	15.0 Years	3.97%	4.07%
Last Week	Taxable	5.0 Years	3.80%	3.90%
	Tax-exempt	15.0 Years	4.05%	4.15%
Change	Taxable	5.0 Years	-10 bps	-10 bps
	Tax-exempt	15.0 Years	-8 bps	-8 bps

Short Term Rates²

	1 Month LIBOR	SIFMA
Current	2.514%	1.430%
Last Week	2.510%	1.290%
Change	0 bps	14 bps

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(1) Source: Jefferies; (2) Source: Bloomberg, Ipreo; Final maturity and final maturity bond yield reflects pricing data for final maturity excluding the PAC Bond, where applicable; (3) Source: Bloomberg; (4) Source: Jefferies High Grade Scale; (5) Source: EPFR; (6) Source: Federal Financing Bank; (7) Source: Berkadia

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BOARD ACTION REPORT
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Report on deadlines after force majeure actions

The Department has granted force majeure relief to several Developments under the authority of 10 TAC §11.6(5). In force majeure, the Owner of a Development impacted by unforeseen events described in the rule returns their original allocation of credits made to the Development, and the Department immediately issues a new Carryover Agreement under a different credit allocation year. Because a new allocation is made from a new allocation year, the placed in service deadline for the new credits is de facto the federal deadline for placement in service for that new allocation year.

Board Action Requests authorizing force majeure actions in the past may have language that a shorter placed in service deadline than the federal deadline was expected. Such language reflected the timeline that the Development Owner was committed to in their force majeure request, and was not as the result of a Department rule or evaluation by staff. The current force majeure rule does not address a discrepancy between the federal placed in service deadline and an earlier deadline proposed by the Owner or any penalty for exceeding an earlier deadline. It was not the intent of the Department to create an unenforceable deadline that is shorter than the federal deadline. To the extent that any prior force majeure approvals by the Board required an earlier deadline for placement in service than the federally permissible deadline under their new allocation, staff wants to relay to the Board that even if those deadlines are not met, the Development will still be considered to meet requirements so long as the federal placement in service deadline under the new allocation is met. In the future, staff will clarify in such Board items that a commitment from the developer of an expected placement in service date is not in fact a deadline formally placed as a condition of the determination. Future rules regarding force majeure may also clarify a penalty for exceeding a proposed placed in service deadline that is earlier than the federal deadline.

3

BOARD ACTION REQUEST

BOND FINANCE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds Series 2019 Resolution No. 19-032 and a Determination Notice of Housing Tax Credits for Lago de Plata Apartments (#19600) in Corsicana

RECOMMENDED ACTION

WHEREAS, the Board adopted an inducement resolution for Lago de Plata Apartments at the Board meeting of January 17, 2019, that included an exemption granted pursuant to 10 TAC §11.101(a)(2) of the Qualified Allocation Plan (QAP) related to proximity of the development site to an active railroad track based on the ongoing and existing federal assistance from HUD in the form of a Housing Assistance Payment contract;

WHEREAS, a 4% Housing Tax Credit application for the Lago de Plata Apartments, sponsored by Lone Star Housing and Community Development Corporation and LEDG Capital, LLC, was submitted to the Department on February 1, 2019;

WHEREAS, a Certification of Reservation was issued in the amount of \$14,000,000 on March 7, 2019, with a bond delivery deadline of August 4, 2019;

WHEREAS, pursuant to 10 TAC §1.207, to the maximum extent feasible, accessible units must be made available in a sufficient range of sizes and amenities to provide choice of living arrangements for persons with disabilities;

WHEREAS, Lago de Plata will include one- and three-bedroom units that are accessible, and one unit that was previously a three-bedroom unit will be converted to an accessible two-bedroom unit with a study;

WHEREAS, modifying a four-bedroom unit to be accessible in order to achieve a sufficient range of sizes is not feasible due to the structural configuration of the 49-year old building discussed herein;

WHEREAS, in accordance with 10 TAC §1.301(d)(1), the compliance history is designated as a Category 2 and deemed acceptable by the Executive Award and Review Advisory Committee (EARAC) after review and discussion; and

WHEREAS, EARAC recommends the issuance of Multifamily Housing Revenue Bonds (Series 2019) for Lago de Plata Apartments and the issuance of a Determination Notice;

NOW, therefore, it is hereby

RESOLVED, the Board accepts staff's recommendation that one three bedroom unit will be converted to an accessible two-bedroom unit with a study, and that it is not feasible to convert any of the current units to a fully accessible four-bedroom unit based on the structural configuration of the 49-year old building;

FURTHER RESOLVED, that the issuance of unrated Multifamily Housing Revenue Bonds Series 2019 (Lago de Plata Apartments) for \$14,000,000, Resolution No. 19-032 is hereby approved in the form presented to this meeting;

FURTHER RESOLVED, the issuance of a Determination Notice of \$723,820 in 4% Housing Tax Credits for Lago de Plata Apartments, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website, is hereby approved in the form presented to this meeting; and

FURTHER RESOLVED, that if approved, staff is authorized, empowered, and directed, for and on behalf of the Department to execute such documents, instruments and writings and perform such acts and deeds as may be necessary to effectuate the foregoing.

BACKGROUND

General Information: The Bonds will be issued in accordance with Tex. Gov't. Code Chapter 2306, as amended, the Department's Enabling Statute, which authorizes the Department to issue revenue bonds for its public purposes, as defined therein. The Statute provides that the Department's revenue bonds are solely obligations of the Department, and do not create an obligation, debt or liability of the State of Texas or a pledge or loan of faith, credit or taxing power of the State of Texas.

Lago de Plata Apartments is located at 1600 E. 13th Avenue in Corsicana, Navarro County, and proposes the acquisition and rehabilitation of 150 units. The Certificate of Reservation from the Bond Review Board was issued under the Priority 3 designation, which does not have a prescribed restriction on the percentage of Area Median Gross Income (AMGI) that must be served; however, all of the units will be rent and income restricted at 60% AMGI. The development will serve the general population, and conforms to current zoning.

Pursuant to 10 TAC §1.207, which states the Department's general accessibility requirements for multifamily developments, to the maximum extent feasible, accessible units must be made available in a sufficient range of sizes and amenities to provide choice of living arrangements for persons with disabilities. Lago de Plata includes a combination of one, two, three and four-bedroom units. There will be one- and three-bedroom units that will be fully accessible and one of the three bedroom units will be converted to an accessible two-bedroom unit with a study. The Lago de Plata Apartments were built in 1970, and have pour in place floors and solid CMU type walls. According to the engineer, Epic Engineering, there are significant and prohibitive structural issues in making a four bedroom unit ADA

accessible that would require complete reconfiguration, structural wall modifications, elevator additions, etc. Based on the information provided, making such modification to the 49-year old building is not feasible, and staff recommends the Board accept the modified three-bedroom unit to at least allow for living options for persons with disabilities across most of the unit types.

Organizational Structure and Previous Participation: The Borrower is LIH Lago de Plata, LP and includes the entities and principals as illustrated in Exhibit A. The applicant's portfolio is considered a Category 2 and the previous participation was deemed acceptable by EARAC after further review and discussion.

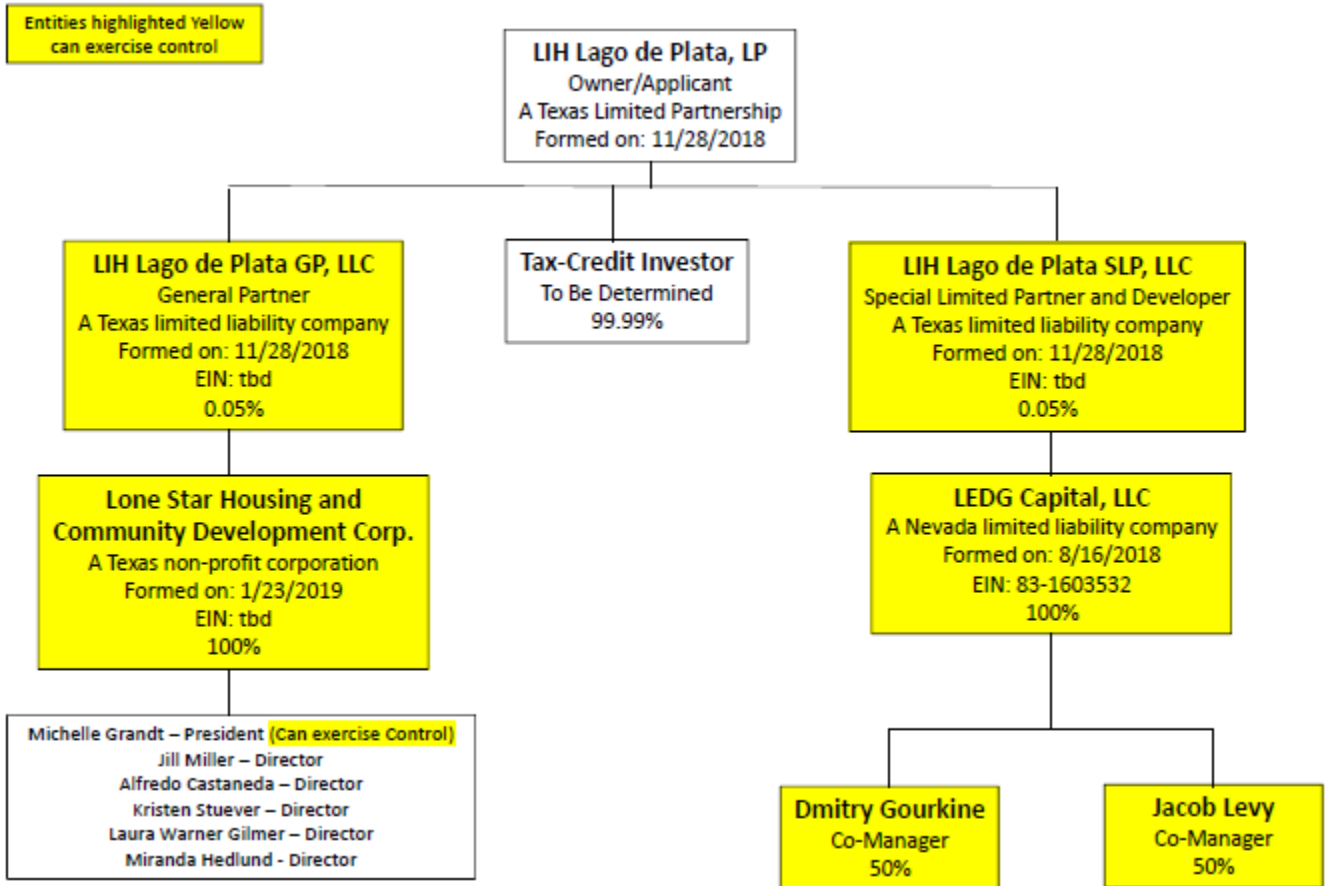
Public Hearing/Public Comment: A public hearing for the proposed development was conducted by staff on April 2, 2019, and there was no one in attendance. A copy of the hearing transcript is included herein. There have been no letters of support or opposition submitted to the Department.

Summary of Financial Structure

The Department will issue unrated tax-exempt bonds in the amount of \$14,000,000 that will be initially placed with Red Stone A7 LLC. The interest rate on the bonds will be fixed prior to closing, at a rate of approximately 5.20%. The term of the bonds will be 17 years with a 40 year amortization and a final maturity on April 1, 2059.

A copy of the Exhibits recommended to be approved by the Board as referenced in Resolution No. 19-032 can be found online at TDHCA's Board Meeting Information Center website at <http://www.tdhca.state.tx.us/board/meetings.htm>.

Exhibit A



19600 Lago De Plata Apartments - Application Summary

REAL ESTATE ANALYSIS DIVISION

April 18, 2019

PROPERTY IDENTIFICATION	
Application #	19600
Development	Lago De Plata Apartments
City / County	Corsicana / Navarro
Region/Area	3 / Rural
Population	General
Set-Aside	General
Activity	Acquisition/Rehab (Built in 1970)

RECOMMENDATION						
TDHCA Program	Request	Recommended				
TDHCA Bonds/4% HTC	\$723,820	\$723,820	\$4,825/Unit	\$0.89		
Private Activity Bonds	\$14,000,000	5.20%	40	17	1st	

KEY PRINCIPAL / SPONSOR		
Michelle Grandt / Lone Star Housing Jacob Levy / LEDG Capital Dmitry Gourkine / LEDG Capital		
Related Parties	Contractor - No	Seller - No

TYPICAL BUILDING ELEVATION/PHOTO



UNIT DISTRIBUTION			INCOME DISTRIBUTION		
# Beds	# Units	% Total	Income	# Units	% Total
Eff	-	0%	30%	-	0%
1	30	20%	40%	-	0%
2	53	35%	50%	-	0%
3	59	39%	60%	148	98.7%
4	8	5%	MR	-	✓
TOTAL	150	100%	TOTAL	148	100%

PRO FORMA FEASIBILITY INDICATORS			
Pro Forma Underwritten		Applicant's Pro Forma	
Debt Coverage	1.17	Expense Ratio	46.1%
Breakeven Occ.	87.6%	Breakeven Rent	\$964
Average Rent	\$1,048	B/E Rent Margin	\$84
Property Taxes	\$388/unit	Exemption/PILOT	50%
Total Expense	\$5,657/unit	Controllable	\$3,658/unit

SITE PLAN



MARKET FEASIBILITY INDICATORS			
Gross Capture Rate (30% Maximum)	2.3%		✓
Highest Unit Capture Rate	7%	3 BR/50%	59
Dominant Unit Cap. Rate	7%	3 BR/50%	59
Premiums (↑60% Rents)	N/A		N/A
Rent Assisted Units	148		99% Total Units

DEVELOPMENT COST SUMMARY			
Costs Underwritten	TDHCA's Costs - Based on PCA		
Avg. Unit Size	737 SF	Density	13.4/acre
Acquisition	\$51K/unit		\$7,575K
Building Cost	\$53.89/SF	\$40K/unit	\$5,957K
Hard Cost		\$49K/unit	\$7,351K
Total Cost		\$141K/unit	\$21,098K
Developer Fee	\$2,320K	(1% Deferred)	Paid Year: 1
Contractor Fee	\$1,021K	30% Boost	Yes

REHABILITATION COSTS / UNIT			
Site Work	\$4K	8%	Finishes/Fixtures \$20K 41%
Building Shell	\$11K	22%	Amenities \$1K 2%
HVAC	\$6K	13%	Total Exterior \$16K 35%
Appliances	\$2K	5%	Total Interior \$29K 65%

DEBT (Must Pay)					CASH FLOW DEBT / GRANT FUNDS / OTHER INCOME					EQUITY / DEFERRED FEES	
Source	Term	Rate	Amount	DCR	Source	Term	Rate	Amount	DCR	Source	Amount
RedStone	17/40	5.20%	\$14,000,000	1.17	Income During Rehab Period	N/A	N/A	\$640,895	1.17	LIHTC Equity	\$6,423,195
TOTAL DEBT (Must Pay)			\$14,000,000		CASH FLOW DEBT / GRANTS			\$640,895		Deferred Developer Fees	\$33,975
TOTAL EQUITY SOURCES											\$6,457,170
TOTAL DEBT SOURCES											\$14,640,895
TOTAL CAPITALIZATION											\$21,098,065

CONDITIONS

- Receipt and acceptance before Determination Notice:
 - Evidence of an amendment or extension of the existing HAP Contract or a letter from HUD evidencing their consent to an amendment or extension with approved contract rents increased to the current market rents presented in this application.
 - A revised term sheet from permanent lender that acknowledges Supportive Services pursuant to §10.302(d)(2)(K)(ii).
 - Receipt and acceptance by Cost Certification:
 - Evidence that the property qualifies for 50% property tax exemption.
 - Documentation at Cost Certification clearing environmental issues identified in the ESA report, specifically:
 - Certification of comprehensive testing for asbestos (and/or) lead-based paint; that any appropriate abatement procedures were implemented; and that any remaining asbestos-containing materials or lead-based paint are being managed in accordance with an acceptable Operations and Maintenance (O&M) program.
 - Certification of comprehensive testing for mold, and that any appropriate abatement procedures were implemented by a qualified abatement company.
- Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

BOND RESERVATION / ISSUER

Issuer	TDHCA
Expiration Date	8/4/2019
Bond Amount	\$14,000,000
BRB Priority	Priority 3
Close Date	TBD
Bond Structure	Private Placement with RedStone
% Financed with Tax-Exempt Bonds	84.4%

RISK PROFILE

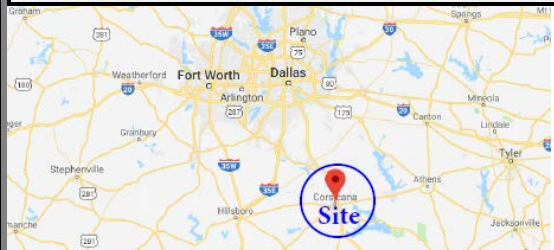
STRENGTHS/MITIGATING FACTORS

- 100% of units covered under project-based HAP contract at market rents
- Gross Capture Rate under 3% with unit capture rates ranging from 2% to 7%
- Affordable properties in PMA average 97% occupancy
- Current occupancy at 96% (underwritten at 95%)
- Development experience of principals

WEAKNESSES/RISKS

- Original unit design limitations could otherwise affect market appeal
- Feasibility relies on 50% property tax exemption and a
- Potential unforeseen deferred maintenance

AREA MAP



AERIAL PHOTOGRAPH(S)



RESOLUTION NO. 19-032

RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE, SALE AND DELIVERY OF TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS MULTIFAMILY HOUSING REVENUE BONDS (LAGO DE PLATA APARTMENTS), SERIES 2019; APPROVING THE FORM AND SUBSTANCE AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS AND INSTRUMENTS PERTAINING THERETO; AUTHORIZING AND RATIFYING OTHER ACTIONS AND DOCUMENTS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development, construction and rehabilitation that will provide decent, safe, and affordable living environments for individuals and families of low, very low and extremely low income (as defined in the Act) and families of moderate income (as described in the Act and determined by the Governing Board of the Department (the "Board") from time to time); and

WHEREAS, the Act authorizes the Department: (a) to make mortgage loans to housing sponsors to provide financing for multifamily residential rental housing in the State of Texas (the "State") intended to be occupied by individuals and families of low, very low and extremely low income and families of moderate income, as determined by the Department; (b) to issue its revenue bonds, for the purpose, among others, of obtaining funds to make such loans and provide financing, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such multifamily residential rental development loans, and to mortgage, pledge or grant security interests in such loans or other property of the Department in order to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, the Board has determined to authorize the issuance of its Texas Department of Housing and Community Affairs Multifamily Housing Revenue Bonds (Lago de Plata Apartments), Series 2019 (the "Bonds") pursuant to and in accordance with the terms of an Indenture of Trust (the "Indenture") between the Department and Wilmington Trust, National Association, as trustee (the "Trustee"), for the purpose of obtaining funds to finance the Development (defined below), all under and in accordance with the Constitution and laws of the State; and

WHEREAS, the Department desires to use the proceeds of the Bonds to fund a mortgage loan to LIH Lago de Plata, LP, a Texas limited partnership (the "Borrower") in order to finance the cost of the acquisition, rehabilitation and equipping of a qualified residential rental development described in Exhibit A attached hereto (the "Development") located within the State and required

by the Act to be occupied by individuals and families of low and very low income and families of moderate income, as determined by the Department; and

WHEREAS, the Board, by a resolution adopted on January 17, 2019, declared its intent to issue its revenue bonds to provide financing for the Development; and

WHEREAS, the Borrower has requested and has received a reservation of private activity bond allocation from the State of Texas; and

WHEREAS, it is anticipated that the Department, the Borrower and Red Stone Servicer, LLC, as initial Controlling Person will execute and deliver a Loan Agreement (the "Loan Agreement") pursuant to which (i) the Department will agree to make a mortgage loan funded with the proceeds of the Bonds (the "Loan") to the Borrower to enable the Borrower to finance the cost of the acquisition, rehabilitation and equipping of the Development and related costs, and (ii) the Borrower will execute and deliver to the Department a promissory note (the "Note") in an original principal amount equal to the original aggregate principal amount of the Bonds, and providing for payment of interest on such principal amount equal to the interest on the Bonds and to pay other costs described in the Loan Agreement; and

WHEREAS, it is anticipated that the Note will be secured by a Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (With Power of Sale) (the "Mortgage") from the Borrower for the benefit of the Department and assigned to the Trustee pursuant to an Assignment of Deed of Trust Documents from the Department to the Trustee (the "Assignment of Mortgage"); and

WHEREAS, the Board has determined that the Department, the Trustee, and the Borrower will execute a Regulatory and Land Use Restriction Agreement (the "Regulatory Agreement") with respect to the Development, which will be filed of record in the real property records of Navarro County, Texas; and

WHEREAS, the Board has determined that the Department, the Trustee, and the Borrower will execute a Tax Exemption Certificate and Agreement (the "Tax Exemption Agreement") to set forth various facts, certifications, covenants, representations, and warranties regarding the Bonds and the Development and to establish the expectations of the Department, the Trustee, and the Borrower as to future events regarding the Bonds, the Development, and the use and investment of Proceeds of the Bonds; and

WHEREAS, the Board has further determined that the Department will enter into a Bond Purchase Agreement (the "Bond Purchase Agreement") with the Borrower and Deutsche Bank Securities Inc. or another purchaser selected by Red Stone A7 LLC (the "Purchaser"), setting forth certain terms and conditions upon which the Purchaser will purchase all of the Bonds from the Department and the Department will sell the Bonds to the Purchaser; and

WHEREAS, the Board has examined proposed forms of (a) the Indenture, the Loan Agreement, the Regulatory Agreement, the Tax Exemption Agreement, and the Bond Purchase

Agreement (collectively, the “Issuer Documents”), all of which are attached to and comprise a part of this Resolution and (b) the Mortgage, the Assignment of Mortgage and the Note; has found the form and substance of such documents to be satisfactory and proper and the recitals contained therein to be true, correct and complete; and has determined, subject to the conditions set forth in Article 1, to authorize the issuance of the Bonds, the execution and delivery of the Issuer Documents, the acceptance of the Mortgage and the Note and the taking of such other actions as may be necessary or convenient in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS:

ARTICLE 1

ISSUANCE OF BONDS; APPROVAL OF DOCUMENTS

Section 1.1 Issuance, Execution and Delivery of the Bonds. That the issuance of the Bonds is hereby authorized pursuant to the Act, including particularly Section 2306.353 thereof, all under and in accordance with the conditions set forth herein and in the Indenture, and that, upon execution and delivery of the Indenture, the Authorized Representatives of the Department named in this Resolution are each hereby authorized to execute, attest and affix the Department’s seal to the Bonds and to deliver the Bonds to the Attorney General of the State (the “Attorney General”) for approval, the Comptroller of Public Accounts of the State for registration and the Trustee for authentication (to the extent required in the Indenture), and thereafter to deliver the Bonds to or upon the order of the initial purchaser thereof pursuant to the Bond Purchase Agreement.

Section 1.2 Interest Rate, Principal Amount, Maturity and Price. The Series 2019 Bonds shall bear interest at the Bond Coupon Rate, as defined in the Indenture and subject to adjustment as described in the Indenture; provided that (i) in no event shall the interest rate (including any default rate) exceed the maximum interest rate permitted by applicable law; (ii) the aggregate principal amount of the Bonds shall be \$14,000,000; (iii) the final maturity of the Bonds shall be April 1, 2059; and (iv) the price at which the Bonds are sold to the Purchaser shall be the principal amount thereof.

Section 1.3 Approval, Execution and Delivery of the Indenture. That the form and substance of the Indenture are hereby approved, and that the Authorized Representatives (as defined in Section 1.12 below) each are hereby authorized to execute the Indenture, and to deliver the Indenture to the Trustee.

Section 1.4 Approval, Execution and Delivery of the Loan Agreement. That the form and substance of the Loan Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Loan Agreement, and to deliver the Loan Agreement to the Borrower.

Section 1.5 Approval, Execution and Delivery of the Regulatory Agreement. That the form and substance of the Regulatory Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute, attest and affix the Department's seal to the Regulatory Agreement, and to deliver the Regulatory Agreement to the Borrower and the Trustee and to cause the Regulatory Agreement to be filed of record in the real property records of Navarro County, Texas.

Section 1.6 Approval, Execution and Delivery of the Tax Exemption Agreement. That the form and substance of the Tax Exemption Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Tax Exemption Agreement, and to deliver the Tax Exemption Agreement to the Borrower and the Trustee.

Section 1.7 Approval, Execution and Delivery of the Bond Purchase Agreement. That the sale of the Bonds to the Purchaser is hereby approved, that the form and substance of the Bond Purchase Agreement are hereby approved, and that the Authorized Representatives each are hereby authorized to execute the Bond Purchase Agreement and to deliver the Bond Purchase Agreement to the Borrower and the Purchaser.

Section 1.8 Acceptance of the Note and the Mortgage. That the form and substance of the Note and the Mortgage are hereby accepted by the Department and that the Authorized Representatives each are hereby authorized to endorse and deliver the Note to the order of the Trustee without recourse and to execute.

Section 1.9 Taking of Any Action; Execution and Delivery of Other Documents. That the Authorized Representatives are each hereby authorized to take any actions and to execute, attest and affix the Department's seal to, and to deliver to the appropriate parties, all such other agreements, commitments, assignments, bonds, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices of acceptance, written requests and other papers, whether or not mentioned herein, as they or any of them consider to be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

Section 1.10 Power to Revise Form of Documents. That, notwithstanding any other provision of this Resolution, the Authorized Representatives are each hereby authorized to make or approve such revisions in the form of the documents attached hereto as exhibits as, in the judgment of such Authorized Representative, and in the opinion of Bracewell LLP, Bond Counsel to the Department, may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution, such approval to be evidenced by the execution of such documents by the Authorized Representatives.

Section 1.11 Exhibits Incorporated Herein. That all of the terms and provisions of each of the documents listed below as an exhibit shall be and are hereby incorporated into and made a part of this Resolution for all purposes:

- Exhibit A - Description of Development
- Exhibit B - Indenture
- Exhibit C - Loan Agreement
- Exhibit D - Regulatory Agreement
- Exhibit E - Tax Exemption Agreement
- Exhibit F - Bond Purchase Agreement
- Exhibit G - Note
- Exhibit H - Mortgage
- Exhibit I - Assignment of Mortgage

Section 1.12 Authorized Representatives. That the following persons are each hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department’s seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Board, the Executive Director or Acting Director of the Department, the Director of Administration of the Department, the Director of Bond Finance and Chief Investment Officer of the Department, the Director of Texas Homeownership of the Department, and the Secretary or any Assistant Secretary to the Board. Such persons are referred to herein collectively as the “Authorized Representatives.” Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

ARTICLE 2

APPROVAL AND RATIFICATION OF CERTAIN ACTIONS

Section 2.1 Approval and Ratification of Application to Texas Bond Review Board. That the Board hereby ratifies and approves the submission of the application for approval of state bonds to the Texas Bond Review Board on behalf of the Department in connection with the issuance of the Bonds in accordance with Chapter 1231, Texas Government Code.

Section 2.2 Approval of Submission to the Attorney General. That the Board hereby authorizes, and approves the submission by the Department’s Bond Counsel to the Attorney General, for his approval, of a transcript of legal proceedings relating to the issuance, sale and delivery of the Bonds.

Section 2.3 Certification of the Minutes and Records. That the Secretary or Assistant Secretary to the Board hereby is authorized to certify and authenticate minutes and other records on behalf of the Department for the Bonds and all other Department activities.

Section 2.4 Authority to Invest Proceeds. That the Department is authorized to invest and reinvest the proceeds of the Bonds and the fees and revenues to be received in connection with the financing of the Development in accordance with the Indenture and the Tax Exemption Agreement and to enter into any agreements relating thereto only to the extent permitted by the Indenture and the Tax Exemption Agreement.

Section 2.5 Engagement of Other Professionals. That the Executive Director or Acting Director of the Department or any successor is authorized to engage auditors to perform such functions, audits, yield calculations and subsequent investigations as necessary or appropriate to comply with the Bond Purchase Agreement and the requirements of Bond Counsel to the Department, provided such engagement is done in accordance with applicable law of the State.

Section 2.6 Ratifying Other Actions. That all other actions taken by the Executive Director or Acting Director of the Department and the Department staff in connection with the issuance of the Bonds and the financing of the Development are hereby ratified and confirmed.

ARTICLE 3

CERTAIN FINDINGS AND DETERMINATIONS

Section 3.1 Findings of the Board. That in accordance with Section 2306.223 of the Act and after the Department's consideration of the information with respect to the Development and the information with respect to the proposed financing of the Development by the Department, including but not limited to the information submitted by the Borrower, independent studies commissioned by the Department, recommendations of the Department staff and such other information as it deems relevant, the Board hereby finds:

(a) Need for Housing Development.

(i) that the Development is necessary to provide needed decent, safe, and sanitary housing at rentals or prices that individuals or families of low and very low income or families of moderate income can afford,

(ii) that the financing of the Development is a public purpose and will provide a public benefit, and

(iii) that the Development will be undertaken within the authority granted by the Act to the housing finance division and the Borrower.

(b) Findings with Respect to the Borrower.

(i) that the Borrower, by operating the Development in accordance with the requirements of the Loan Agreement, the Tax Exemption Agreement and the Regulatory Agreement, will supply well-planned and well-designed housing for individuals or families of low and very low income or families of moderate income,

(ii) that the Borrower is financially responsible, and

(iii) that the Borrower is not, and will not enter into a contract for the Development with, a housing developer that (A) is on the Department's debarred list, including any parts of that list that are derived from the debarred list of the United States Department of Housing and Urban Development; (B) breached a contract with a public

agency; or (C) misrepresented to a subcontractor the extent to which the developer has benefited from contracts or financial assistance that has been awarded by a public agency, including the scope of the developer's participation in contracts with the agency and the amount of financial assistance awarded to the developer by the Department.

(c) Public Purpose and Benefits.

(i) that the Borrower has agreed to operate the Development in accordance with the Loan Agreement, the Tax Exemption Agreement and the Regulatory Agreement, which require, among other things, that the Development be occupied by individuals and families of low and very low income and families of moderate income, and

(ii) that the issuance of the Bonds to finance the Development is undertaken within the authority conferred by the Act and will accomplish a valid public purpose and will provide a public benefit by assisting individuals and families of low and very low income and families of moderate income in the State to obtain decent, safe, and sanitary housing by financing the costs of the Development, thereby helping to maintain a fully adequate supply of sanitary and safe dwelling accommodations at rents that such individuals and families can afford.

Section 3.2 Determination of Eligible Tenants. That the Board has determined, to the extent permitted by law and after consideration of such evidence and factors as it deems relevant, the findings of the staff of the Department, the laws applicable to the Department and the provisions of the Act, that eligible tenants for the Development shall be (1) individuals and families of low and very low income, (2) persons with special needs, and (3) families of moderate income, with the income limits as set forth in the Tax Exemption Agreement and the Regulatory Agreement.

Section 3.3 Sufficiency of Loan Interest Rate. That the Board hereby finds and determines that the interest rate on the Loan established pursuant to the Loan Agreement will produce the amounts required, together with other available funds, to pay for the Department's costs of operation with respect to the Bonds and the Development and enable the Department to meet its covenants with and responsibilities to the holders of the Bonds.

Section 3.4 No Gain Allowed. That, in accordance with Section 2306.498 of the Act, no member of the Board or employee of the Department may purchase any Bond in the secondary open market for municipal securities.

ARTICLE 4

GENERAL PROVISIONS

Section 4.1 Limited Obligations. That the Bonds and the interest thereon shall be special limited obligations of the Department payable solely from the trust estate created under the Indenture, including the revenues and funds of the Department pledged under the Indenture

to secure payment of the Bonds, and under no circumstances shall the Bonds be payable from any other revenues, funds, assets or income of the Department.

Section 4.2 Non-Governmental Obligations. That the Bonds shall not be and do not create or constitute in any way an obligation, a debt or a liability of the State or create or constitute a pledge, giving or lending of the faith or credit or taxing power of the State. Each Bond shall contain on its face a statement to the effect that the State is not obligated to pay the principal thereof or interest thereon and that neither the faith or credit nor the taxing power of the State is pledged, given or loaned to such payment.

Section 4.3 Effective Date. That this Resolution shall be in full force and effect from and upon its adoption.

Section 4.4 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

[Execution page follows]

PASSED AND APPROVED this 25th day of April, 2019.

[SEAL]

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

EXHIBIT A

Description of Development

Borrower: LIH Lago de Plata, LP, a Texas limited partnership

Development: The Development is a 150-unit affordable, multifamily housing development known as Lago de Plata Apartments, located at 1600 East 13th Avenue, Navarro County, Corsicana, TX 75110. It consists of fourteen (14) residential apartment buildings with approximately 110,544 net rentable square feet. The unit mix will consist of:

30	one-bedroom/one-bath units
53	two-bedroom/one-bath units
59	three-bedroom/one-bath units
8	four-bedroom/one-bath units
<hr/>	
150	Total Units

Unit sizes will range from approximately 500 square feet to approximately 1,150 square feet.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

TEFRA HEARING

LAGO de PLATA APARTMENTS

City of Corsicana Public Library
Nancy Roberts Meeting Room
100 N. 12th Street
Corsicana, Texas

Tuesday,
April 2, 2019
6:07 p.m.

BEFORE:

SHANNON ROTH, Hearing Officer

ON THE RECORD REPORTING
(512) 450-0342

P R O C E E D I N G S

1
2 MS. ROTH: Good evening. My name is Shannon
3 Roth. I'd like to proceed with the public hearing. Let
4 the record show that it is 6:07 p.m., Tuesday, April 2,
5 2019, and we are at the City of Corsicana Public Library,
6 located at 100 N. 12th Street, Corsicana, Texas.

7 I'm here to conduct the public hearing on
8 behalf of the Texas Department of Housing and Community
9 Affairs with respect to an issue of tax-exempt multifamily
10 revenue bonds for a residential rental community.

11 The hearing is required by the Internal Revenue
12 Code. The sole purpose of this hearing is to provide a
13 reasonable opportunity for interested individuals to
14 express their views regarding the development and the
15 proposed bond issue.

16 No decisions regarding the development will be
17 made at this hearing. The Department's Board is scheduled
18 to meet to consider this transaction on April 25, 2019.

19 In addition to providing comments at this
20 hearing, the public is also invited to provide comment
21 directly to the Board at any of its meetings. The
22 Department staff will also accept written comments from
23 the public up to 5:00 p.m. on April 16, 2019.

24 The bonds for the Lago de Plata Apartments will
25 be issued as tax-exempt multifamily revenue bonds in the

1 aggregate principal amount not to exceed \$14 million and
2 taxable bonds, if necessary, in an amount to be determined
3 and issued in one or more series by the Texas Department
4 of Housing and Community Affairs, the Issuer.

5 The proceeds of the bonds will be loaned to LIH
6 Lago de Plata, LP, or a related person or affiliate entity
7 thereof, to finance the acquisition and rehabilitation of
8 a multifamily housing development described as follows:
9 150-unit multifamily residential rental development to be
10 constructed on approximately 11.16 acres of land located
11 at 1600 East 13th Avenue, Corsicana, Navarro County,
12 Texas. The proposed multifamily rental housing community
13 will be initially owned and operated by the borrower, or a
14 related person or affiliate thereof.

15 So I would like to open the floor to public
16 comment.

17 Let the record show there are no attendees,
18 therefore, the meeting is now adjourned at 6:08 p.m.

19 (Whereupon, at 6:08 p.m., the hearing was
20 adjourned.)


C E R T I F I C A T E

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IN RE: Lago de Plata Apartments
LOCATION: Corsicana, Texas
DATE: April 2, 2019

I do hereby certify that the foregoing pages, numbers 1 through 5, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Nancy H. King before the Texas Department of Housing and Community Affairs.

DATE: April 5, 2019



(Transcriber)

On the Record Reporting &
Transcription, Inc.
7703 N. Lamar Blvd., Ste 515
Austin, Texas 78752

4

BOARD ACTION REQUEST
ASSET MANAGEMENT DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for 2400 Bryan Street (HTC #18269)

RECOMMENDED ACTION

WHEREAS, 2400 Bryan Street (the Development) received an award of 9% Housing Tax Credits (HTCs) in 2018 for the new construction of 212 units of multifamily housing in Dallas, Dallas County;

WHEREAS, 2400 Bryan Street, LLC (the Development Owner or Owner) requests approval for a significant modification of the site plan, a modification of the number of units and bedroom mix of units (from 212 to 217, increasing the number of efficiency units by five), a modification of the residential density of more than 5% (a decrease of 20.99% due to a proposed change from 1.15 acres to 1.4899 acres, or 29.6%), changes to the income and rent restrictions without a reduction in the total number of Low-Income Units (60% AMI units were increased from 52 to 55, 50% AMI units were increased from 42 to 45, and Market Units were reduced from 107 to 106) along with changes in Development costs and financing;

WHEREAS, Board approval is required for a significant modification of the site plan, a modification of the number of units or bedroom mix of units, a significant modification of the architectural design of the Development, a modification of the residential density of at least five percent, and changes to the income and rent restrictions, as directed in Tex. Gov't Code §2306.6712 and 10 TAC §10.405(a)(4)(A), (B), (E), and (F), and the Owner has complied with the amendment requirements therein;

WHEREAS, the Owner has also requested both a removal of the HUB from the ownership structure of 2400 Bryan Street GP, LLC, the Managing Member, and a transfer of member interests in the Managing Member prior to 8609 Issuance (Dallas Housing Finance Corporation will replace the prior members of Texas Legends Care, RMGM Bryan Street, LLC, and LOK Texas, LLC, to become the sole member of the Managing Member, which will retain 0.005% of its initial 0.01% interest);

WHEREAS, 10 TAC §10.406(g) and 10 TAC §10.405(b)(1)(A) only contemplate the administrative approval of HUB removal by the Executive Director or designee

after the issuance of 8609s, but the Owner has requested to remove the HUB prior to the issuance of 8609s, which will require Board approval;

WHEREAS, 10 TAC §10.406(e) allows for Executive Director approval of changes in parties reflected in the Application as having Control so long as a development sponsor, General Partner or Development Owner is not selling the Development in whole or voluntarily ending Control prior to issuance of 8609s, but the Owner has requested approval as part of the submitted request; and

WHEREAS, the requested changes do not negatively affect the Development, impact the viability of the transaction, impact the scoring of the application, or affect the amount of the tax credits awarded;

NOW, therefore, it is hereby

RESOLVED, that the requested material amendments for 2400 Bryan Street are approved as presented at this meeting, and the Acting Director and his designees are each authorized, directed, and empowered to take all necessary action to effectuate the foregoing; and

FURTHER RESOLVED, the transfer of Ownership as proposed, subject to satisfactory completion of Previous Participation Review and approval by the Acting Director of the documentation showing the Ownership Transfer has occurred with the changes in Control as required by 10 TAC §10.406(e).

BACKGROUND

2400 Bryan Street was originally approved in the 2018 9% competitive HTC round as a new construction, 212-unit, general multifamily 14-story, mixed use, mid-rise development located in downtown Dallas that would contain 105 affordable units (with 70 Walker Settlement Vouchers committed from the Dallas Housing Authority), 107 market units, retail, commercial space and storage. The building was designed to incorporate six floors of structured parking underneath most of the building and included an amenity area positioned on the top deck of the garage. The Development is part of a larger redevelopment project on Bryan Street.

On February 27, 2019, Claire Palmer, consulting for the Development Owner, 2400 Bryan Street, LLC, submitted a material amendment request identifying changes in the total Development site acreage, total number of units, bedroom mix of units, number of low income units at the 60% and 50% AMI and market rent and income levels, changes in the site plan and architectural design, changes in unit and building plans, changes in parking, changes in financing, changes in costs, a transfer of ownership interest in the Managing Member, and a removal of the HUB from the ownership structure of the Managing Member. According to the

request, the proposed changes are all necessary as a result of three unforeseen and non-preventable circumstances: 1) Texas Department of Transportation's (TxDOT's) denial of an easement across their land (on the southern edge of the property) adjacent to the project site for use as a fire lane, which required subsequent changes to the footprint of the building and architectural plans and required the Owner to purchase an additional 40-foot wide strip of land on the east side of the site, increasing the overall site acreage, 2) City of Dallas changes in originally proposed requirements and allocated funding for the Development, which led to changes in the units, bedroom mix, and set asides and contributed to changes in costs related to Davis Bacon wage requirements under the new funding sources (CDBG and HOME funds), and 3) Increased construction costs (explained by the consultant to be related to the fact that application numbers were based on assumptions and estimates based on very preliminary plans), which created a funding gap that the Owner has proposed to meet by having Dallas Housing Finance Corporation (DHFC) buy and own the land and become the sole member of the Managing Member to allow for expense savings that could then allow for increased debt capacity to support construction of the Development. The representations in the Application affected by the above changes are further described below:

Modifications in Residential Density, Significant Modifications of the Site Plan, Significant Modifications of Architectural Design, Changes in Unit and Building Plans, Non-Material Increases in Common Area, & Changes in Parking

The original Development site consisted of two tracts (a primary tract, of 0.702 acres or 30,579 square feet, where the building would be situated and a secondary tract, of 19,419 square feet or 0.446 acres, at the east property line, for a total of 1.148 acres or 50,000 square feet, rounded up to the 1.15 acres determined by the ESA). At the time of Amendment, the consultant states that the unwillingness of TxDOT to grant an easement along the southern edge of the property for a second needed fire lane required the Owner to purchase an additional 40 foot wide strip on the east side of the site from a related party to accommodate the building of a second fire lane, to meet the standards of the Dallas Fire Marshall. The consultant provided an Amended and Restated Purchase and Sale Agreement (PSA) showing the inclusion of a third tract of land and an amended property description verifying the 1.4899 acres. The change results in a 29.56% increase in site acreage and a 20.99% reduction in residential density (from 184.35 units/acre to 145.65 units/acre based on the additional change in units from 212 to 217 at the time of amendment).

According to the consultant, the change on the eastern side of the site to accommodate the fire lanes also necessitated a change in the building footprint. The Development site is pushed to its western and northern property line boundaries, and the building footprint has been narrowed and re-shaped at its southwest and northeast tips to provide additional access for the lanes inside the property boundaries on the eastern and southern boundary of the site, which connect the property to existing roadways on the northern and southern edge. To compensate for this change and to add space for the five additional planned units proposed in this amendment, an additional story was added, changing the number of stories from 14 to 15, and unit and building architectural plans and details were modified. The building is still a one building structure built over a multiple story parking garage and retail and amenity space, but

compared with plans submitted at the time of Application, the floor designs and parking garage structures have been reconfigured, the bottom “podium” of the building will end at level 5 with the parking garage beneath, creating the mid-rise, residential tower out of levels 6-15 (previously 7-14). The original unit types (0-3 bedrooms) presented at the time of Application for a Net Rentable Area (NRA) total of 153,874 square feet will remain with larger than originally planned square footages in the majority of units (efficiency units previously offered at 550 and 551 square feet are now at a range of 565–605 square feet, 1 BRs were previously offered at 650 and 677 square feet are now at a range of 655-745 square feet, 2 BRs were previously offered at a range of 850-970 square feet and are now at 860 and 1320 square feet, and 3 BRs were previously offered at 1081 square feet and are now at 1075 and 1100 square feet) and an increased NRA total of 159,605 (a 3.72% increase). Common area, based on updated tabulations from the Architect, has also changed slightly, increasing from 215,767 to 220,028, excluding garage, retail, and storage spaces, which does not result in a material change.

Based on related re-configurations of the structured parking garage, the consultant has shown changes in parking from the time of last underwriting. According to the Addendum to Underwriting Report dated August 16, 2018, the architect had last indicated a total of 382 parking spaces with 212 free spaces for the multifamily units, 8 spaces reserved for multifamily property management and visitor parking, 150 spaces to be garage rental spaces, and 12 spaces to be reserved for retail patrons and short term visitor and delivery parking. There is a note following the tabulation of parking spaces that states that post publication of the report, an Applicant representative stated that there are 400 parking spaces with 212 allocated to the tenants; the underwriter stated that 212 spaces must be provided as a minimum to the tenants free of charge (based on local code requirement of one space per unit) as required by the Mandatory Development Amenities Rule in TDHCA’s rules in §10.101(b)(4)(M). At the time of amendment, the Unit and Building Configuration submitted by the Applicant showed 136 free spaces with 176 fee structured parking garage spaces for a total of 312 total spaces. However, additional items were submitted by the consultant from the project architect that show that there will be 111 parking spaces offered for free to tenants (the additional 25 free spaces will be available for retail, short-term visitors, and deliveries) and 176 spaces that will be charged at a rate of \$125 per month, and that this meets the requirements in the Dallas Development Code. The parking provided must meet accessible parking requirements, with a total of 14 free accessible spaces, three of them being van accessible, and all 14 spaces must be reserved for the exclusive use for the tenants of the multifamily units, multifamily property management, and apartment visitor parking.

Material Alterations as defined in Texas Government Code §2306.6712(d) and 10 TAC §10.405(a)(4)	
Application	Amendment
Development Site: 1.15 acres Units: 212 Density: 184.35 Residential Buildings: 1	Development Site: 1.4899 acres Units: 217 Density: 145.65 (20.99% reduction) Residential Buildings: 1

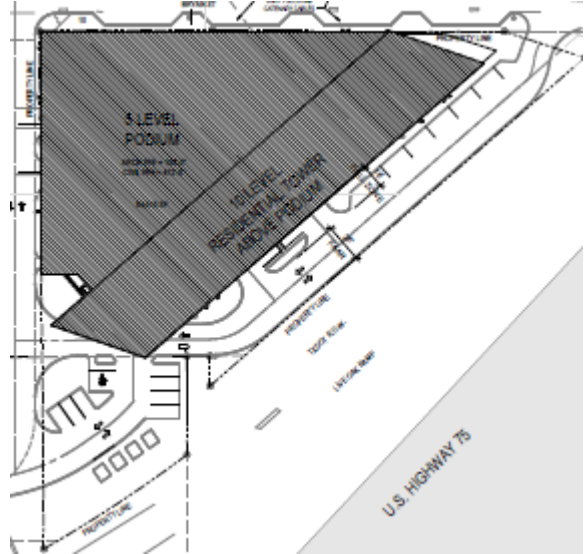
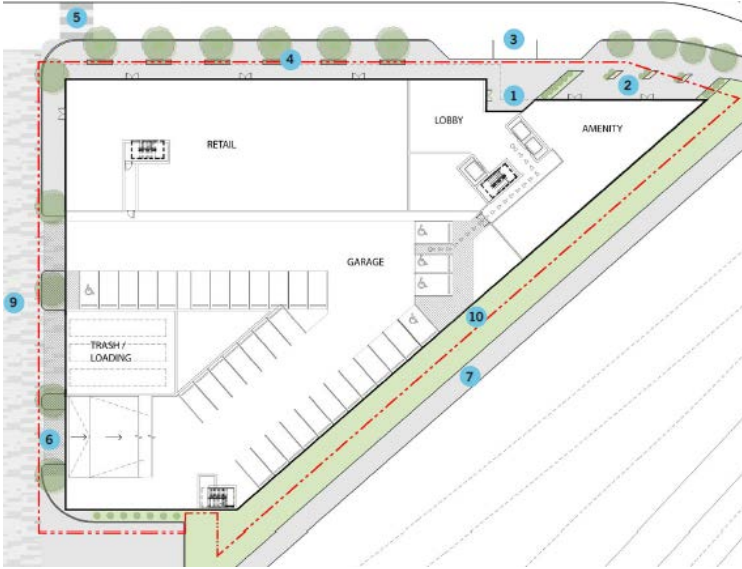
Material Alterations as defined in Texas Government Code §2306.6712(d) and 10 TAC §10.405(a)(4)

Application

Amendment

Common Area Square Footage: **215,767 (Non-NRA Sq. Ft.)**
 Net Rentable Square Footage: **153,874**

Common Area Square Footage: **220,028 (Non-NRA Sq. Ft.)**
 Net Rentable Square Footage: **159,605**



# Beds	# Units	% Total	Assisted
Eff	22	10.4%	6
1	120	56.6%	41
2	57	26.9%	18
3	13	6.1%	5
4	-	0.0%	0
TOTAL	212	100.0%	70

# Beds	# Units	% Total	Assisted
Eff	27	12.4%	6
1	120	55.3%	41
2	57	26.3%	18
3	13	6.0%	5
4	-	0.0%	0
TOTAL	217	100.0%	70

Income	# Units	% Total
30%	11	5.2%
40%	-	0.0%
50%	42	19.8%
60%	52	24.5%
MR	107	50.5%
TOTAL	212	100.0%

Income	# Units	% Total
30%	11	5.1%
40%	-	0.0%
50%	45	20.7%
60%	55	25.3%
MR	106	48.8%
TOTAL	217	100.0%

Modifications to the Number of Units and Bedroom Mix of Units and Changes to the Income and Rent Restrictions

At the time of Application, the Development had 212 total units, composed of 22 efficiencies, 120 one bedrooms, 57 two bedrooms, and 13 three bedrooms. The Owner has now proposed to offer 217 total units, changing the proposed bedroom mix of the units by increasing the number of efficiency units by five for a total count of 27 efficiencies. According to the submission, the additional five units were added in response to the City of Dallas' requirement for 51% of the units to be offered as affordable units. Though, in discussions with the consultant, it was determined that the Development could have retained the original total number of units and unit mix by changing four of the market units to affordable units; however, this would have negatively impacted the rent potential and debt capacity of the Development.

The requested amendment also shows a change in the rent and income limits. At the time of initial Application, the Development included 11 units to be offered at 30% AMI, 42 units at 50% AMI, 52 units at 60% AMI, and 107 market rate units. At the time of amendment, the Owner has proposed 11 units to be offered at 30% AMI, 45 units to be offered at 50% AMI, 55 units to be offered at 60% AMI, and 106 units to be offered as market rate units. According to the consultant, no additional Walker Settlement Vouchers will be given to the Development by the Dallas Housing Authority (DHA). Vouchers will remain at 70, but as was the case at original Application, the Development will match all of its 30% units with rental assistance, 43 of its 50% AMI units (vs. 42 at Application) with rental assistance, and 16 of its 60% AMI units (vs. 17 at Application) with rental assistance. New City of Dallas funding requirements also require the provision of HOME units (17 High HOME units and five Low HOME units, which will count toward the number of total affordable low income units). Under the 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements Rules in §10.405(a)(4), amendments that involve a reduction in the total number of Low-Income Units or a reduction in the number of Low-Income Units at any rent or income level require a lender and syndicator to submit written confirmation that the Development is infeasible with the adjustment in Units. The Rule states that the Board may or may not approve the amendment request but that affirmative recommendation to the Board is contingent upon concurrence from Department staff that the Unit adjustment is necessary for the continued financial feasibility of the Development. In this case, staff did not request such written confirmation due to the fact that the change in set asides is not recommending an increase in the percentage of rent and AMI for any original proposed set aside or a decrease in the number of units constructed in any set aside range (with the exception of the one non-low income market unit), but an increase in the number of units offered under the 50% and 60% set asides due to the proposed increase in overall low income units. Staff believes that the rule appears to assume that requests for adjustment would occur only in the event that an increase in rent and income limits or decrease in the number of units at a certain rent and income limit would be proposed.

Changes in Development Costs & Financing

Revised financial exhibits were submitted along with the other changes at the time of the amendment request, including an updated Rent Schedule, Annual Operating Expenses schedule, Development Cost Schedule, Summary of Sources and Uses, 15 Year Operating Pro Forma, new term sheets and a revised equity letter. The Real Estate Analysis (REA) Division re-evaluated the transaction pursuant to Tex. Gov't Code §2306.6712(b) and has concluded that

the Development remains feasible. The REA Addendum is attached. In summary, total Development Costs increased from \$62,728,715 (adjusted to \$58,228,715 by REA's analysis based on a reduction in the claimed acquisition amount) at the time of initial application to \$77,711,303, an increase of \$14,982,588 or 23.9% (though the total cost was reduced by REA's analysis to \$71,922,999 based on a reduction in the claimed acquisition amount). The Bank of Texas conventional construction to perm loan (in the amount of \$35,550,000 at 5.25% with a 35-year amortization and 17-year term, which had an assumed decrease by REA to \$31,050,000 in the initial report) has been replaced by a BBVA/Freddie Mac permanent loan (in the amount of \$42,000,000 at 5.14% with a 35-year amortization and 15-year term), the equity provider has changed from Hudson (credit pricing at \$0.97) to Hunt Capital (credit pricing at \$0.99), and City of Dallas TIF funds have been replaced with City of Dallas CDBG, HOME, local government loan, and grant funds. The consultant states in the submitted amendment request that changes in financing on the part of the City were related to the fact that the City of Dallas adopted a new Comprehensive Housing Policy and required that the request for funds already committed be re-applied for through a NOFA process; as part of this new process, the City reserved the right to determine how funds would be provided to the Development and instead of TIF funds, extended funding from a combination of HOME and CDBG funds along with additional City funds and grants (\$3,605,570 in HOME funds, \$3,421,373 in CDBG funds, \$6,000,000 in Public/Private Partnership funds, and a GO Bond grant of \$973,057). Changes in equity and lender commitments were made in order to support the larger costs of the project, which were described as primarily related to increased costs due to changes in construction plans after final plan completion, Davis Bacon wages required by HOME and CDBG funds, costs related to purchasing of the 40-foot wide strip on the east side of the site, and changes made to the Development to fit on the new site footprint and add the additional five units to meet the 51% affordable requirement stated in the term sheet from the City of Dallas.

In reviewing the revised Development Cost Schedule, the largest changes in costs are noted in Acquisition (increasing from \$7,500,000 to \$9,675,000), Site Work (increasing from \$450,000 to \$1,995,693 to incorporate previous costs incorporated as off-sites given the fire lane placement within the site boundary itself and the elimination of previously estimated off-site costs) and Building Costs (increasing from \$20,452,500 to \$32,998,494, less structured parking), with major increases shown in a variety of cost categories, but most notably Mechanical (from \$3,865,000 to \$8,549,041), Electrical (from \$2,256,000 to \$4,372,990), Doors and Windows (from \$737,500 to \$3,374,207), Thermal & Moisture Protection (from \$19,000 to \$3,640,241), Woods & Plastics (from \$200,000 to \$1,598,912), Metals (\$625,000 to \$1,781,023), and Masonry (from \$1,675,000 to \$2,260,444), increases which the consultant states are based on actual plans instead of initial estimated costs and are also related to numerous design changes. Financing costs have also risen given the increases in debt and loan sources (from \$3,332,490 to \$6,507,992 at amendment). Additional discussion is provided in the attached REA Addendum.

Removal of the Historically Underutilized Business (HUB) and Transfer of GP Interest Prior to 8609s

The consultant has represented in the submitted amendment request that due to the rise in Development costs, the Owner approached the City about asking the Dallas Housing Finance

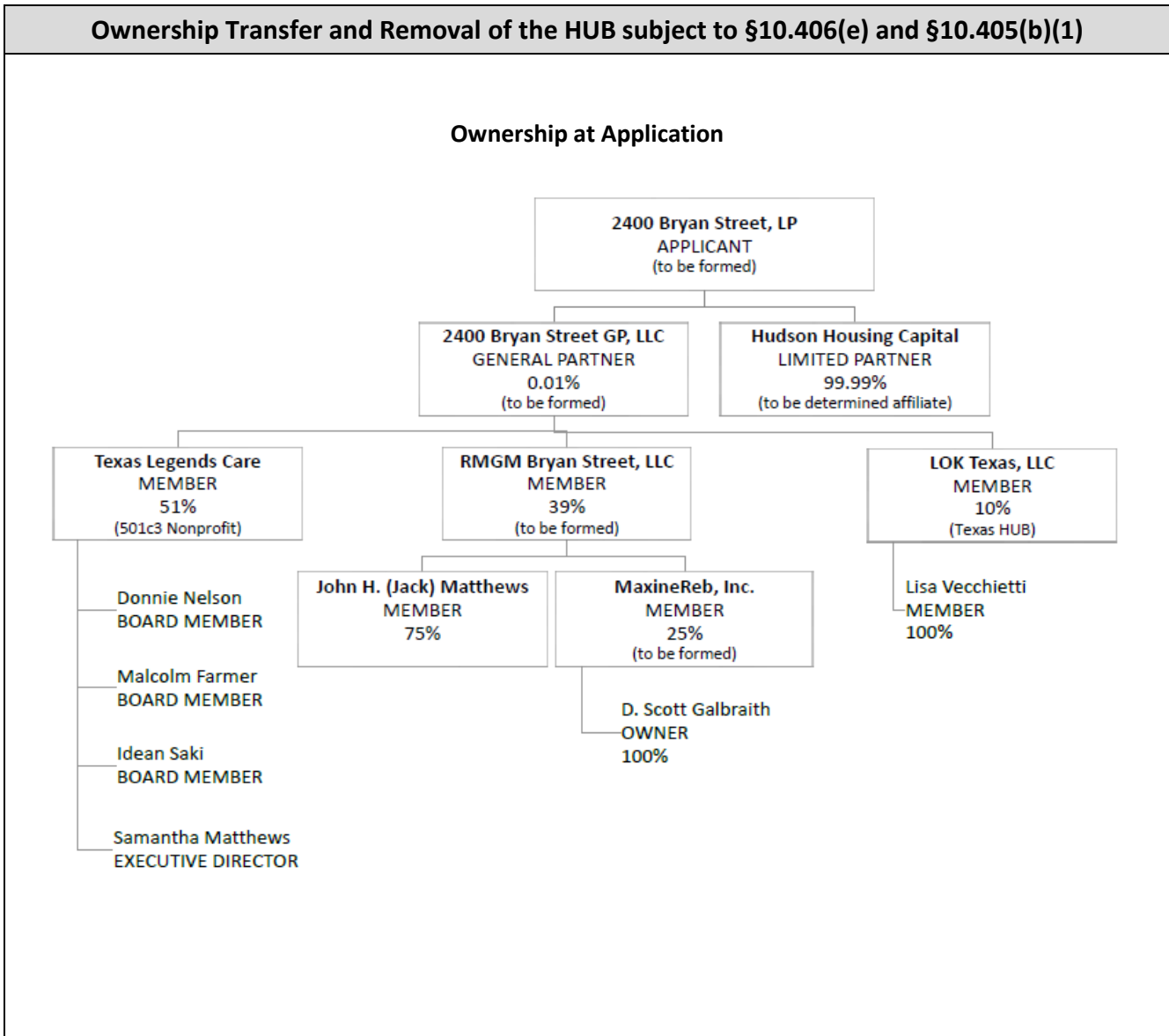
Corporation to buy and own the land to entitle the property to a tax exemption, thereby saving an estimated \$500,000 per year in annual operating expenses. In the original Application structure, the Owner 2400 Bryan Street, LP (later changed to 2400 Bryan Street, LLC), had a 0.01% GP (2400 Bryan Street GP, LLC) that was Owned by three members: 1) A 51% Non-profit Member, Texas Legends Care, 2) A 39% Member, RMGM Bryan Street, LLC (the Developer), and 3) LOK Texas, LLC (the 10% HUB). An amended structure was approved by the Board in December 2018 which included the re-naming of the non-profit, Texas Legends Care, as The Community Project and removed LOK Texas, LLC as the HUB, replacing it with BETCO Consulting, LLC, also a HUB, in addition to removing members of the Developer due to Mr. Galbraith's passing. As a result of this new request, the Managing Member (now with a reduced ownership interest from 0.01% to 0.005%), 2400 Bryan Street GP, LLC, will be solely owned by Dallas Housing Finance Corporation. A new Special Limited Partner, 2400 Bryan Street SLP, LLC, will be formed, which will acquire the remaining 0.005% ownership interest and which will be owned by three members: 1) The Community Project (51%), 2) RMGM Bryan Street, LLC (39%), and 3) BETCO Consulting, LLC (10%). Under Tex. Gov't Code, §2306.6712(c)(2), staff is providing information for the Board's consideration regarding whether the proposed amendment would have adversely affected the selection of the application in the application round. Since the HUB no longer has any ownership interest in the General Partner of the Applicant, the two points originally awarded under Sponsor Characteristics in the 2018 Qualified Allocation Plan (QAP) in §11.9(b)(2)(A) would no longer be applicable. However, based on a review conducted by the Multifamily Finance Division, losing the two points for the HUB would not have adversely affected the selection of the Application for an award, as the point spread between the Application and the next potential awardee was 7 points (143 points vs. 150 scored on behalf of the Applicant with the consideration of the HUB points).

Under the Post Award and Asset Management Requirements Rule in 10 TAC Chapter 10, §10.405(b)(1), HUB participation removal is only considered after the issuance of 8609s and as such is treated as a non-material LURA amendment; in this case, however, the Development is not yet constructed and there is no LURA to amend. Since the Rules do not allow for the HUB removal prior to 8609s, staff is seeking Board approval for the change.

The change in General Partner interest also requires an Ownership Transfer under 10 TAC, §10.406 (the Rule). Under the Rule in §10.406(e), prior to the issuance of IRS Form(s) 8609 or the completion of construction, an Applicant may request an amendment to its ownership structure to add Principals but the parties reflected in the Application as having Control must remain in the ownership structure and retain Control unless otherwise approved by the Executive Director. The Rule also states that "A development sponsor, General Partner or Development Owner may not sell the Development in whole or voluntarily end their Control prior to the issuance of 8609s."

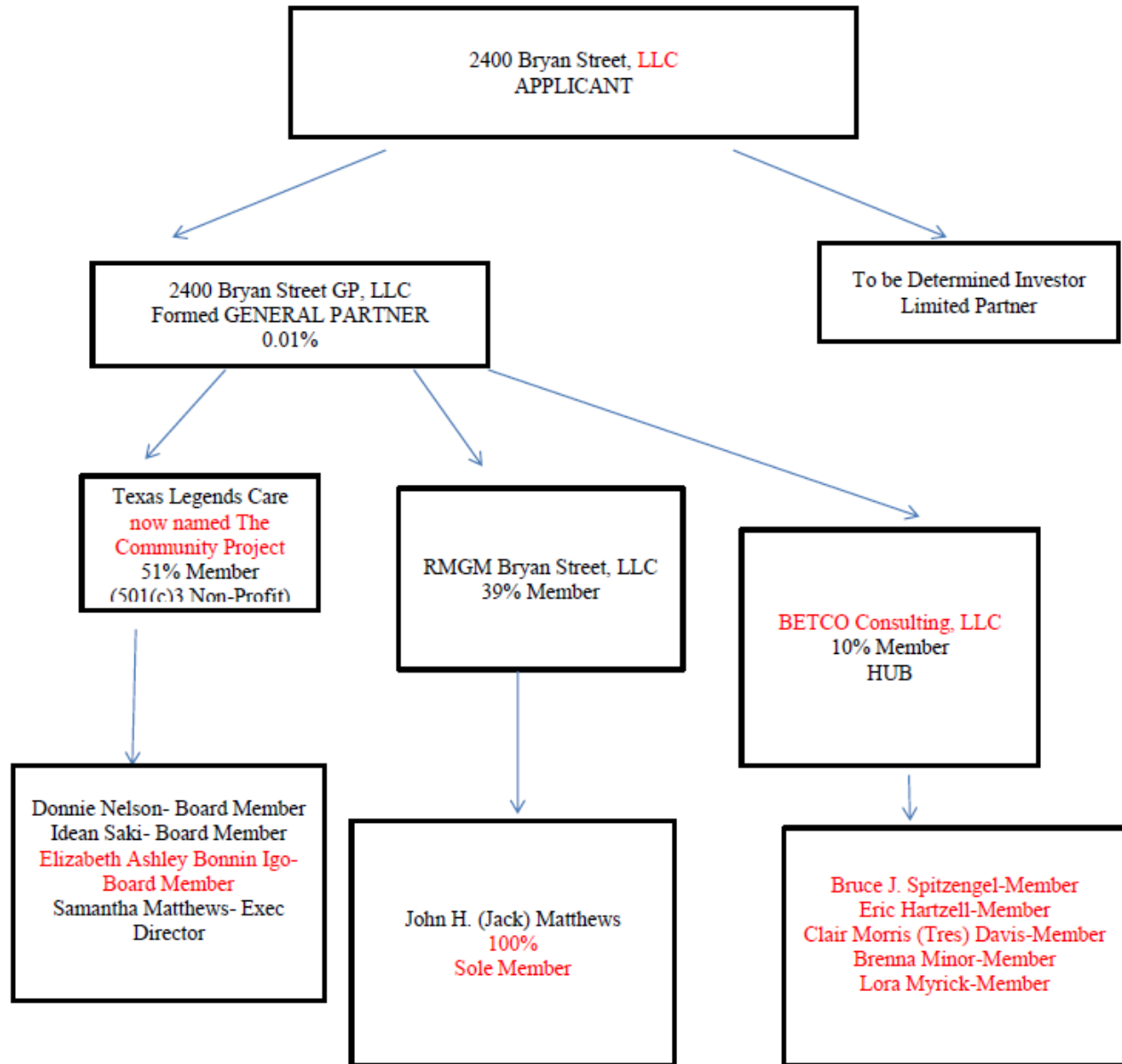
The proposed Transfer precedes the release of 8609s and completion of construction and will change the General Partner and General Partner's percentage of ownership interest. However, though the GP and the GP's percentage of interest will change, the Special Limited Partner (SLP)

is proposed to receive 0.005% of the GP’s former interest, and the interest will be acquired by the three entities that were previously in the GP structure at the same level of ownership interest. Staff, therefore, believes the transfer is approvable prior to 8609s as represented because, in effect, the proposed change at this point is to add a Principal of the Dallas Housing Finance Corporation and its Board to the ownership structure, while allowing for the previous GP members to retain Control through the creation of the SLP, and simultaneously ensuring that the structure is appropriate for a tax exemption status. However, to demonstrate that the former GP entities retain Control as required by the Rule the final organizational documents will need to be submitted to and accepted by the Acting Director at least 30 days before the proposed closing. Staff also acknowledges the notification of the new Limited Partner provided on the revised organizational chart, showing the replacement of Hudson Housing Capital with Hunt Capital Partners (99.99%).



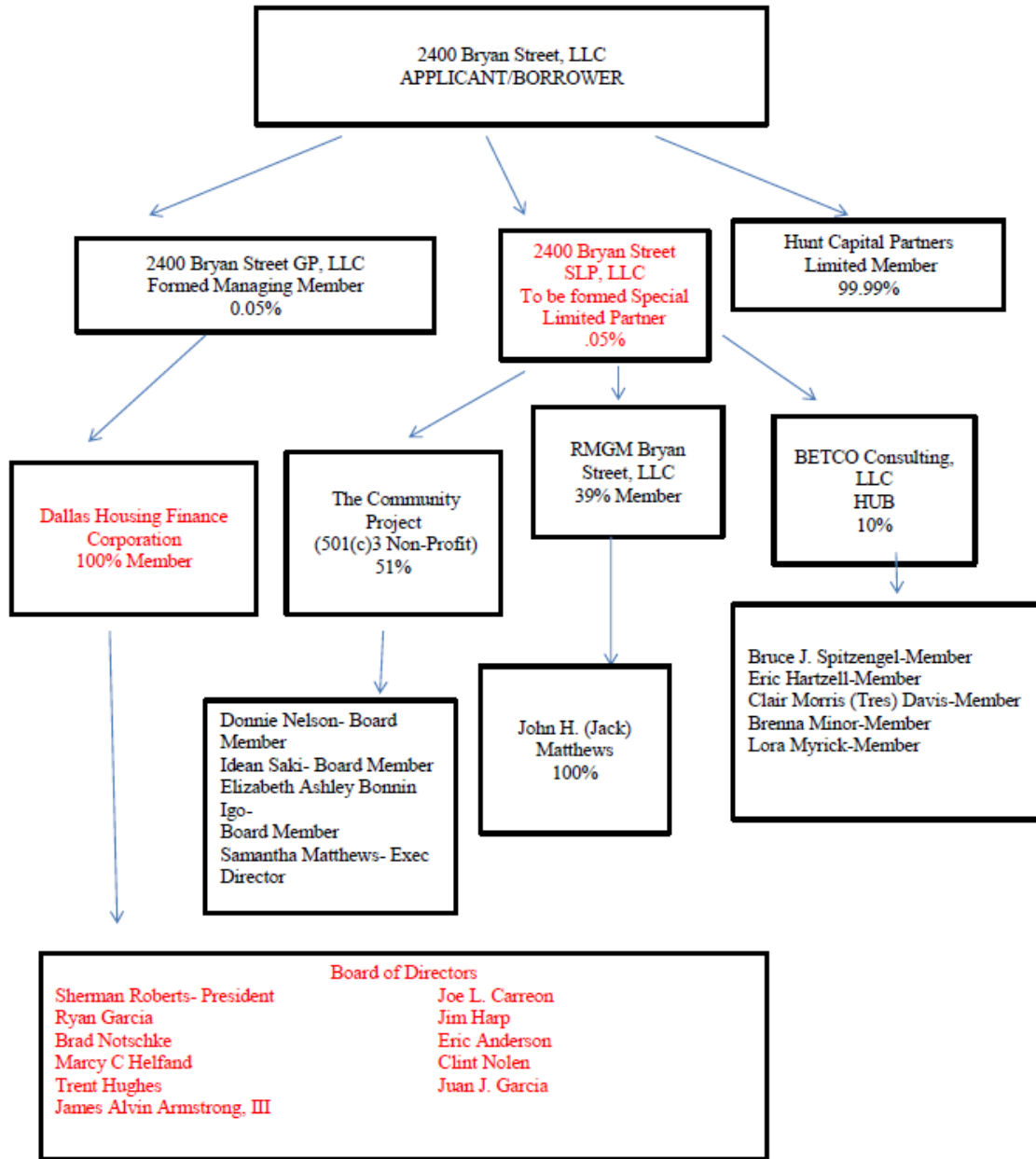
Ownership Transfer and Removal of the HUB subject to §10.406(e) and §10.405(b)(1)

Ownership as approved in December 2018



Ownership Transfer and Removal of the HUB subject to §10.406(e) and §10.405(b)(1)

Ownership proposed at Amendment



Staff has reviewed the original application and scoring documentation against this amendment request and has concluded that none of the changes would have resulted in selection or

threshold criteria changes that would have affected the ultimate selection of the application in the competitive round.

Staff recommends approval of the requested material amendments to the Application and the transfer of Ownership as proposed, subject to satisfactory completion of Previous Participation Review and approval by the Executive Director of the documentation showing the Ownership Transfer has occurred and the changes in Control are within the requirements of the Rule.



Addendum to Underwriting Report

TDHCA Application #: **18269** Program(s): **9% HTC**

2400 Bryan Street

Address/Location: 2400 Bryan Street

City: Dallas County: Dallas Zip: 75201

APPLICATION HISTORY	
Report Date	PURPOSE
04/02/19	Amendment Memo
10/05/18	Commitment Notice
08/16/18	Revisions to Initial Underwriting
08/06/18	Initial Underwriting

ALLOCATION

TDHCA Program	Previous Allocation				RECOMMENDATION				
	Amount	Rate	Amort	Term	Amount	Rate	Amort	Term	Lien
LIHTC (9% Credit)	\$1,500,000				\$1,500,000				

CONDITIONS STATUS

- 1 Receipt and acceptance by Commitment:
 - a: Agreement to enter into a Housing Assistance Payment Contract (AHAP) from the Dallas Housing Authority for the 70 Walker Vouchers.

Status: Conditionally satisfied at this time. The Applicant will need to confirm the AHAP Contract with the Dallas Housing Authority for the 70 Walker Vouchers at Cost Certification.
 - b: Confirmation from the architect that the project will be constructed with a finished floor elevation of three (3) feet above the closest downstream storm sewer curb inlet within this drainage basin.

Status: Conditionally satisfied. Perkins and Will provided a statement that they "confirm that the project will be constructed with a finished floor elevation of three (3) feet above the closest downstream storm sewer curb inlet within this drainage basin."

2 Receipt and acceptance by 10% test:

- a: Documentation that a Phase II ESA has been completed and documentation of any additional cost required for any recommended remediation or actions. The findings should address the "two Historical Cleaners (located at 2417 and 2617 Bryan Street), two MSD (Municipal Setting Designations), the ELAN Dallas City Lights MSD property, and whether the presence of Tetrachloroethene in the groundwater has had any effects on the site and the groundwater.
- b: Documentation that a noise study has been completed, and certification from the Architect that all recommendations from the noise study are incorporated into the development plans.
- c: Documentation regarding the non-profit's ability, including the structure of the construction contract, to achieve the sales tax exemption, or in absence of the exemption provide evidence of the funds to source the \$1.2M contribution.

Status: Update sales tax exemption amount to \$1.1M from \$1.2M. Exemption to be achieved through DHFC contracting with subcontractor.

3 Receipt and acceptance by Cost Certification:

- a: Architect certification that all finished buildings were constructed with a finished floor elevation of three (3) feet above the closest downstream storm sewer curb inlet within this drainage basin.
- b: Certification (from environmental testing company) of a subsurface site investigation evaluating the impact of identified current and historic REC's, and that any recommended mitigation measures were implemented.

4 Receipt and acceptance by Cost Certification:

- c: Certification that continued testing was performed on the contaminated groundwater, and if necessary, a certification that any appropriate abatement procedures were implemented by a qualified abatement company. At this time, no abatement is required.
- d: Architect certification that all noise assessment recommendations were implemented and the Development is compliant with HUD noise guidelines.
- e: **Certification from Appraisal District that the property qualifies for 100% property tax exemption, including the market rate units and retail units.**

Should any terms of the proposed capital structure change or if there are material changes to the overall development plan or costs, the analysis must be re-evaluated and adjustment to the credit allocation and/or terms of other TDHCA funds may be warranted.

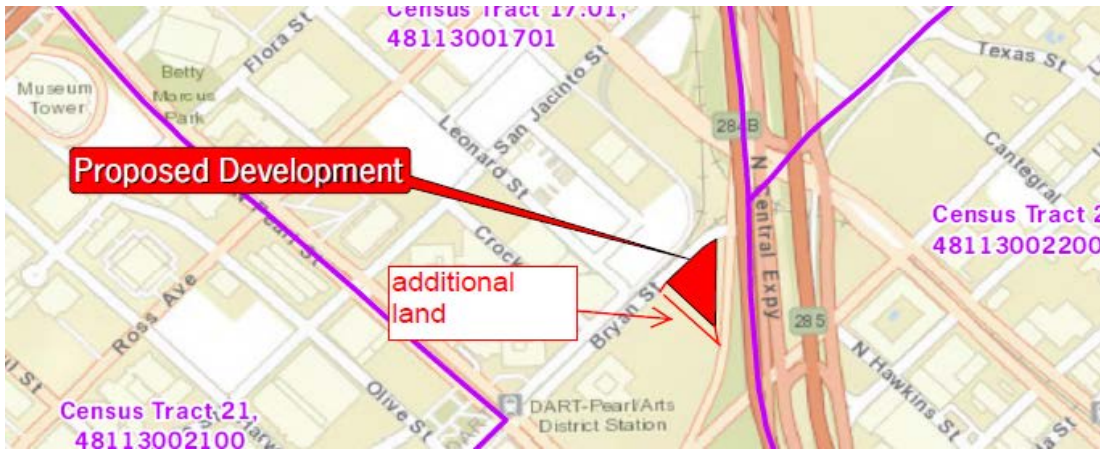
CONCLUSION

TDHCA SET-ASIDES for HTC LURA		
Income Limit	Rent Limit	Number of Units
30% of AMI	30% of AMI	11
50% of AMI	50% of AMI	45
60% of AMI	60% of AMI	55

Analysis

Overall Changes

At Application it was assumed that TXDOT would grant an access easement along US Hwy 75 access road for use as a fire lane for the development; plans and pricing were based on this assumption. TXDOT has denied the easement and in order to achieve the required two fire lanes, the site had to be "pushed back and to the left" in order to have sufficient room for the second fire lane along Hwy 75. In order to accommodate this, Applicant had to purchase a 40 foot wide strip on the east side of the original site. This changed the way the footprint of the building sits on the entire site and led to several building and architectural changes to the overall product.



The shifting of the building footprint in response to denial of the access easement has affected the physical building in the following ways:

	Application	Amendment
Garage SF	139,860	125,389
Total Bldg SF	369,641	370,650
Total NRA	153,874	159,605
Storage SF	13,712	13,233
Retail	9,963	12,000
Amenity	5,812	2,687
Leasing	0	5,278
Service	3,365	2,449
Balcony	3,464	0
Amenity Deck	9,051	9,713
Condition non NRA	31,574	40,296
Garage floors	6	5
Building Floors	14	15
Total parking	382	312
Total units	212	217
Market Units	107	106

The unit sizes have slightly changed, increasing the average unit size from 726 sf to 736 sf. The number of 50% AMI units has increased from 42 to 45 units; 60% AMI units have increased from 52 units to 55 units. The number of 30% AMI units remain at 11. 70 Walker Vouchers are still anticipated.

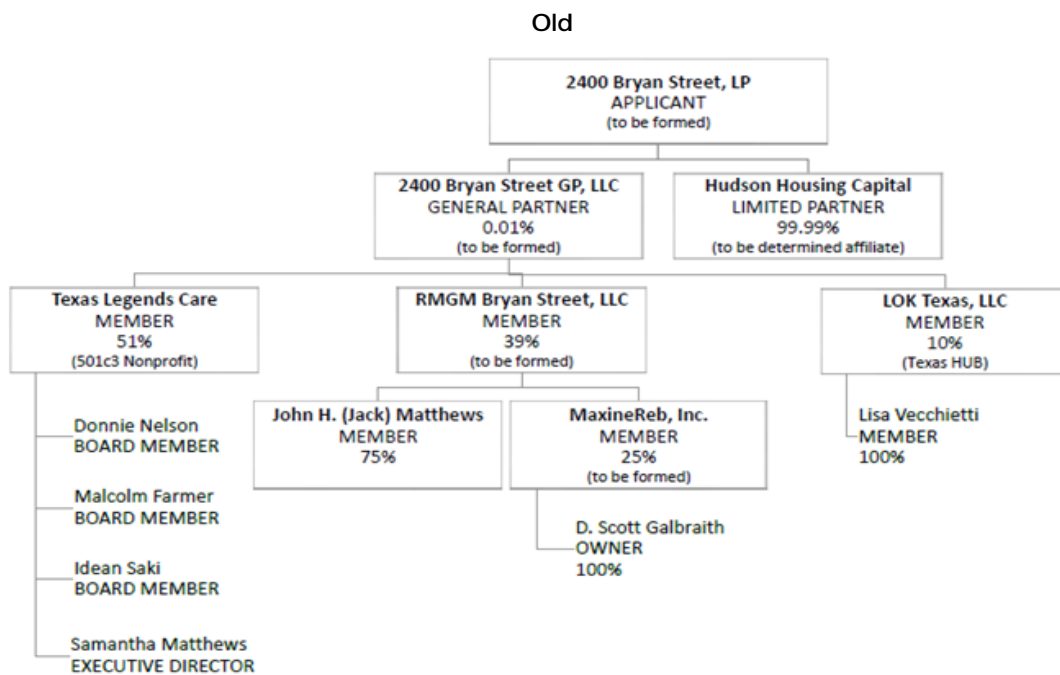
Another major change since Application is the replacement of \$9.3M of City TIF funds with \$7M of City HOME and CBDG funds and restricted 17 High HOME unit and 5 Low HOME unit designations. In May of 2018, the City adopted a new Comprehensive Housing Policy that requires all requests for funds to be submitted through a NOFA process; the NOFA was issued in August 2018. Applicant submitted an application for \$9.3M funds under the NOFA and they were awarded the \$7M from federal sources. In December 2018, City staff agreed to provide another \$7M in City funds.

Applicant's total development cost has increased from \$58M at Application to \$72M at Amendment; a 24% increase.

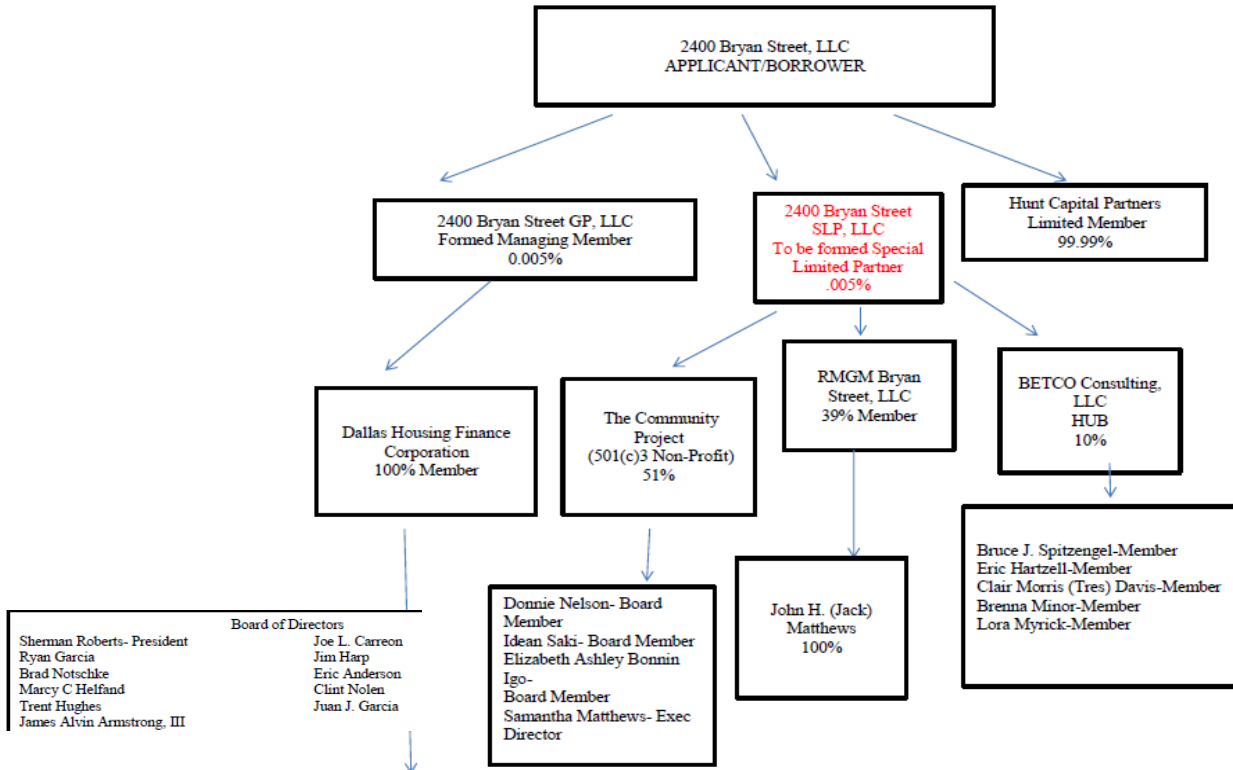
Ownership change

Dallas Housing Finance Corporation (DHFC) is now 100% managing member of the project and will buy the land, thus qualifying for 100% property tax exemption of \$550k/year. This allows the project to take on additional debt to cover the increased costs due to increased land and construction costs.

The original non profit, Texas Legends Care, was renamed as The Community Project, and is now shown as such on the organizational chart. LOK Texas, LLC was removed as HUB and replaced with Betco Consulting. D. Scott Galbraith, member of developer, passed away and is removed from the development chart. These changes were approved by the TDHCA Board in December 2018.



New



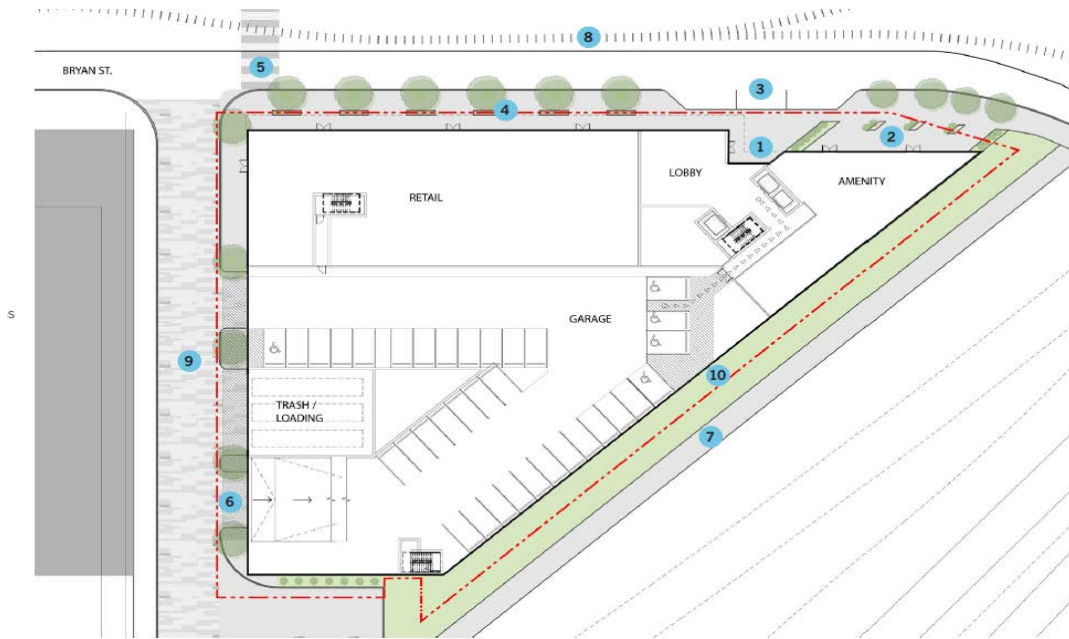
Land Acreage Increase

As stated above, Applicant has bought an additional 0.34 acres to the east of the original site in order to accommodate a second fire lane along the Hwy 75 access road since TXDOT did not grant the requested easement. The total site is now 1.4899 acres.

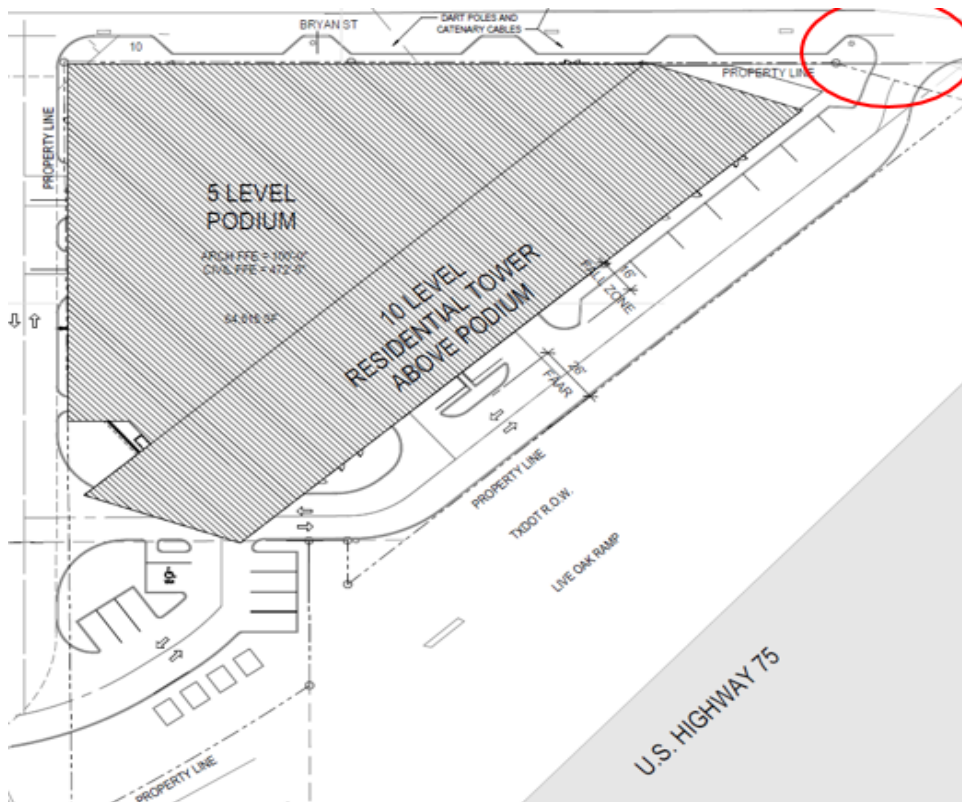
The additional 0.34 acre was purchased from Bryan Street Land Holdings, LLC, the same identity of interest seller as the original 1.15 acres. Underwriter has applied the same average cost/acre from original underwriting to the additional 0.34 acres, increasing Underwriter's total land cost from \$3M to \$3,886,696. Applicant's original land cost of \$7.5M increased to \$9.675M.

Development Costs

Old



New



Applicant's Total Development Cost of \$71,922,999 is within 5% of Underwriter's, therefore Applicant's costs are used for analysis. Total development costs have increased \$13.69M (24%) since Application. Per Applicant, the Application budget was based on very preliminary plans, assuming TXDOT would grant the access easement. The Amendment budget is based upon 50% design plans that have been value engineered and are considered to be nearly finalized.

The general contractor, Jordan Foster, has been the contractor through the whole design process. Contractor's original budget/proposed contract amount based on conceptual plans from 3/26/18 totaled \$48,930,298. Total construction contract from contractor as of 2/05/2019 based on 100% design drawings is \$49,410,711. This is a 1% increase in total construction contract from March of 2018 to February of 2019.

Total construction contract amount submitted at original Application was \$40,720,833. Applications for the 9% HTC cycle are due on March 1st, prior to Jordan Foster's original construction bid dated 3/26/18. Total construction contract amount submitted at Amendment is \$47,828,365; a 17% increase from Application.

At Application, there was \$4.15M of off-sites, mainly attributed to running electric (\$3.95M) and building the fire lanes through the TXDOT easement shown in the development budget. At Amendment, off-site costs are removed as all the work will be done on the larger Subject site. Site work has increased \$1.5M from Application to include the utilities and paving, as well as \$700k for a crane that was not considered in the original Application cost schedule. Overall utility cost has decreased.

Due to the decrease in the size of the parking structure, the overall garage cost has decreased \$1M. Underwriter is only including the percentage of garage cost attributed to the percentage of free parking spaces to service the affordable residential units in basis. At Application, it was assumed that 220 parking spaces would serve the affordable residential units, at Amendment, based upon current code, it is assumed only 119 parking spaces will be included in eligible basis (discussed below). While the total garage cost decreased \$1M, the garage eligible basis decreased \$1.8M.

Applicant's total building cost (less garage cost) has increased \$12.5M since Application.

Per Applicant, only \$19k was included in the development cost at Application for thermal and moisture barrier (this cost was included in the windows and doors line item), it is now shown at \$3.6M.

Per Applicant, at Application the HVAC line item in the development cost only included HVAC, (\$3.9M) while the Amendment development cost schedule includes HVAC, plumbing and fire protection together in that line item (\$8.5M). The amount of exterior glazing has increased 20% since Application plans.

At Application, Underwriter estimated building cost at \$24.6M, approximately \$4.2M higher than Applicant. When costing high rise, highly-articulated buildings and parking structures, TDHCA relies heavily on contractor's estimates as they work with these types of costs everyday. Jordan Foster is a well known and respected builder with experience in high rise building in Texas. As such, TDHCA relied on the development cost schedule presented at Application as this schedule should have been reflective of the contractor's bid.

At Amendment, Underwriter assumed a 10% overall increase in materials/labor cost and updated with the increased building square footage, etc.; this resulted in a building cost estimate of \$30.5M, \$2.5M below Applicant's estimate.

DHFC will serve as the contractor and will master subcontract to Jordan Foster to achieve a sales tax exemption. \$1.1M of sales tax exemption is included in the development cost budget.

Architect and engineering fees have not increased; per Applicant, the architects and engineers are committed to getting this project built and did not increase their fees even with the redesign after the footprint shift.

Applicant's eligible basis is limited to the amount of eligible hard cost they self limited to for scoring purposes at Application; \$16,001,357. At Amendment, Applicant erroneously calculated their developer fee off the current eligible basis instead of the self limited amount from Application. Applicant also included two years of construction interest in eligible basis when only one year is allowed for 9% applications. At Amendment, eligible basis is calculated at \$25,997,988 due to increased costs.

Parking

Per Dallas Development Code 51A-4.124.a.5.B.i Off Street Parking Requirement: 1 parking space is required per 2,000 sf of floor area. This calculates to 220,028 sf /2,000 sf =111 spaces required. 312 total parking spaces are provided. 111 are provided at no cost to residents of the affordable housing units. 25 spaces are available for retail, short-term visitors and deliveries (8 are assumed for affordable residential). The balance of 176 spaces will be rented at the rate of \$125 per month.

Operating Pro Forma

Applicant's NOI is 6.7% higher than Underwriter's, therefore, Underwriter's pro forma is used for analysis. Underwriter's pro forma was used for analysis at Application, as well.

70 Walker Vouchers are still assumed, the rates have been updated to the 2019 amounts (increase of \$150-\$230/unit). Due to the inclusion of City HOME funds, 17 units are restricted at High HOME and 5 at Low HOME, although due to the tax credit layering, the HOME restrictions do not significantly affect rental income.

Market rate assumptions have increased minimally and are still below the Market Analyst's assumptions. Studio market rent assumptions have not increased at all, while 1B's increased \$20, 2B \$120, and 3B \$190. Total residential rent assumption has increased \$27k/year from Application.

The commercial rental assumption has remained the same even though the commercial square footage has increased 2,100 sf. This is based off the Applicant reducing their original commercial assumption in order to be conservative. If we assume Underwriter's same \$22/sf rental assumption from Application on the increased commercial sf, this would increase income \$84k and increase DCR to 1.18.

Parking and storage income assumption has been reduced from \$504k to \$364k to be conservative. 176 parking spaces will be leased at \$125/mo, equating to \$264k. At Application, no other monthly fees were included, but at Amendment, the standard \$25/unit is included for application fees, late fees, etc. This is a \$65k increase to income.

The net change to effective gross income is a \$45k decrease from Application.

The main change to expenses is the assumed 100% property tax exemption due to DHFC becoming managing member of the project (50% tax exemption assumed at Application due to nonprofit involvement). This is a \$550k annual savings. The recommendation of approval of the amendment is conditioned on the project receiving 100% tax exemption as the project will not be financially feasible without it. Underwriter has concerns that the property may not achieve 100% tax exemption due to the commercial space and the 49% market units. If only a 50% exemption is achieved, the DCR decreases to a 0.92 and the project is infeasible.

Applicant's counsel has provided a letter citing the 100% general partnership interest of DHFC to qualify for exemption of ad valorem taxation. This assumes that the ownership structure of DHFC is treated as a limited partnership by the Appraisal District. While this Project is owned by an LLC rather than an LP, as required by statute, it is settled law that the above described structure meets the requirements so long as the LLC is taxed as a partnership. Applicant has submitted for a Preliminary Determination from the Dallas Central Appraisal District.

Also contributing to the total \$581k decrease in annual expenses is decreased required replacement reserves, property insurance (based on quote), and decreased payroll per an updated staffing plan.

Controllable expenses decreased \$82/unit while total expenses decreased \$2,677/unit due to the assumed property tax exemption.

At Application, the DCR was 1.15 and remains so at Amendment.

Applicant decreased Supportive Services assumption from \$21,600 to \$18k. As this is an amendment to the Application, Underwriter decreased the amount of supportive service to \$18k as shown in the Lender signed pro forma. Pursuant to TDHCA underwriting rules, the \$18k will be included in the DCR calculation at cost certification, regardless if actually incurred.

Sources of Funds

Permanent debt assumption has increased from \$31M to \$39M to fund the increased development costs. Underwriter is assuming a \$3M cut to the Applicant's projected \$42M permanent loan in order to achieve a 1.15 DCR. BBVA/Freddie Mac is now providing the loan at 5.14% instead of Bank of Texas at 5.25%.

The \$9.3M TIF money is replaced with a mix of HOME, CDBG, and Public/Private Partnership funds from City of Dallas, totaling over \$13M. All of these loans are for 15 years with 1% simple interest only payments until deferred developer fee is paid in full; all are required repayable.

For valid debt purposes we have removed the \$7M of HOME and CDBG funds from eligible basis due to federal financing. We are able to credit the \$7M back due to Applicant voluntarily limiting eligible basis by a greater amount for scoring purposes.

City of Dallas is also providing a \$973k grant from GO Bond funds.

Applicant is assuming \$1.487M of NOI during construction and \$5.5M of deferred fee as sources. Underwriter is assuming no NOI during construction and \$4.073M of deferred fee that pays back in year 8 with a 15 year cumulative cash flow of \$6.525M.

Equity partner has changed from Hudson at \$0.97 credit price to Hunt Capital at \$0.99, generating an additional \$226k of equity.

The overall project financing has increased City funding by \$5M showing the City of Dallas' commitment to this project. Permanent debt has increased \$8M, equity partner contribution has increased \$225k, and deferred fee has increased \$800k in order to fund the \$13.7M development cost increase since Application.

The underwriting analysis assumes a decrease in the permanent loan amount to \$39M to achieve the minimum 1.15 debt coverage ratio for credit sizing purposes.

Previous annual credit recommendation of \$1,500,000 is still supported.

Underwriter:	<u>Jeanna Rolsing</u>
Manager of Real Estate Analysis:	<u>Thomas Cavanagh</u>
Director of Real Estate Analysis:	<u>Brent Stewart</u>

UNIT MIX/RENT SCHEDULE

2400 Bryan Street, Dallas, 9% HTC #18269

LOCATION DATA	
CITY:	Dallas
COUNTY:	Dallas
Area Median Income	\$77,200
PROGRAM REGION:	3

UNIT DISTRIBUTION							
# Beds	# Units	% Total	Assisted	MDL	Income	# Units	% Total
Eff	27	12.4%	6	2	30%	11	5.1%
1	120	55.3%	41	13	40%	-	0.0%
2	57	26.3%	18	6	50%	45	20.7%
3	13	6.0%	5	1	60%	55	25.3%
4	-	0.0%	0	0	MR	106	48.8%
TOTAL	217	100.0%	70	22	TOTAL	217	100.0%

Pro Forma ASSUMPTIONS	
Revenue Growth	2.00%
Expense Growth	3.00%
Basis Adjust	130%
Applicable Fraction	50.36%
APP % Acquisition	3.39%
APP % Construction	9.00%
Average Unit Size	736 sf

UNIT MIX / MONTHLY RENT SCHEDULE

HTC		Dallas HOME		RENT ASSISTED UNIT		UNIT MIX				APPLICABLE PROGRAM RENT			APPLICANT'S PRO FORMA RENTS				TDHCA PRO FORMA RENTS				MARKET RENTS		
Type	Gross Rent	Type	Gross Rent	Type	Gross Rent	# Units	# Beds	# Baths	NRA	Gross Rent	Utility Allow	Max Net Program Rent	Delta to Max	Rent psf	Net Rent per Unit	Total Monthly Rent	Total Monthly Rent	Rent per Unit	Rent psf	Delta to Max	Underwritten	Mrkt Analyst	
TC 30%	\$405	LH/50%	\$676	WTV	\$1,320	1	0	1	565	\$1,250	\$47	\$1,203	\$0	\$2.13	\$1,203	\$1,203	\$1,203	\$1,203	\$2.13	\$0	\$1,180	\$2.09	\$1,250
TC 30%	\$405			WTV	\$1,320	1	0	1	605	\$1,250	\$47	\$1,203	\$0	\$1.99	\$1,203	\$1,203	\$1,203	\$1,203	\$1.99	\$0	\$1,180	\$1.95	\$1,250
TC 50%	\$676			WTV	\$1,320	3	0	1	570	\$1,250	\$47	\$1,203	\$0	\$2.11	\$1,203	\$3,609	\$3,609	\$1,203	\$2.11	\$0	\$1,180	\$2.07	\$1,250
TC 50%	\$676			WTV	\$1,320	1	0	1	605	\$1,250	\$47	\$1,203	\$0	\$1.99	\$1,203	\$1,203	\$1,203	\$1,203	\$1.99	\$0	\$1,180	\$1.95	\$1,250
TC 60%	\$811				\$1,320	6	0	1	605	\$811	\$47	\$764	\$0	\$1.26	\$764	\$4,584	\$4,584	\$764	\$1.26	\$0	\$1,180	\$1.95	\$1,250
TC 60%	\$811	HH/60%	\$730		\$1,320	1	0	1	565	\$730	\$47	\$683	\$81	\$1.35	\$764	\$764	\$683	\$683	\$1.21	\$0	\$1,180	\$2.09	\$1,250
TC 60%	\$811				\$1,320	4	0	1	565	\$811	\$47	\$764	\$0	\$1.35	\$764	\$3,056	\$3,056	\$764	\$1.35	\$0	\$1,180	\$2.09	\$1,250
MR					\$1,320	8	0	1	565	\$1,320	\$47		NA	\$2.09	\$1,180	\$9,440	\$9,440	\$1,180	\$2.09	NA	\$1,180	\$2.09	\$1,250
MR					\$1,320	1	0	1	580	\$1,320	\$47		NA	\$2.03	\$1,180	\$1,180	\$1,180	\$1,180	\$2.03	NA	\$1,180	\$2.03	\$1,250
MR					\$1,320	1	0	1	605	\$1,320	\$47		NA	\$1.95	\$1,180	\$1,180	\$1,180	\$1,180	\$1.95	NA	\$1,180	\$1.95	\$1,425
TC 30%	\$434	LH/50%	\$724	WTV	\$1,320	2	1	1	655	\$1,480	\$57	\$1,423	\$0	\$2.17	\$1,423	\$2,846	\$2,846	\$1,423	\$2.17	\$0	\$1,300	\$1.98	\$1,425
TC 30%	\$434			WTV	\$1,320	1	1	1	685	\$1,480	\$57	\$1,423	\$0	\$2.08	\$1,423	\$1,423	\$1,423	\$1,423	\$2.08	\$0	\$1,300	\$1.90	\$1,425
TC 50%	\$724			WTV	\$1,320	29	1	1	655	\$1,480	\$57	\$1,423	\$0	\$2.17	\$1,423	\$41,267	\$41,267	\$1,423	\$2.17	\$0	\$1,300	\$1.98	\$1,425
TC 50%	\$724			WTV	\$1,320	1	1	1	685	\$1,480	\$57	\$1,423	\$0	\$2.08	\$1,423	\$1,423	\$1,423	\$1,423	\$2.08	\$0	\$1,300	\$1.90	\$1,425
TC 60%	\$869	HH/60%	\$878	WTV	\$1,320	2	1	1	715	\$1,480	\$57	\$1,423	\$0	\$1.99	\$1,423	\$2,846	\$2,846	\$1,423	\$1.99	\$0	\$1,300	\$1.82	\$1,425
TC 60%	\$869	HH/60%	\$878	WTV	\$1,320	1	1	1	685	\$1,480	\$57	\$1,423	\$0	\$2.08	\$1,423	\$1,423	\$1,423	\$1,423	\$2.08	\$0	\$1,300	\$1.90	\$1,425
TC 60%	\$869				\$1,320	15	1	1	655	\$869	\$57	\$812	\$0	\$1.24	\$812	\$12,180	\$12,180	\$812	\$1.24	\$0	\$1,300	\$1.98	\$1,425
TC 60%	\$869	HH/60%	\$878	WTV	\$1,320	5	1	1	655	\$1,480	\$57	\$1,423	\$0	\$2.17	\$1,423	\$7,115	\$7,115	\$1,423	\$2.17	\$0	\$1,300	\$1.98	\$1,425
TC 60%	\$869				\$1,320	1	1	1	745	\$869	\$57	\$812	\$0	\$1.09	\$812	\$812	\$812	\$812	\$1.09	\$0	\$1,300	\$1.74	\$1,425
MR					\$1,320	59	1	1	655	\$1,320	\$57		NA	\$1.98	\$1,300	\$76,700	\$76,700	\$1,300	\$1.98	NA	\$1,300	\$1.98	\$1,825
TC 60%	\$869	HH/60%	\$878		\$1,320	3	1	1	655	\$869	\$57	\$812	\$0	\$1.24	\$812	\$2,436	\$2,436	\$812	\$1.24	\$0	\$1,300	\$1.98	\$1,825
TC 50%	\$724				\$1,320	1	1	1	655	\$724	\$57	\$667	\$0	\$1.02	\$667	\$667	\$667	\$667	\$1.02	\$0	\$1,300	\$1.98	\$1,825
TC 30%	\$521	LH/50%	\$868	WTV	\$1,320	1	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$1,729	\$1,727	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 30%	\$521	LH/50%	\$868	WTV	\$1,320	1	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$1,729	\$1,727	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 30%	\$521			WTV	\$1,320	1	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$1,729	\$1,727	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 30%	\$521			WTV	\$1,320	1	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$1,729	\$1,727	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 50%	\$868			WTV	\$1,320	2	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$3,458	\$3,454	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 50%	\$868			WTV	\$1,320	2	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$3,458	\$3,454	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 50%	\$868			WTV	\$1,320	2	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$3,458	\$3,454	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 50%	\$868			WTV	\$1,320	2	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$3,458	\$3,454	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 60%	\$1,042	HH/60%	\$1,077	WTV	\$1,320	4	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$6,916	\$6,908	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 60%	\$1,042			WTV	\$1,320	1	2	2	860	\$1,800	\$73	\$1,727	\$2	\$2.01	\$1,729	\$1,729	\$1,727	\$1,727	\$2.01	\$0	\$1,650	\$1.92	\$1,825
TC 60%	\$1,042			WTV	\$1,320	1	2	2	1,320	\$1,800	\$73	\$1,727	\$2	\$1.31	\$1,729	\$1,729	\$1,727	\$1,727	\$1.31	\$0	\$1,650	\$1.25	\$1,825
TC 50%	\$868				\$1,320	1	2	2	860	\$868	\$73	\$795	\$0	\$0.92	\$795	\$795	\$795	\$795	\$0.92	\$0	\$1,650	\$1.92	\$1,825
TC 60%	\$1,042				\$1,320	8	2	2	860	\$1,042	\$73	\$969	\$0	\$1.13	\$969	\$7,752	\$7,752	\$969	\$1.13	\$0	\$1,650	\$1.92	\$1,825

MR				0	\$1,320	21	2	2	860	\$1,320	\$73		NA	\$1.92	\$1,650	\$34,650	\$34,650	\$1,650	\$1.92	NA	\$1,650	\$1.92	\$1,825
MR				0	\$1,320	3	2	2	1,320	\$1,320	\$73		NA	\$1.25	\$1,650	\$4,950	\$4,950	\$1,650	\$1.25	NA	\$1,650	\$1.25	\$2,150
MR				0	\$1,320	4	2	2	860	\$1,320	\$73		NA	\$1.92	\$1,650	\$6,600	\$6,600	\$1,650	\$1.92	NA	\$1,650	\$1.92	\$2,150
MR				0	\$1,320	2	2	2	860	\$1,320	\$73		NA	\$1.92	\$1,650	\$3,300	\$3,300	\$1,650	\$1.92	NA	\$1,650	\$1.92	\$2,150
TC 30%	\$602			WTV	\$1,320	2	3	2	1,075	\$2,400	\$88	\$2,312	\$0	\$2.15	\$2,312	\$4,624	\$4,624	\$2,312	\$2.15	\$0	\$1,975	\$1.84	\$2,151
TC 50%	\$1,003			WTV	\$1,320	1	3	2	1,100	\$2,400	\$88	\$2,312	\$0	\$2.10	\$2,312	\$2,312	\$2,312	\$2,312	\$2.10	\$0	\$1,975	\$1.80	\$2,152
TC 60%	\$1,204			WTV	\$1,320	2	3	2	1,075	\$2,400	\$88	\$2,312	\$0	\$2.15	\$2,312	\$4,624	\$4,624	\$2,312	\$2.15	\$0	\$1,975	\$1.84	\$2,153
TC 60%	\$1,204	HH/60%	\$1,330	0	\$1,320	1	3	2	1,100	\$1,204	\$88	\$1,116	\$0	\$1.01	\$1,116	\$1,116	\$1,116	\$1,116	\$1.01	\$0	\$1,975	\$1.80	\$2,154
MR				0	\$1,320	7	3	2	1,100	\$1,320	\$88		NA	\$1.80	\$1,975	\$13,825	\$13,825	\$1,975	\$1.80	NA	\$1,975	\$1.80	\$2,155
TOTALS/AVERAGES:						217			159,605				\$1	\$1.84	\$1,356	\$294,230	\$294,113	\$1,355	\$1.84	\$0	\$1,417	\$1.93	\$1,682

ANNUAL POTENTIAL GROSS RENT:																\$3,530,760	\$3,529,356	
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STABILIZED PRO FORMA

2400 Bryan Street, Dallas, 9% HTC #18269

STABILIZED FIRST YEAR PRO FORMA

Database	COMPARABLES Dallas Comps	APPLICANT											Prior Underwriting		TDHCA			VARIANCE	
		% EGI	Per SF	Per Unit	Amount	Applicant	TDHCA	Amount	Per Unit	Per SF	% EGI	%	\$						
POTENTIAL GROSS RENT			\$1.84	\$1,356	\$3,530,760	\$3,502,608	\$3,502,608	\$3,529,356	\$1,355	\$1.84		0.0%	\$1,404						
commercial space rent				\$67.78	\$176,496	\$225,600	\$180,480	\$180,480	\$69										
parking and storage				\$139.78	\$363,984	\$504,000	\$504,000	\$363,984	\$139.78										
application fees, pet/latefees, damage fees				\$24.88	\$64,800			\$64,800	\$25										
				\$232.44					\$233.97			0.0%	\$605,280						
POTENTIAL GROSS INCOME					\$4,136,040	\$4,232,208	\$4,187,088	\$4,138,620				-0.1%	(\$2,580)						
Vacancy & Collection Loss				7.5% PGI	(310,203)	(317,416)	(314,032)	(310,397)	7.5% PGI			-0.1%	194						
Rental Concessions					-	-	-	-				0.0%	-						
EFFECTIVE GROSS INCOME					\$3,825,837	\$3,914,792	\$3,873,056	\$3,828,224				-0.1%	(\$2,387)						

General & Administrative	\$84,778	\$391/Unit	\$75,572	\$348	1.37%	\$0.33	\$242	\$52,484	\$23,500	\$74,200	\$75,950	\$350	\$0.48	1.98%	-30.9%	(23,466)
Management	\$79,023	4.3% EGI	\$76,410	\$352	3.00%	\$0.72	\$529	\$114,831	\$117,761	\$116,192	\$114,847	\$529	\$0.72	3.00%	0.0%	(16)
Payroll & Payroll Tax	\$269,048	\$1,240/Unit	\$271,593	\$1,252	7.06%	\$1.69	\$1,244	\$270,000	\$204,750	\$265,335	\$256,506	\$1,182	\$1.61	6.70%	5.3%	13,494
Repairs & Maintenance	\$151,409	\$698/Unit	\$200,154	\$922	2.57%	\$0.62	\$453	\$98,300	\$122,400	\$275,600	\$282,100	\$1,300	\$1.77	7.37%	-65.2%	(183,800)
Electric/Gas	\$48,032	\$221/Unit	\$128,130	\$590	3.20%	\$0.77	\$564	\$122,400	\$42,000	\$42,000	\$42,000	\$194	\$0.26	1.10%	191.4%	80,400
Water, Sewer, & Trash	\$157,521	\$726/Unit	\$163,956	\$756	0.00%	\$0.00	\$0	\$0	\$76,400	\$76,400	\$76,400	\$352	\$0.48	2.00%	-100.0%	(76,400)
Property Insurance	\$60,358	\$0.38 /sf	\$53,306	\$246	1.76%	\$0.42	\$310	\$67,268	\$65,000	\$87,000	\$67,268	\$310	\$0.42	1.76%	0.0%	-
Property Tax (@ 0%) 2.7193	\$155,232	\$715/Unit	\$150,629	\$694	0.00%	\$0.00	\$0	\$0	\$554,000	\$554,000	\$0	\$0	\$0.00	0.00%	0.0%	-
Replacement Reserves	\$72,943	\$336/Unit	\$43,351	\$200	1.42%	\$0.34	\$250	\$54,250	\$68,900	\$68,900	\$54,250	\$250	\$0.34	1.42%	0.0%	-
Supportive Services			\$5,394	\$25	0.47%	\$0.11	\$83	\$18,000	\$21,600	\$21,600	\$18,000	\$83	\$0.11	0.47%	0.0%	-
TDHCA LIHTC/HOME Compliance Fees			\$10,388	\$48	0.00%	\$0.00	\$0	\$0	\$4,200	\$4,200	\$4,440	\$20	\$0.03	0.12%	-100.0%	(4,440)
Security			-	\$0	1.41%	\$0.34	\$249	\$54,000	\$55,000	\$55,000	\$54,000	\$249	\$0.34	1.41%	0.0%	-
compliance fees-all			-	\$0	0.46%	\$0.11	\$82	\$17,700	\$0	\$0	\$13,260	\$61	\$0.08	0.35%	33.5%	4,440
TOTAL EXPENSES					22.72%	\$5.45	\$4,006	\$ 869,233	\$1,355,511	\$1,640,427	\$1,059,021	\$4,880	\$6.64	27.66%	-17.9%	\$ (189,788)
NET OPERATING INCOME ("NOI")					77.28%	\$18.52	\$13,625	\$2,956,604	\$2,559,281	\$2,232,630	\$2,769,203	\$12,761	\$17.35	72.34%	6.8%	\$ 187,401

CONTROLLABLE EXPENSES							\$2,503/Unit						\$3,378/Unit			
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CAPITALIZATION / TOTAL DEVELOPMENT BUDGET / ITEMIZED BASIS

2400 Bryan Street, Dallas, 9% HTC #18269

DEBT / GRANT SOURCES																		
APPLICANT'S PROPOSED DEBT/GRANT STRUCTURE									Prior Underwriting		AS UNDERWRITTEN DEBT/GRANT STRUCTURE							
DEBT (Must Pay)	Fee	Cumulative DCR		Pmt	Rate	Amort	Term	Principal	Applicant	TDHCA	Principal	Term	Amort	Rate	Pmt	Cumulative		
		UW	App													DCR	LTC	
BBVA/Freddie Mac		1.07	1.14	2,586,013	5.14%	35	15	\$42,000,000	\$35,550,000	\$35,550,000	\$42,000,000	15	35	5.14%	\$2,588,803	1.07	58.4%	
Adjustment to Debt Per \$10.302(c)(2)										(\$4,500,000)	(\$3,000,000)	15	35	5.14%	(\$184,915)	1.15	-4.2%	
City of Dallas-CDBG		1.07	1.14		0.00%	35	15	\$3,421,373			\$3,421,373	15	35	0.00%	\$0	1.15	4.8%	
City of Dallas-PPP Fund		1.07	1.14		0.00%	35	15	\$4,654,412			\$4,654,412	15	35	0.00%	\$0	1.15	6.5%	
City of Dallas-HOME		1.07	1.14		0.00%	35	15	\$3,605,570			\$3,605,570	15	35	0.00%	\$0	1.15	5.0%	
City of Dallas-Program income		1.07	1.14		0.00%	35	15	\$1,345,587			\$1,345,587	15	35	0.00%	\$0	1.15	1.9%	
CASH FLOW DEBT / GRANTS																		
City Tax Increment Financing		1.07	1.14		0.00%	0	0	\$0	\$9,300,000	\$9,300,000	\$0	0	0	0.00%		1.15	0.0%	
City of Dallas-Grant GO Bond Fund		1.07	1.14		0.00%	0	0	\$973,057	\$500	\$500	\$973,057	0	0	0.00%		1.15	1.4%	
				\$2,586,013	TOTAL DEBT / GRANT SOURCES				\$55,999,999	\$40,350,500	\$52,999,999	TOTAL DEBT SERVICE				\$2,403,889	1.15	73.7%
NET CASH FLOW		\$183,190	\$370,591							TDHCA	NET OPERATING INCOME			\$2,769,203	\$365,314	NET CASH FLOW		

EQUITY SOURCES															
APPLICANT'S PROPOSED EQUITY STRUCTURE						Prior Underwriting		AS UNDERWRITTEN EQUITY STRUCTURE							
EQUITY / DEFERRED FEES	DESCRIPTION	% Cost	Annual Credit	Credit Price	Amount	Applicant	TDHCA	Amount	Credit Price	Annual Credit	% Cost	Annual Credits per Unit	Allocation Method		
Hunt Capital	LIHTC Equity	20.6%	\$1,500,000	0.99	\$14,850,000	\$14,623,538	\$14,623,538	\$14,850,000	\$0.99	\$1,500,000	20.6%	\$6,912	Previous Allocation		
RMG Bryan Street	noi during construction	2.1%		#DIV/0!	\$1,486,957	\$0		\$0			0.0%				
Deferred Developer Fee	Deferred Developer Fees	7.6%	(65% Deferred)		\$5,500,000	\$0	\$3,254,677	\$4,073,000		(48% Deferred)	5.7%		Total Developer Fee:		
Additional (Excess) Funds Req'd		0.0%				\$0		(\$0)			0.0%		\$8,500,000		
TOTAL EQUITY SOURCES					\$21,836,957	\$14,623,538	\$17,878,215	\$18,923,000			26.3%				
TOTAL CAPITALIZATION						\$77,836,956	\$59,474,038	\$58,228,715	\$71,922,999					15-Yr Cash Flow after Deferred Fee:	\$6,525,031

DEVELOPMENT COST / ITEMIZED BASIS															
APPLICANT COST / BASIS ITEMS					Prior Underwriting		TDHCA COST / BASIS ITEMS					COST VARIANCE			
	Acquisition	New Const. Rehab	Total Costs		Applicant	TDHCA	Total Costs		Eligible Basis		%	\$			
									New Const. Rehab	Acquisition					
Land Acquisition			\$44,585 / Unit	\$9,675,000	\$7,500,000	\$3,000,000	\$3,886,696	\$17,911 / Unit			148.9%	\$5,788,304			
Off-Sites			\$ / Unit	\$0	\$4,150,000	\$4,150,000	\$0	\$ / Unit			0.0%	\$0			
Site Work			\$1,995,693	\$9,197 / Unit	\$1,995,693	\$450,000	\$450,000	\$1,995,693	\$9,197 / Unit	\$1,995,693	0.0%	\$0			
Site Amenities			\$434,300	\$2,004 / Unit	\$434,800	\$465,000	\$465,000	\$434,800	\$2,004 / Unit	\$434,300	0.0%	\$0			
Structured Parking			\$2,460,096	\$29,724 / Unit	\$6,450,000	\$7,450,000	\$6,450,000	\$29,724 / Unit	\$2,460,096	\$2,460,096	0.0%	\$0			
Building Cost			\$32,170,503	\$206.75 /sf	\$152,067,000	\$32,998,494	\$20,452,500	\$24,631,011	\$30,541,319	\$140,743/unit	\$191.36 /sf	\$28,081,223			
Contingency			\$2,353,987	6.35%	5.62%	\$2,353,987	\$1,743,449	\$1,743,449	\$2,353,987	5.97%	7.00%	\$2,307,992			
Contractor Fees			\$3,595,391	9.12%	8.13%	\$3,595,391	\$4,853,333	\$4,853,333	\$3,595,391	8.61%	10.19%	\$3,595,391			
Eligible Basis Voluntary Reduction			(\$27,008,613)									(\$22,873,337)			
Soft Costs	0		\$3,128,946	\$14,862 / Unit	\$3,224,946	\$4,395,477	\$4,395,477	\$3,224,946	\$14,862 / Unit	\$3,128,946	0.0%	\$0			
Financing	0		\$5,850,000	\$29,991 / Unit	\$6,507,992	\$3,332,490	\$3,332,490	\$6,507,992	\$29,991 / Unit	\$3,476,643	0.0%	\$0			
Developer Fee	\$0		\$8,500,000	34.03%	28.52%	\$8,500,000	\$6,690,000	\$5,304,715	\$7,796,517	15.00%	15.00%	\$3,391,042			
Reserves			\$9,101 / Unit	\$1,975,000	\$1,246,465	\$1,246,465	\$1,975,000	\$9,101 / Unit			0.0%	\$0			
TOTAL HOUSING DEVELOPMENT COST (UNADJUSTED B)				\$0	\$33,480,303	\$358,117 / Unit	\$77,711,303	\$62,728,715	\$61,021,941	\$68,762,340	\$316.877 / Unit	\$25,997,988	\$0	13.0%	\$8,948,963
Acquisition Cost	\$0						(\$5,788,304)	(\$4,500,000)							
Contingency		\$0			\$0	\$0									
Contractor's Fee		\$0			\$0	\$0									
Financing Cost		(\$2,373,357)													
Developer Fee	\$0	(\$5,108,958)			\$0	\$0									
Reserves		\$0			\$0	\$0									
ADJUSTED BASIS / COST				\$0	\$25,997,988	\$331.442/unit	\$71,922,999	\$58,228,715	\$61,021,941	\$68,762,340	\$316.877/unit	\$25,997,988	\$0	4.6%	\$3,160,658
TOTAL HOUSING DEVELOPMENT COSTS (Applicant's Uses are within 5% of TDHCA Estimate):						\$71,922,999									

CAPITALIZATION / DEVELOPMENT COST BUDGET / ITEMIZED BASIS ITEMS

2400 Bryan Street, Dallas, 9% HTC #18269

CREDIT CALCULATION ON QUALIFIED BASIS				
	Applicant		TDHCA	
	Acquisition	Construction Rehabilitation	Acquisition	Construction Rehabilitation
	ADJUSTED BASIS	\$0	\$25,997,988	\$0
Deduction of Federal Grants	\$0	(\$7,026,943)	\$0	(\$7,026,943)
Credit Back for Voluntary Basis Reduction		\$7,026,943		\$7,026,943
TOTAL ELIGIBLE BASIS	\$0	\$25,997,988	\$0	\$25,997,988
High Cost Area Adjustment		130%		130%
TOTAL ADJUSTED BASIS	\$0	\$33,797,385	\$0	\$33,797,385
Applicable Fraction	50.36%	50.36%	50.36%	50.36%
TOTAL QUALIFIED BASIS	\$0	\$17,019,923	\$0	\$17,019,923
Applicable Percentage	3.39%	9.00%	3.39%	9.00%
ANNUAL CREDIT ON BASIS	\$0	\$1,531,793	\$0	\$1,531,793
CREDITS ON QUALIFIED BASIS		\$1,531,793		\$1,531,793

Method	ANNUAL CREDIT CALCULATION BASED ON APPLICANT BASIS		FINAL ANNUAL LIHTC ALLOCATION		
	Annual Credits	Proceeds	Credit Price \$0.9900	Variance to Request	
			Credit Allocation	Credits	Proceeds
Eligible Basis	\$1,531,793	\$15,164,751	----	----	----
Needed to Fill Gap	\$1,911,414	\$18,923,000	----	----	----
Previous Allocation	\$1,500,000	\$14,850,000	\$1,500,000	\$0	\$0

BUILDING COST ESTIMATE				
CATEGORY	FACTOR	UNITS/SF	PER SF	
Base Cost:	Mid-Rise (Over 5 Stories)	159,605 SF	\$183.06	29,217,611
Adjustments				
Exterior Wall Finish	0.00%		0.00	\$0
Elderly	0.00%		0.00	0
10-Ft. Ceilings	3.00%		Inc. in Base	0
Roof Adjustment(s)			Inc. in Base	0
Subfloor			Inc. in Base	0
Floor Cover			Inc. in Base	0
Enclosed Corridors	\$139.15	40,296	35.13	5,607,188
Balconies	\$29.65	0	0.00	0
Plumbing Fixtures	\$1,020	213	Inc. in Base	0
Rough-ins	\$500	434	Inc. in Base	0
Built-In Appliances	\$1,730	217	Inc. in Base	0
Vertical Circulation	\$106.15	11,481	7.64	1,218,708
Heating/Cooling			Inc. in Base	0
Storage Space	\$106.15	13,233	8.80	1,404,683
Service Space	\$106.15	2,449	1.63	259,961
Parking Structure		0	0.00	0
Comm &/or Aux Bldgs	\$184.50	7,965	9.21	1,469,543
Elevators	Inc. in Base	2	0.00	0
Other: Retail Space	\$106.15	12,000	7.98	1,273,800
Fire Sprinklers	\$3.40	221,099	4.71	751,516
SUBTOTAL			258.16	41,203,009
Current Cost Multiplier	1.01		2.58	412,030
Local Multiplier	0.86		(36.14)	(5,768,421)
TOTAL BUILDING COSTS			224.60	\$35,846,618
Plans, specs, survey, bldg permits	3.30%		(7.41)	(\$1,182,938)
Contractor's OH & Profit	11.50%		(25.83)	(4,122,361)
NET BUILDING COSTS		\$140,743/unit	\$191.36/sf	\$30,541,319

Long-Term Pro Forma

2400 Bryan Street, Dallas, 9% HTC #18269

	Growth Rate	Year 1	Year 2	Year 3	Year 4	Year 5	Year 10	Year 15	Year 20	Year 25	Year 30	Year 35
EFFECTIVE GROSS INCOME	2.00%	\$3,828,224	\$3,904,788	\$3,982,884	\$4,062,541	\$4,143,792	\$4,575,081	\$5,051,260	\$5,576,999	\$6,157,457	\$6,798,330	\$7,505,906
TOTAL EXPENSES	3.00%	\$1,059,021	\$1,089,643	\$1,121,161	\$1,153,601	\$1,186,990	\$1,369,185	\$1,579,686	\$1,822,925	\$2,104,035	\$2,428,958	\$2,813,532
NET OPERATING INCOME ("NOI")		\$2,769,203	\$2,815,145	\$2,861,723	\$2,908,941	\$2,956,802	\$3,205,896	\$3,471,574	\$3,754,074	\$4,053,422	\$4,369,373	\$4,692,374
EXPENSE/INCOME RATIO		27.7%	27.9%	28.1%	28.4%	28.6%	29.9%	31.3%	32.7%	34.2%	35.7%	37.5%
MUST -PAY DEBT SERVICE												
BBVA/Freddie Mac		\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803	\$2,588,803
Adjustment to Debt Per §10.302(c)(2)		(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)	(\$184,915)
City of Dallas-CDBG		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City of Dallas-P/PP Fund		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City of Dallas-HOME		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City of Dallas-Program income		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TDHCA												
TDHCA												
TDHCA												
0												
TOTAL DEBT SERVICE		\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889	\$2,403,889
DEBT COVERAGE RATIO		1.15	1.17	1.19	1.21	1.23	1.33	1.44	1.56	1.69	1.82	1.95
ANNUAL CASH FLOW												
		\$365,314	\$411,256	\$457,834	\$505,052	\$552,914	\$802,007	\$1,067,685	\$1,350,185	\$1,649,533	\$1,965,484	\$2,288,485
Deferred Developer Fee Balance		\$3,707,686	\$3,296,429	\$2,838,595	\$2,333,543	\$1,780,630	\$0	\$0	\$0	\$0	\$0	\$0
CUMULATIVE NET CASH FLOW		\$0	\$0	\$0	\$0	\$0	\$1,724,656	\$6,525,031	\$12,704,205	\$20,346,463	\$29,535,430	\$40,330,637



February 15, 2019

David Cervantes
Acting Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78711-3941

RE: TDHCA #18269, 2400 Bryan Street, Dallas, TX 75201 (the "Project") - Request for Material Amendment

Dear Mr. Cervantes:

On behalf of my client, 2400 Bryan Street, LLC (the "Owner"), I am submitting this request for a material amendment to their 2018 award of 9% tax credits based on two unforeseen events that happened in fall, 2018 and were not resolved until February 14, 2019.

1. At the time of award and up until late fall, the Owner had been told that the Texas Department of Transportation ("TxDOT") would grant an easement across their land adjacent to the project site for use as a fire lane. The architect's plans were based on having that easement. Both the Owner and the City of Dallas (the "City") asked TxDOT to grant the easement. Unfortunately, TxDOT has not agreed to that request. As a result, the Dallas Fire Marshall required a significant change to the foot print of the building in order to have two fire lanes. This would seem like a fairly simple fix, however, to get sufficient room for the fire lanes, the Owner had to negotiate with the adjacent landowner to purchase a 40 foot wide strip on the east side of the site. The change resulted in a change to the way the footprint of the building is located on the full site. This is discussed in detail herein.
2. The original application contained a City of Dallas (the "City") resolution which also included a commitment for \$9.3M of City TIF funds. However, in May, 2018, the City adopted a new Comprehensive Housing Policy and they now require all requests for funds to be submitted through a NOFA process. The NOFA was issued in late August, 2018, with applications due on October 11, 2018. The Owner of the Project did submit an application for funds under the NOFA. The request totaled the original \$9.3M, which the City had agreed to provide in the earlier resolution submitted with the original 2018 9% application. Notices of award did not go out from the City until December, 2018. Three projects were selected for funding, including this Project. However, the City reserved the right to determine how the funds would be provided to the Project. Instead of TIF funding, the City is now providing \$8M from a combination of HOME and CBDG funds. This required another change to the Project budget to include Davis Bacon wages.

These two changes, as well as increased construction costs, resulted in increasing the cost of construction by \$22M. On December 21, 2018, the Owner met with City Staff to discuss the gap in funding and see if there was a way to bridge that gap. The City considers this Project to be a very high priority and they are very committed to its success. After discussing options, the City agreed to ask the Dallas Housing Finance Corporation ("DHFC") to buy and own the land and be the 100% Member of the Managing Member of the Project. This will result in a \$500,000 a year annual cost saving, because DHFC is entitled to a 100% property tax exemption. Because of this cost savings, debt capacity was increased.

This afforded the Project the ability to carry additional permanent debt. At the December 21, 2018 meeting, City Staff also agreed to provide \$8,000,000 from HOME/CDBG funds and \$6,000,000 from the Economic Development Department.

On February 11, 2019, the City of Dallas issued its term sheet, which now provides the Project with \$3,605,570 in HOME funds, \$4,654,412 in CBDG funds as well as \$1,345,587 in Public/Private Partnership funds. Dallas Economic Development will also participate with a grant of \$973,057. The DHFC met on January 25, 2019 and voted to participate in the Project as set forth above. That resolution is pending final drafting at the City.

The two issues have required the Owner to revise its initial application. For ease of explanation, I have made the revision on the 2018 application tabs, with back up documentation similar to the application requirements. The changes required to have DHFC be the 100% owner of the Managing Member (2400 Bryan Street GP, LLC,) will result in the loss of the HUB points. According to my calculation these are the only two points that change.

The new application tabs, in Excel and PDF, are being uploaded to the TDHCA Serv U site for application number 18269.

This letter is to request a material amendment to Application Number 18269, 2400 Bryan Street, to amend the Organizational Structure and to revise the related schedules to reflect the current rents, operating costs, development costs and sources and uses. Provided under separate cover are the applicable portions of the 2018 tax credit application. Because a transfer application was approved at the January, 2019 TDHCA Board Meeting, the new changes are to the following tabs:

- Tab 6 Self Score- reduced by 2 points for not taking the HUB points.
- Tab 8-Site Information Supporting Documents—Street Map to show the additional property added to the site. There was no change to other information.
- Tab 9 is unchanged but included to calculate the points only.
- Tab 10-No additional maps are included because the addition of the 40 feet does not result in a change to census tract or proximity to urban.
- Tab 11 is revised.
- Tab 12 includes a revised Purchase Agreement and Revised Title Commitment. All other information for this tab remains the same.
- Tab 18-Development Activities has been revised only to show that there are 217 units now and at application there were 212. All added units are affordable. This change was necessary to meet DHFC's requirement that the development be at least 51% affordable.
- Tab 19 has been revised to reflect the added 30% and 50% units to meet the scoring criteria.
- Tab 22 includes a new architectural drawing package.
- Tab 23- Building/Unit Configuration includes a revise number of parking spaces and a new distribution of units.
- Tabs 23a, 23b and 23c Accessible and Parking tabs have been revised to recalculate the need for additional units and accessible parking spaces.
- Tab 24-Rent Schedule is revised with the most recent rents and to add the additional 5 units.
- Tab 26-Annual Operating Costs is revised to show the property tax exemption and revised debt service, based on the Permanent Loan Commitment contained in this modification.
- Tab 27-Pro Forma revised to reflect the costs shown in Tab 26.
- Tab 30-Development Cost Schedule is revised to show actual construction numbers from Jordan Foster, the contractor for the project.

- Tab 31-Revised to include City of Dallas Funds, Tax Credit Equity, Construction Loan and Permanent Loan.
- Tab 34-Financial Scoring included just to revise points.
- Tab 35-Contains the new City of Dallas Term Sheet, revised Equity Letter, revised Construction Loan Term Sheet and revised Permanent Loan Term Sheet.
- Tab 36-Sponsor Characteristics revised to take out the HUB points, because the property tax exemption requires that DHFC own 100% of the Managing Member.
- Tab 37-revised organizational chart.
- Tab 38-revised to add DHFC and its Board Members.
- Tab 39-Previous Participation sheets added for DHFC and its Board Members.
- Tab 45-Third Party Reports. The only change is to add the environmental information on the added 40 feet of land.

The requested material amendment is to allow DHFC to become the sole member of 2400 Bryan Street GP, LLC (the Managing Member of the Applicant); approval of the Purchaser and Sale Agreement to be assigned at closing to DHFC and the land then ground leased to the Applicant (see DHFC term sheet); approval to increase the site from 50,000 square feet to 64,900 square feet; approval of the revised plans, development costs and sources and uses. The increase in units from 212 to 217 is not a material change to the Application. The increase to 15 floors was already anticipated in the initial City of Dallas Support Resolution.

Based on the above reasons, which could not have been anticipated at the time Application Number 18269 was filed and continued until the City of Dallas issued its funding term sheet this week, the Applicant respectfully requests that TDHCA Staff recommend a material amendment and that the TDHCA Board approves the material amendment so that this Project can proceed to closing and start construction, currently scheduled for March 31, 2019. The check for the \$2500.00 filing fee is was submitted with the original letter.

Very truly yours,

The Law Offices of Claire G. Palmer, PLLC



Claire Palmer

From: [Claire Palmer](#)
To: [Laura DeBellas](#); [Rosalio Banuelos](#)
Cc: [Jeanna Rolsing](#); [Brent Stewart](#); "[Victor Smeltz - Volunteers of America SELA](#)"; "[Audrey Schmeltz](#)"; "[Kristian Teleki](#)"; "[Adam Miller](#)"
Subject: RE: 2400 Bryan Street #18269
Date: Thursday, March 14, 2019 12:26:30 PM
Attachments: [TDHCA UNIT MATRIX revised 3-12.pdf](#)
[TDHCA RFI rent final corrected sheet .14.pdf](#)
[2400 Bryan Approval Letter.pdf](#)
[Overall Building Plans TDHCA 03.11.2019.pdf](#)
[BBVA Sponsor and Proforma Letter 2400 Bryan.pdf](#)

Laura—Please see comments below and attached. I will also upload the exhibits to the Serv U site.

Claire Palmer
972-948-3166
clairepalmer@sbcglobal.net
or clairepalmerpllc@sbcglobal.net

From: Laura DeBellas [mailto:laura.debellas@tdhca.state.tx.us]
Sent: Wednesday, March 13, 2019 4:12 PM
To: Claire Palmer; Rosalio Banuelos
Cc: Jeanna Rolsing; Brent Stewart; 'Victor Smeltz - Volunteers of America SELA'; Audrey Schmeltz; 'Kristian Teleki'; 'Adam Miller'
Subject: RE: 2400 Bryan Street #18269

Hi, Claire:

I've reviewed the information submitted and at this time have the following additional questions:

- 1) The Rent Schedule submitted verifies 59 two bedroom units and 11 three bedroom units but the Perkins + Will unit matrix has 57 two bedroom units and 13 three bedroom units. Please confirm and submit a revised rent schedule if needed. Please also ensure that all program rent limits and utility allowances on the LI units are entered, as the set of 5 2/2 60% AMI units at a total of 4300 square feet do not have rent limit and UA information – please correct this item as you are submitting the other corrections. **Both the Unit Matrix and the Rent Schedule should show 57 2 bedrooms and 13 3 bedrooms. I see that I accidentally labeled a 3 bedroom line as two bedroom. I have attached the corrected sheet and the unit matrix.**
- 2) The feasibility letter identifies a guarantor of Renaissance Neighborhood Development Corporation in paragraph 2, but the information last submitted to the Department last December included only RMGM Developers, LLC, Jack Matthews, and Scott Galbraith as Guarantors. Updated charts were requested but it was stated that no changes have occurred. Please provide a new guarantor chart showing the Renaissance Neighborhood Development Corporation and any other, additional, new guarantors down to the level of natural person ownership. **Renaissance was included in error. BBVA is providing a corrected letter.**
- 3) It appears there have been changes in common area space as a result of the tabulations submitted. Please confirm whether there are still balconies on several units and the overall balcony square footages so these can be compared to what was originally counted in

common area space by REA. If there are still balconies in the Development, please submit the square footage of the balcony spaces. **The original plans had one balcony on each level. These balconies are not included in the final planes. If you would like I can provided a marked drawing to show this.**

- 4) Based on the updated Rent Schedule, it appears that 111 units will be HTC units and 106 units will be Mkt rate units; it is shown that 11 units will be offered at 30% AMI, 45 units will be offered at 50% AMI, and 55 units will be offered at 60% AMI (this results in an increase of five total units and a shifting of set asides such that there are six more affordable units, 3 additional 50% units, 3 additional 60% units, and one less market unit). Walker Settlement Vouchers (total of 70) have been attached to all 11 30% AMI units, all 45 50% AMI units, and 14 60% AMI units. Please confirm this is correct since it differs from some of the statements made in the original cover letter. **The Rent Schedule attached shows the correct unit mix. The reason for the increase in affordable units was explained in the cover letter. In order for DHFC to be a part of the transaction, 51% of the units had to be affordable. The extra units were added when the building foot print was modified for the fire lane. The unit mix was changed after the letter was written.**
- 5) In response to the parking explanation provided, please provide a certification from the Architect determining that the test for parking under the code requirement has been correctly applied. **I have an email from the architect. What is meant by “certification”?**
- 6) Please provide the Owner Certification from the Ownership Transfer package available on our website here (see Ownership Transfer Forms – Updated March 2019 – it will be #9 in the tabs (Proposed Owner Cert): <https://www.tdhca.state.tx.us/asset-management/pca-manual.htm>
- 7) Is the 2016 audit the most recent financial statement available for the City of Dallas HFC?
Yes.
- 8) Please explain why a draft of the agreement to the transfer was not provided between parties and only a ‘conditional transfer of membership’ was submitted. Typically we would get a draft of any pending ownership transfer agreement for an impending transfer of GP interest unless the entities themselves agreeing to the changes weren’t yet formed. **I understood the RFI to be asking for proof that all the parties had agreed to the transfer of their interests. The reason it is conditional is because those interests will not be transferred unless and until the tax credit closing.**
- 9) The Multifamily Division completed a review of the accessible parking items submitted. Based on this review, Multifamily believes that based on the 312 proposed spaces, 13 accessible spaces would be needed (three of them being van accessible) – if there is separate parking for the office, 14 total accessible spaces would be needed – based on the new drawings of the building and garage itself, Multifamily stated they only identified 8 accessible spaces. Please explain the discrepancy. **The plans that I am working from show 25 accessible spaces. I will upload plans again**
- 10) Do you have anything to show as a commitment for the Walker Vouchers and support those rents at the current time? **Attached is the letter from DHA confirming that they have completed their review and approved making application for an AHAP.**

Let me know if you have any questions. If you can turn these items around by next Monday, 3/18/19, to be completed on the same date as Jeanna’s RFI response in REA, that will help me – if

items can be done sooner, that would be helpful as well.

Thanks,

Laura DeBellas, Senior Asset Manager (Region 3)

Ph. (512) 475-0577 Fax (512) 475-4420

221 E. 11th St. Austin, TX 78701-2410

Asset Management Division

Texas Department of Housing (TDHCA)

lauradebellas@tdhca.state.tx.us

About TDHCA

The Texas Department of Housing and Community Affairs is committed to expanding fair housing choice and opportunities for Texans through the administration and funding of affordable housing and homeownership opportunities, weatherization, and community-based services with the help of for-profits, nonprofits, and local governments. For more information about fair housing, funding opportunities, or services in your area, please visit www.tdhca.state.tx.us or the [Learn about Fair Housing in Texas](#) page.

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §10.2(b)).

From: Claire Palmer <clairepalmer@sbcglobal.net>

Sent: Tuesday, March 12, 2019 11:53 AM

To: Laura DeBellas <laura.debellas@mail.tdhca.state.tx.us>; Rosalio Banuelos <rosalio.banuelos@mail.tdhca.state.tx.us>

Cc: Jeanna Rolsing <jeanna.rolsing@mail.tdhca.state.tx.us>; Brent Stewart <brent.stewart@mail.tdhca.state.tx.us>; 'Victor Smeltz - Volunteers of America SELA' <vsmeltz@voasela.org>; Audrey Schmeltz <asmeltz@matthewssouthwest.com>; 'Kristian Teleki' <kteleki@matthewssouthwest.com>; 'Adam Miller' <amiller@matthewssouthwest.com>

Subject: 2400 Bryan Street #18269

Laura:

I have uploaded the responses to the RFI on the Serv-U site. It is called TDHCA RFI 2400 Bryan Street Bookmarked for Asset Management.

Please confirm that you can access the files. Also, let me know if you need further information.

Jeanna and Brent- This response covers a number of the issues in the REA RFI.

Thanks,
Claire



THE LAW OFFICES OF
CLAIRE G. PALMER, PLLC

CLAIRE PALMER
972-948-3166

7707 Brookview Court
Irving, Texas 75063
clairepalmerllc@sbcglobal.net

Number 7

Why the changes were unforeseeable and could not have been prevented at Application**Timeline of Events:**

1. At the time this Application was filed, January 26, 2018, The Owner had received a commitment from the City of Dallas (the "City") approving up to \$9.3 Million in City TIF funds, as shown on the sources and uses in the original application and their letter dated April 18, 2018.
2. The City had also agreed to assist the Owner in obtaining an easement from the Texas Department of Transportation ("TxDOT") on the southern edge of the property for a second fire lane needed for the proposed project.
3. At the time of application, the ownership structure was intended to be 2400 Bryan Street, LLC, to be owned by 2400 Bryan Street GP, LLC, who's members were Texas Legends Care 51%; LOK Texas, LLC, the HUB member, 10% and 39% by RMGM Bryan Street, LLC.
4. The project received an award of 9% tax credits in July, and a Commitment Notice executed September 10, 2018. At that time, TDHCA was aware that a member of the development team, Scott Galbraith, had passed away between the time of award and the commitment notice being issued. It was agreed that the Owner would have additional time to make a request for transfer once the new structure had been put in place.
5. In May, 2018, the City adopted a Comprehensive Housing Policy which requires that all affordable housing developments go through a NOFA process to receive city funds and/or support. This policy did not exist when the application was filed and was not foreseen to apply to this project since it had already received a City support resolution. However, in August, the Owner was informed that the City was developing a NOFA to select projects for funding and support. The Owner was informed that if they needed City funds for this project, they would have to submit a NOFA response and score high enough to be selected for funding. Again, this could not have been foreseen when the application was filed.
6. August 30, 2018, the City issued its NOFA.
7. October 11, 2018, the Owner submitted its response to the NOFA requesting \$9.3 Million. Under this NOFA, the City reserved the right to decide the funding source.
8. Also in October, 2018, after many discussions, the Owner was informed that TxDOT would not grant an easement for the fire lane. The architects then met with the Fire Marshall and developed a new design for the fire lane. In order to get the fire lane within the boundaries of the property, the design of the building changed, including the addition of one floor. It also required the Owner to ask the current owner of the property and the property adjacent to it to add 40 feet to the purchase agreement. This increased the purchase price over \$2 Million.
9. In November, 2018, the Owner submitted a request to transfer several ownership interests. These included a name change of Texas Legends Care, LLC to The Community Project, LLC, replacing the HUB, LOK Texas, LLC with BETCO Consulting, LLC, and removing Scott Galbraith from the ownership structure. This was approved at the January, 2019 meeting of the TDHCA Board.
10. In mid- December, the City staff selected three projects for approval and funding. This project was one of the projects selected for funding.
11. Because of the delays and the additional land and the changes to the building, the total cost of the project had increased substantially from the application. The City agreed to fund the gap with a combination of HOME funds, Public-Private Partnership funds, GO Bond funds and CBDG. The City passed the resolution approving the project and the funds on February 26, 2019. At the same meeting they approved the Dallas Housing Finance Corporation's agreement to purchase the land and ground lease it to the project, as well as their participation as the Managing Member of the Owner.

This is a large project and it requires creative financing sources to make it successful. At application, no one could have foreseen all of the changes required to get this project funded. In particular, the City

Housing Policy and the NOFA delayed getting a final budget. There were also ownership issues to be addressed and redesign of the project. The combination of these factors resulted in the material amendment request.

Number 8

Construction Timeline

Bryan Street Proposal Schedule 02.28.19

NOT FOR CONSTRUCTION USE

Data Date: 28-Feb-19
Run Date: 28-Feb-19

Activity ID	Activity Name	Orig Dur	Rem Dur	Phys % Compl	Start	Finish	Total Float	2019												2020											
								M	A	M	J	J	A	M	J	J	A	M	J	M	A	M	J	J	A	M	J	J	A	M	J
Bryan Street Proposal Schedule 02.28.19								27-Nov-20																							
Administrative / Milestones								27-Nov-20																							
A-1009	Foundation and Civil Design Complete	15	15	0%	28-Feb-19	20-Mar-19	30	Foundation and Civil Design Complete																							
A-1040	*****NTP / Start On-Site Construction	0	0	0%	01-May-19*		1	*****NTP / Start On-Site Construction																							
A-1050	Contract Duration for Substantial Completion (Cal Days)	576	576	0%	01-May-19	26-Nov-20	1	Contract Duration for Substantial Completion (Cal Days)																							
A-1055	Structure Complete	0	0	0%		27-Mar-20	102	Structure Complete																							
A-1058	Dry-In	0	0	0%		24-Jun-20	54	Dry-In																							
A-1900	Project Complete / Turn Over	0	0	0%	27-Nov-20*	27-Nov-20	1	Project Complete / Turn Over																							
Construction Team / Do Diligence																															
Owner / Design Team / Do Diligence																															
Procurement																															
Sitework								26-Jul-19, Sitework																							
S-100	Layout & SWPPP	5	5	0%	02-May-19	09-May-19	0	Layout & SWPPP																							
S-101	Construction Fencing	3	3	0%	07-May-19	10-May-19	1	Construction Fencing																							
S-102	Demo & Site Clearing	10	10	0%	10-May-19	27-May-19	0	Demo & Site Clearing																							
S-105	Building Excavation / Cap	20	20	0%	20-May-19	18-Jun-19	0	Building Excavation / Cap																							
Site Utilities								26-Jul-19, Site Utilities																							
Gas Line								31-May-19, Gas Line																							
A1040	Gas Service By Owner	10	10	0%	20-May-19	31-May-19	390	Gas Service By Owner																							
Domestic Water Line / Working NE to NW								24-Jun-19, Domestic Water Line / Working NE to NW																							
SU / DW-1000	NE / Remove Existing Fire Hydrant	2	2	0%	20-May-19	21-May-19	3	NE / Remove Existing Fire Hydrant																							
SU / DW-1002	NE Tie-in / 24"x12" Tee & Valve	10	10	0%	20-May-19	31-May-19	3	NE Tie-in / 24"x12" Tee & Valve																							
SU / DW-1010	NE to SW / 12" DW & 8" Fire Service	15	15	0%	27-May-19	14-Jun-19	3	NE to SW / 12" DW & 8" Fire Service																							
SU / DW-1020	NW Tie-in / 12"x12" Tee & Valve	8	8	0%	27-May-19	05-Jun-19	20	NW Tie-in / 12"x12" Tee & Valve																							
SU / DW-1030	NW to SW / 12" DW & Fire Service	15	15	0%	23-May-19	12-Jun-19	20	NW to SW / 12" DW & Fire Service																							
SU / DW-1040	NW / Install New Fire Hydrant	3	3	0%	13-Jun-19	17-Jun-19	20	NW / Install New Fire Hydrant																							
SU / DW-1050	Test Water Lines	5	5	0%	18-Jun-19	24-Jun-19	20	Test Water Lines																							
Electrical Service								09-Jul-19, Electrical Service																							
A1050	Temp Electrical Service / Office Trailers / Construction	10	10	0%	19-Jun-19	02-Jul-19	363	Temp Electrical Service / Office Trailers / Construction																							
A1060	Primary Service Conduit to Bldg.	5	5	0%	03-Jul-19	09-Jul-19	363	Primary Service Conduit to Bldg.																							
Storm Water								12-Jul-19, Storm Water																							
A1000	Line-C / Storm To The Bldg	2	2	0%	17-Jun-19	18-Jun-19	350	Line-C / Storm To The Bldg																							
A1010	Line-B / Storm Tie-in / Bldg to Line-A	3	3	0%	19-Jun-19	21-Jun-19	350	Line-B / Storm Tie-in / Bldg to Line-A																							
A1020	Line-A / Storm Tie-in / SW Connection to NW End.	15	15	0%	24-Jun-19	12-Jul-19	350	Line-A / Storm Tie-in / SW Connection to NW End.																							
Sanitary Sewer								26-Jul-19, Sanitary Sewer																							
A1030	North Sanitary Tie-in	10	10	0%	15-Jul-19	26-Jul-19	350	North Sanitary Tie-in																							
Fire Lanes								22-Jul-19, Fire Lanes																							
East Fire Lane								15-Jul-19, East Fire Lane																							
FL-E / 1000	East Fire Lane / Lime Stabilization	5	5	0%	25-Jun-19	01-Jul-19	20	East Fire Lane / Lime Stabilization																							
FL-E / 1005	East Fire Lane / Form & Pour	5	5	0%	02-Jul-19	08-Jul-19	359	East Fire Lane / Form & Pour																							
FL-E / 1010	East Fire Lane / Cure Time	5	5	0%	08-Jul-19	12-Jul-19	359	East Fire Lane / Cure Time																							
FL-E / 1020	Open East Fire Lane	1	1	0%	15-Jul-19	15-Jul-19	359	Open East Fire Lane																							
West Fire Lane								22-Jul-19, West Fire Lane																							
FL-W / 1000	West Fire Lane / Lime Stabilization	5	5	0%	02-Jul-19	08-Jul-19	20	West Fire Lane / Lime Stabilization																							
FL-W / 1005	West Fire Lane / Form & Pour	5	5	0%	09-Jul-19	15-Jul-19	20	West Fire Lane / Form & Pour																							
FL-W / 1010	West Fire Lane / Cure Time	5	5	0%	15-Jul-19	19-Jul-19	20	West Fire Lane / Cure Time																							
FL-W / 1020	Open West Fire Lane	1	1	0%	22-Jul-19	22-Jul-19	20	Open West Fire Lane																							
Hardscape / Landscape / Amenity Deck								04-Nov-20, Hardscape / Landscape / Amenity Deck																							
Ground Level / Hardscape / Landscape																															
Amenity Deck / Hardscape / Landscape								04-Nov-20, Amenity Deck / Hardscape / Landscape																							
AMD / 6020	Amenity Deck / Pool	40	40	0%	13-Aug-20	07-Oct-20	17	Amenity Deck / Pool																							
AMD / 6040	Amenity Deck / Hardscape / Landscape	20	20	0%	08-Oct-20	04-Nov-20	17	Amenity Deck / Hardscape / Landscape																							
Hoisting								19-Aug-20, Hoisting																							
H-1000	75 Ton RT Crane	80	80	0%	20-Jun-19	09-Oct-19	297	75 Ton RT Crane																							
H-1003	Tower Crane Foundation	6	6	0%	12-Jul-19	19-Jul-19	128	Tower Crane Foundation																							
H-1010	Erect Tower Crane	4	4	0%	22-Jul-19	25-Jul-19	128	Erect Tower Crane																							
H-1015	Tower Crane Operational	220	220	0%	26-Jul-19	28-May-20	128	Tower Crane Operational																							

█ Actual Work █ Critical Remaining Work █ Remaining Work
◆ Milestone

TASK filter: All Activities
Layout: Typical Layout 12.19.18



Bryan Street Proposal Schedule 02.28.19

NOT FOR CONSTRUCTION USE

Data Date: 28-Feb-19
Run Date: 28-Feb-19

Activity ID	Activity Name	Orig Dur	Rem Dur	Phys % Compl	Start	Finish	Total Float	Calendar Grid (M, April 2019, May 2019, June 2019, July 2019, A, S, O, N, D, J, F, M, April 2020, May 2020, June 2020, July 2020, A, S, O, N, D)																																	
H-1020	Dismantle Tower Crane	3	3	0%	29-May-20	02-Jun-20	128	[Calendar Grid with Dismantle Tower Crane bar]																																	
H-1030	Material Hoist Erection to Level 3	4	4	0%	29-Oct-19	01-Nov-19	22	[Calendar Grid with Material Hoist Erection to Level 3 bar]																																	
H-1040	Material Hoist Operational	205	205	0%	04-Nov-19	14-Aug-20	22	[Calendar Grid with Material Hoist Operational bar]																																	
H-1050	Material Hoist Dismantle	3	3	0%	17-Aug-20	19-Aug-20	22	[Calendar Grid with Material Hoist Dismantle bar]																																	
Building Foundation								30	30		20-Jun-19	31-Jul-19	347	[Calendar Grid with Building Foundation bar]																											
BF-1000	Drill and Place Piers	15	15	0%	20-Jun-19	11-Jul-19	0	[Calendar Grid with Drill and Place Piers bar]																																	
BF-1005	Excavate Grade Beams & Pier Caps	12	12	0%	26-Jun-19	12-Jul-19	0	[Calendar Grid with Excavate Grade Beams & Pier Caps bar]																																	
BF-1007	Excavate Elevator Pits	3	3	0%	08-Jul-19	10-Jul-19	350	[Calendar Grid with Excavate Elevator Pits bar]																																	
BF-1015	Form & Pour Pier Caps	12	12	0%	02-Jul-19	17-Jul-19	3	[Calendar Grid with Form & Pour Pier Caps bar]																																	
BF-1020	Form, Reinforcing & Pour Grade Beams	15	15	0%	01-Jul-19	22-Jul-19	0	[Calendar Grid with Form, Reinforcing & Pour Grade Beams bar]																																	
BF-1025	Backfill / Grade Beams / Pier Caps	12	12	0%	09-Jul-19	24-Jul-19	349	[Calendar Grid with Backfill / Grade Beams / Pier Caps bar]																																	
BF-1030	Form, Pour & Backfill / Elevator Pits	12	12	0%	11-Jul-19	26-Jul-19	350	[Calendar Grid with Form, Pour & Backfill / Elevator Pits bar]																																	
BF-1035	Form & Pour Columns To Level-2	15	15	0%	08-Jul-19	26-Jul-19	3	[Calendar Grid with Form & Pour Columns To Level-2 bar]																																	
BF-1040	Form & Pour Shear Walls	12	12	0%	16-Jul-19	31-Jul-19	0	[Calendar Grid with Form & Pour Shear Walls bar]																																	
Elevators								90	90		08-Apr-20	11-Aug-20	78	[Calendar Grid with Elevators bar]																											
EL-300	Permanent Power Online for Elevators	0	0	0%	28-May-20	28-May-20	54	[Calendar Grid with Permanent Power Online for Elevators bar]																																	
EL-350	Install Elevator Rails / Cabs / Equipment for Elevator #1	80	80	0%	08-Apr-20	28-Jul-20	30	[Calendar Grid with Install Elevator Rails / Cabs / Equipment for Elevator #1 bar]																																	
EL-400	Elevator Startup / Testing for Elevator #1	5	5	0%	29-Jul-20	04-Aug-20	83	[Calendar Grid with Elevator Startup / Testing for Elevator #1 bar]																																	
EL-410	Install Elevator Rails / Cabs / Equipment for Elevator #2	80	80	0%	15-Apr-20	04-Aug-20	30	[Calendar Grid with Install Elevator Rails / Cabs / Equipment for Elevator #2 bar]																																	
EL-420	Elevator Startup / Testing for Elevator #2	5	5	0%	05-Aug-20	11-Aug-20	30	[Calendar Grid with Elevator Startup / Testing for Elevator #2 bar]																																	
Building Structure								270	270		25-Jul-19	05-Aug-20	22	[Calendar Grid with Building Structure bar]																											
Below-Grade Work								12	12		25-Jul-19	09-Aug-19	0	[Calendar Grid with Below-Grade Work bar]																											
LG-100	Underground Plumbing	12	12	0%	25-Jul-19	09-Aug-19	0	[Calendar Grid with Underground Plumbing bar]																																	
LG-110	Underground Electrical	12	12	0%	25-Jul-19	09-Aug-19	0	[Calendar Grid with Underground Electrical bar]																																	
Level 1 / Slab on Grade								13	13		07-Aug-19	23-Aug-19	6	[Calendar Grid with Level 1 / Slab on Grade bar]																											
Slab on Grade / Pour-A								9	9		07-Aug-19	19-Aug-19	0	[Calendar Grid with Slab on Grade / Pour-A bar]																											
L-1A-1000	Final Grading	2	2	0%	07-Aug-19	08-Aug-19	0	[Calendar Grid with Final Grading bar]																																	
L-1A-1005	Termite Treatment	1	1	0%	12-Aug-19	12-Aug-19	0	[Calendar Grid with Termite Treatment bar]																																	
L-1A-1010	Vapor Barrier	1	1	0%	13-Aug-19	13-Aug-19	0	[Calendar Grid with Vapor Barrier bar]																																	
L-1A-1015	Form & Reinforcing	3	3	0%	14-Aug-19	16-Aug-19	0	[Calendar Grid with Form & Reinforcing bar]																																	
L-1A-1020	Reinforcing Inspection	1	1	0%	16-Aug-19	16-Aug-19	0	[Calendar Grid with Reinforcing Inspection bar]																																	
L-1A-1025	*****Pour SOG / Pour-A	1	1	0%	19-Aug-19	19-Aug-19	0	[Calendar Grid with *****Pour SOG / Pour-A bar]																																	
Slab on Grade / Pour-B								9	9		09-Aug-19	21-Aug-19	3	[Calendar Grid with Slab on Grade / Pour-B bar]																											
L-1B-2000	Final Grading	2	2	0%	09-Aug-19	12-Aug-19	3	[Calendar Grid with Final Grading bar]																																	
L-1B-2005	Termite Treatment	1	1	0%	14-Aug-19	14-Aug-19	3	[Calendar Grid with Termite Treatment bar]																																	
L-1B-2010	Vapor Barrier	1	1	0%	15-Aug-19	15-Aug-19	3	[Calendar Grid with Vapor Barrier bar]																																	
L-1B-2015	Form & Reinforcing	3	3	0%	16-Aug-19	20-Aug-19	3	[Calendar Grid with Form & Reinforcing bar]																																	
L-1B-2020	Reinforcing Inspection	1	1	0%	20-Aug-19	20-Aug-19	3	[Calendar Grid with Reinforcing Inspection bar]																																	
L-1B-2025	*****Pour SOG / Pour-B	1	1	0%	21-Aug-19	21-Aug-19	3	[Calendar Grid with *****Pour SOG / Pour-B bar]																																	
Slab on Grade / Pour-C								9	9		13-Aug-19	23-Aug-19	6	[Calendar Grid with Slab on Grade / Pour-C bar]																											
L-1C-3000	Final Grading	2	2	0%	13-Aug-19	14-Aug-19	6	[Calendar Grid with Final Grading bar]																																	
L-1C-3005	Termite Treatment	1	1	0%	16-Aug-19	16-Aug-19	6	[Calendar Grid with Termite Treatment bar]																																	
L-1C-3010	Vapor Barrier	1	1	0%	19-Aug-19	19-Aug-19	6	[Calendar Grid with Vapor Barrier bar]																																	
L-1C-3015	Form & Reinforcing	3	3	0%	20-Aug-19	22-Aug-19	6	[Calendar Grid with Form & Reinforcing bar]																																	
L-1C-3020	Reinforcing Inspection	1	1	0%	22-Aug-19	22-Aug-19	6	[Calendar Grid with Reinforcing Inspection bar]																																	
L-1C-3025	*****Pour SOG / Pour-C	1	1	0%	23-Aug-19	23-Aug-19	6	[Calendar Grid with *****Pour SOG / Pour-C bar]																																	
Elevated Decks								252	252		20-Aug-19	05-Aug-20	22	[Calendar Grid with Elevated Decks bar]																											
Level 2 / Deck								19	19		20-Aug-19	13-Sep-19	0	[Calendar Grid with Level 2 / Deck bar]																											
L2-100	Form / Prep / Pour Slabs L2 (3 Pours)	14	14	0%	20-Aug-19	06-Sep-19	0	[Calendar Grid with Form / Prep / Pour Slabs L2 (3 Pours) bar]																																	
L2-110	Columns / Walls to L3 / Strip	10	10	0%	02-Sep-19	13-Sep-19	0	[Calendar Grid with Columns / Walls to L3 / Strip bar]																																	
Level 3 / Deck								19	19		09-Sep-19	03-Oct-19	0	[Calendar Grid with Level 3 / Deck bar]																											
L3-100	Form / Prep / Pour Slabs L3 (3 Pours)	14	14	0%	09-Sep-19	26-Sep-19	0	[Calendar Grid with Form / Prep / Pour Slabs L3 (3 Pours) bar]																																	
L3-110	Columns / Walls to L4 / Strip	10	10	0%	20-Sep-19	03-Oct-19	0	[Calendar Grid with Columns / Walls to L4 / Strip bar]																																	
Level 4 / Deck								19	19		27-Sep-19	23-Oct-19	0	[Calendar Grid with Level 4 / Deck bar]																											
L4-100	Form / Prep / Pour Slabs L4 (3 Pours)	14	14	0%	27-Sep-19	16-Oct-19	0	[Calendar Grid with Form / Prep / Pour Slabs L4 (3 Pours) bar]																																	
L4-110	Columns / Walls to L5 / Strip	10	10	0%	10-Oct-19	23-Oct-19	0	[Calendar Grid with Columns / Walls to L5 / Strip bar]																																	
Level 5 / Deck								19	19		22-Oct-19	15-Nov-19	0	[Calendar Grid with Level 5 / Deck bar]																											
L5-100	Form / Prep / Pour Slabs L5 (3 Pours)	14	14	0%	22-Oct-19	08-Nov-19	0	[Calendar Grid with Form / Prep / Pour Slabs L5 (3 Pours) bar]																																	
L5-110	Columns / Walls to L6 / Strip	10	10	0%	04-Nov-19	15-Nov-19	0	[Calendar Grid with Columns / Walls to L6 / Strip bar]																																	

Actual Work
 Critical Remaining Work
 Remaining Work
 Milestone



Bryan Street Proposal Schedule 02.28.19

NOT FOR CONSTRUCTION USE

Data Date: 28-Feb-19
Run Date: 28-Feb-19

Activity ID	Activity Name	Orig Dur	Rem Dur	Phys % Compl	Start	Finish	Total Float	2019												2020											
								M	A	M	J	J	A	M	J	J	A	M	J	M	A	M	J	J	A	M	J				
Level 6 / Deck																															
Amenity Deck / Structures																															
Level 7 / Deck																															
Level 8 / Deck																															
Level 9 / Deck																															
Level 10 / Deck																															
Level 11 / Deck																															
Level 12 / Deck																															
Level 13 / Deck																															
Level 14 / Deck																															
Level 15 / Deck																															
Roof / Deck																															
Exterior / Roof / Dry-in																															
Roofing / Dry-in																															
Exterior Façade																															

█ Actual Work █ Critical Remaining Work Milestone
█ Remaining Work ◆ Milestone



Bryan Street Proposal Schedule 02.28.19

NOT FOR CONSTRUCTION USE

Data Date: 28-Feb-19
Run Date: 28-Feb-19

Activity ID	Activity Name	Orig Dur	Rem Dur	Phys % Compl	Start	Finish	Total Float	2019							2020													
								M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N
Interior Finishes																												
Level 1 Interiors																												
L1 / INT / 1000	Interior Framing	15	15	0%	09-Jan-20	29-Jan-20	0																					
L1 / INT / 1003	Wall / Ceiling Finishes	10	10	0%	27-Feb-20	11-Mar-20	154																					
L1 / INT / 1004	Store Front	15	15	0%	30-Jan-20	19-Feb-20	202																					
L1 / INT / 1010	MEP Rough	10	10	0%	30-Jan-20	12-Feb-20	164																					
L1 / INT / 1015	Doors / Cabinets / Trim	10	10	0%	10-Mar-20	23-Mar-20	154																					
L1 / INT / 1020	Flooring	15	15	0%	20-Mar-20	09-Apr-20	154																					
L1 / INT / 1025	MEP Trim	5	5	0%	07-Apr-20	13-Apr-20	154																					
L1 / INT / 1030	Testing / Punch / Turnover	10	10	0%	14-Apr-20	27-Apr-20	154																					
Level 2 Interiors																												
L2 / INT / 2000	Interior Framing	10	10	0%	28-Jan-20	10-Feb-20	0																					
L2 / INT / 2005	MEP Rough	10	10	0%	04-Feb-20	17-Feb-20	41																					
L2 / INT / 2010	Wall / Ceiling Finishes	15	15	0%	18-Feb-20	09-Mar-20	41																					
L2 / INT / 2015	Doors / Cabinets / Trim	10	10	0%	03-Mar-20	16-Mar-20	135																					
L2 / INT / 2020	Flooring	8	8	0%	10-Mar-20	19-Mar-20	135																					
L2 / INT / 2025	MEP Trim	5	5	0%	18-Mar-20	24-Mar-20	135																					
L2 / INT / 2030	Testing / Punch / Turnover	10	10	0%	25-Mar-20	07-Apr-20	135																					
Level 3 Interiors																												
L3 / INT / 3000	Interior Framing	10	10	0%	07-Feb-20	20-Feb-20	0																					
L3 / INT / 3005	MEP Rough	10	10	0%	14-Feb-20	27-Feb-20	38																					
L3 / INT / 3010	Wall / Ceiling Finishes	15	15	0%	28-Feb-20	19-Mar-20	38																					
L3 / INT / 3015	Doors / Cabinets / Trim	10	10	0%	13-Mar-20	26-Mar-20	134																					
L3 / INT / 3020	Flooring	8	8	0%	20-Mar-20	31-Mar-20	134																					
L3 / INT / 3025	MEP Trim	5	5	0%	30-Mar-20	03-Apr-20	134																					
L3 / INT / 3030	Testing / Punch / Turnover	10	10	0%	06-Apr-20	17-Apr-20	134																					
Level 4 Interiors																												
L4 / INT / 4000	Interior Framing	10	10	0%	19-Feb-20	03-Mar-20	0																					
L4 / INT / 4005	MEP Rough	10	10	0%	26-Feb-20	10-Mar-20	35																					
L4 / INT / 4010	Wall / Ceiling Finishes	15	15	0%	11-Mar-20	31-Mar-20	35																					
L4 / INT / 4015	Doors / Cabinets / Trim	10	10	0%	25-Mar-20	07-Apr-20	133																					
L4 / INT / 4020	Flooring	8	8	0%	01-Apr-20	10-Apr-20	133																					
L4 / INT / 4025	MEP Trim	5	5	0%	09-Apr-20	15-Apr-20	133																					
L4 / INT / 4030	Testing / Punch / Turnover	10	10	0%	16-Apr-20	29-Apr-20	133																					
Level 5 Interiors																												
L5 / INT / 5000	Interior Framing	10	10	0%	02-Mar-20	13-Mar-20	0																					
L5 / INT / 5005	MEP Rough	10	10	0%	09-Mar-20	20-Mar-20	32																					
L5 / INT / 5010	Wall / Ceiling Finishes	15	15	0%	23-Mar-20	10-Apr-20	32																					
L5 / INT / 5015	Doors / Cabinets / Trim	10	10	0%	06-Apr-20	17-Apr-20	132																					
L5 / INT / 5020	Flooring	8	8	0%	13-Apr-20	22-Apr-20	132																					
L5 / INT / 5025	MEP Trim	5	5	0%	21-Apr-20	27-Apr-20	132																					
L5 / INT / 5030	Testing / Punch / Turnover	10	10	0%	28-Apr-20	11-May-20	132																					
Level 6 Interiors																												
L6 / INT / 6000	Interior Framing	15	15	0%	12-Mar-20	01-Apr-20	0																					
L6 / INT / 6005	MEP Rough	15	15	0%	26-Mar-20	15-Apr-20	22																					
L6 / INT / 6010	Wall / Ceiling Finishes	20	20	0%	13-Apr-20	08-May-20	22																					
L6 / INT / 6015	Doors / Cabinets / Trim	15	15	0%	04-May-20	22-May-20	112																					
L6 / INT / 6020	Flooring	10	10	0%	18-May-20	29-May-20	112																					
L6 / INT / 6025	MEP Trim	8	8	0%	27-May-20	05-Jun-20	112																					
L6 / INT / 6030	Testing / Punch / Turnover	15	15	0%	04-Jun-20	24-Jun-20	112																					
Level 7 Interiors																												
L7 / INT / 7000	Interior Framing	15	15	0%	31-Mar-20	20-Apr-20	0																					
L7 / INT / 7005	MEP Rough	15	15	0%	07-Apr-20	27-Apr-20	24																					
L7 / INT / 7010	Wall / Ceiling Finishes	20	20	0%	27-Apr-20	22-May-20	22																					
L7 / INT / 7015	Doors / Cabinets / Trim	15	15	0%	18-May-20	05-Jun-20	103																					
L7 / INT / 7020	Flooring	10	10	0%	01-Jun-20	12-Jun-20	103																					
L7 / INT / 7025	MEP Trim	8	8	0%	10-Jun-20	19-Jun-20	103																					
L7 / INT / 7030	Testing / Punch / Turnover	15	15	0%	17-Jun-20	07-Jul-20	103																					
Level 8 Interiors																												

█ Actual Work █ Critical Remaining Work ▶ Milestone
█ Remaining Work ◆ Milestone



Bryan Street Proposal Schedule 02.28.19

NOT FOR CONSTRUCTION USE

Data Date: 28-Feb-19
Run Date: 28-Feb-19

Main project schedule table with columns for Activity ID, Activity Name, dates, and a Gantt chart area showing task bars for various levels (Level 9 to Level 15) and activities like Interior Framing, MEP Rough, Wall/Ceiling Finishes, etc.

Legend for work status: Actual Work (blue), Remaining Work (green), Critical Remaining Work (red), Milestone (diamond).



Competitive Housing Tax Credit Selection Self-Score

This form will self-populate based on scoring selections made throughout the Application. Applicant should refer to this form to ensure that scoring selections are accurate prior to submitting the Application. Corrections must be made in the applicable section(s) of the Application. Highlighted rows indicate scoring items for both 9% HTC and Direct Loan applications. Additional scoring for Direct Loan applications can be found at 10 TAC §13.6.

Criteria Promoting Development of High Quality Housing

Point Item Description	QAP Reference	Points Selected
Unit Sizes	§11.9(b)(1)(A)	8
Unit and Development Features	§11.9(b)(1)(B)	7
Sponsor Characteristics	§11.9(b)(2)	0
High Quality Housing Total		15

Criteria to Serve and Support Texans Most In Need

Point Item Description	QAP Reference	Points Selected
Income Levels of Tenants	§11.9(c)(1)	16
Rent Levels of Tenants	§11.9(c)(2)	11
Tenant Services	§11.9(c)(3)	10
Opportunity Index	§11.9(c)(4)	7
Underserved Area	§11.9(c)(5)	3
Tenant Populations with Special Needs	§11.9(c)(6)	2
Proximity to the Urban Core	§11.9(c)(7)	5
Readiness to Proceed in Disaster Impacted Counties	§11.9(c)(8)	
Serve and Support Texans Most in Need Total		54

Criteria Promoting Community Support and Engagement

Point Item Description	QAP Reference	Points Selected
Local Government Support	§11.9(d)(1)	
Commitment of Development Funding by Local Political Subdivision	§11.9(d)(2)	1
Declared Disaster Area	§11.9(d)(3)	10
Quantifiable Community Participation	§11.9(d)(4)	
Community Support from State Representative	§11.9(d)(5)	
Input from Community Organizations	§11.9(d)(6)	
Concerted Revitalization Plan	§11.9(d)(7)	
Community Support and Engagement Total		11

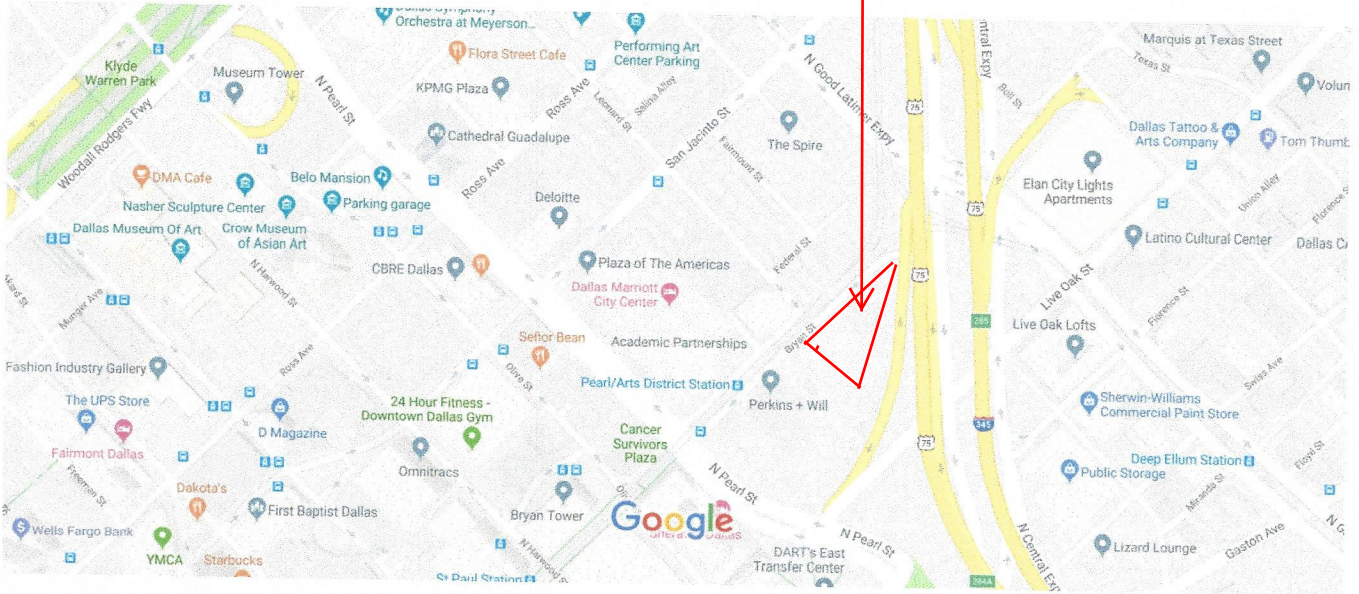
Criteria Promoting the Efficient Use of Limited Resources and Applicant Accountability

Point Item Description	QAP Reference	Points Selected
Financial Feasibility	§11.9(e)(1)	18
Cost of Development per Square Foot	§11.9(e)(2)	12
Pre-application Participation	§11.9(e)(3)	6
Leveraging of Private, State, and Federal Resources	§11.9(e)(4)	3
Extended Affordability	§11.9(e)(5)	2
Historic Preservation	§11.9(e)(6)	0
Right of First Refusal	§11.9(e)(7)	1
Funding Request Amount	§11.9(e)(8)	1
Efficient Use of Limited Resources and Applicant Accountability Total		43
Point Deductions	§11.9(f)	

Total Application Self Score	123
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Google Maps












2400 Bryan Street



Map data ©2019 Google 200 ft

The map with the census tract and the site is provided to show that the new land is within the census tract. All other items remain the same as the original application.

Supplemental Information Form Part II

- Opportunity Index (Competitive HTC and Direct Loan Only)** 
- Map with Development Site boundaries indicated, relative to census tract boundaries 
- Map with Development Site boundaries indicated, relative to census tract boundaries; and contiguous census tract with evidence of no physical barriers between the tracts 
- Map(s) of Community Assets with Development, radius, and each asset labeled 
- Distances are measured from the nearest boundary of the Development Site to the nearest boundary of the property or easement containing the facility, unless otherwise noted. All measurements include ingress/egress and any easements
- For each amenity, supporting documentation to evidence how the amenity meets each requirement for the amenity
- Print-out from DFPS website confirming daycare licensed to serve relevant age groups
http://www.dfps.state.tx.us/Child_Care/Search_Texas_Child_Care/ppFacilitySearchDayCare.asp
- Crime rate information for census tract from Neighborhood Scout or local data source dated after October 1, 2017, including the computation used to determine the crime rate
<https://www.neighborhoodscout.com>
- Print-out from THECB website confirming accreditation of university or community
<http://www.txhighereddata.org/Interactive/Institutions.cfm>
- Evidence of regular and recurring substantive services provided by community, civic or service organization, as applicable
- Evidence amenity is operational or has started site work (for instance: website postings, news paper ads, etc.); evidence of costs or membership fees, age restrictions, as applicable
- Evidence of Underserved Area (Competitive HTC and Direct Loan Only)**
- For Colonia: 
- Evidence from Attorney General of Colonia boundaries; *and*
<https://www.texasattorneygeneral.gov/cpd/colonias>
- Letter from the appropriate local government official or other evidence that the colonia lacks infrastructure and the Development will enable the current dwellings to connect to such infrastructure; *and*
- Map showing development site boundaries, relative to Colonia boundaries, and distance from Rio Grande river border. 
- For Economically Distressed Areas:
<http://www.twdb.texas.gov/financial/programs/EDAP/index.asp>
- A letter or correspondence from Texas Water Development Board indicating the boundaries of the EDA; *and*
- Map showing development site boundaries, relative to EDA boundaries. 
- For other items:
Development must be awarded 2002 or earlier for 15-year threshold and 1987 or earlier for 30-year threshold. The Site Demographic Characteristics Report is posted on the Department's website at
<http://www.tdhca.state.tx.us/multifamily/apply-for-funds.htm>
- NA Map with Development Site boundaries indicated, relative to census tract boundaries 
- NA Map with census tract boundaries indicated, relative to boundaries of incorporated area, if applicable 
- NA Map with all contiguous census tracts, if applicable 
- Proximity to Urban Core (Competitive HTC Only)** 
- Map with the appropriate radius, City Hall location, and evidence of meetings regularly scheduled for City Council, City Commission, or similar governing body.

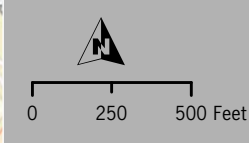


Legend

- Census Tract Boundary
- Census Places

Proposed Development

additional land



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

DISCLAIMER:

All information (Information) provided or depicted on this web map and web map application has been obtained from third party sources deemed reliable however, neither Housing Lab By BETCO nor any of its employees or affiliated consultants (collectively, Housing Lab By BETCO and Related Parties) have made an independent investigation of the Information or the Information sources, and no warranty or representation is made by Housing Lab By BETCO and Related Parties as to the accuracy of such Information. The Information is submitted subject to possible errors or omissions, and no person or organization should rely on the Information, unless such person or organization has conducted an independent investigation to confirm the accuracy thereof.

Site Information Form Part III

Self Score Total: 123

1. Site Acreage

Please identify site acreage as listed in each of the following exhibits/documents.

Site Control: 1.4899

Site Plan: 1.4899

Appraisal: *

ESA: *

(* Should equal acreage indicated in site control documents less acreage intended to be dedicated, sold or used for public purpose and not to be encumbered by LURA (net acreage). The net acreage will be used for calculating density for all purposes.

Please provide an explanation of any discrepancies in site acreage below:

Since the award of credits, the site design has changed and additional land has been contracted for purchase in order to provide Fire Marshall required fire lanes. Because of the related party seller and buyer, an additional appraisal is not

2. Site Control - §10.204(10)

The current owner of the Development Site is (If scattered site & more than one owner refer to Tab 13):

No change

Entity Name

Contact Name

Address

City

State

Zip

Date of Last Sale

Is the seller affiliated with the Applicant, Principal, sponsor, or any Development Team member?

If "Yes," please explain:

Explained in the original application

Did the seller acquire the property through foreclosure or deed in lieu of foreclosure?

Identify all of the sellers of the proposed property for the 36 months prior to the first day of the Application Acceptance Period and their relationship, if any, to members of the Development Team:

Name:

Relationship:

Site Control is in the form of:

Contract for sale.

Recorded Warranty Deed with corresponding executed closing/settlement statement.

Contract for lease.

Expiration of Contract or Option: 4/30/2019

Anticipated Closing Date: 3/30/2019

Title Commitment or Title Policy is included behind this tab (per §10.204(12)).

3. Site Control - §10.204(10)

Ingress/Egress and Easements (9% and 4% HTC Only) - §11.7

Is land for ingress and/or egress and any easements held separate from the property described in the site control documents? Yes

If yes, describe how any such land is held. Identify the land owner and describe any agreements the Applicant has or will enter into with the land owner.

Draft easement agreement is behind Tab 12. Appraisal and ESA site description * above. The ESA was done on the original site. The added 40 feet is part of a site that received an MSD in 2013. That documentation is included. The additional land cost is at the same square foot cost as the original contract.

4. **30% increase in Eligible Basis "Boost" (9% and 4% HTC Only) - §11.4(c)**

Development qualifies for the boost for:

Qualified Census tract that has less than 20% HTC Units per household

Development is located in a Small Area Difficult Development Area (SADDA)

Rural Development (**Competitive HTC only**)

Development is entirely Supportive Housing (**Competitive HTC Only**)

Development meets the criteria for the Opportunity Index as identified in §11.9(c)(4) of the Qualified Allocation Plan (**Competitive HTC only**)

Development is in an area covered by a concerted revitalization plan and elects and is eligible for points under §11.9(d)(7), is not Elderly, and is not located in a QCT. (**Competitive HTC only**)

Development includes an additional 10% of units at 30% AMI. *Must be in addition to the number of units needed for any scoring item or any other funding source from MF Direct Loan requirements. (Competitive HTC only)*

Development is in a QCT with 20% or greater Housing Tax Credit Units per household, and a resolution from the Governing Body of the appropriate municipality or county allowing the construction of the Development is included behind Tab 8**

** Resolution not due until Resolutions Delivery Date for Tax-Exempt Bond Developments

If a revised form is submitted, date of submission: 2/14/2019


Support Documentation from Site Information Part III Should be Included Behind this Tab.

- Site Control Documentation
- Title Commitment or Policy
- Each of the Direct Loan exhibits identified below (as applicable)



Draft Easement attached

Increase in Eligible Basis (30% Boost)

- Resolution from the Governing Body of the appropriate municipality or county allowing the construction of the Development, if applicable.
- Census tract map that includes the 11-digit census tract number and clearly shows that the proposed Development is located within a QCT, if applicable
- SADDA map clearly showing the Development is located within the boundaries of a SADDA, if applicable 

Site & Neighborhood Standards (New Construction Direct Loan only)

Confirm the following supporting documents are provided behind this tab.

- Letters on company letterhead from local utility providers confirming the site has access to the following services: water and wastewater/sewer, electricity, garbage disposal and natural gas, if applicable.
- Statement explaining how the Development will promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- DP-1 Profile of General Demographic Characteristics (2010) Census data for the census tract and city (and county if proposed site is located in a rural area) where the proposed site will be located. DP-1 Census data can be accessed using the Advanced Search option at
- A statement confirming that travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, is not excessive. This is not applicable for Developments proposing to serve Elderly.



Amended and Restated Purchase and Sale Agreement

This Amended and Restated Purchase and Sale Agreement ("**Contract**") is entered into by and between Bryan Street Land Holdings, LLC, a Texas limited liability company, or its assigns, ("**Seller**") and RMGM Developers, LLC, a Texas limited liability company, or its assigns, including the to be formed entity, 2400 Bryan Street, LLC ("**Buyer**") dated as of the Effective Date (defined on the title company receipt page attached to this Contract). Seller agrees to sell and convey to and Buyer agrees to buy from Seller the following property for the consideration and upon and subject to the terms, provision, and conditions hereinafter set forth.

1. **Property:** (a) a portion of three tracts of land situated in Dallas County, Texas, together with all improvements and fixtures, privileges, and appurtenances pertaining thereto, (the "**Land**," and "**Improvements**" more particularly described on **Exhibit A** attached hereto and shown on the drawing attached hereto as **Exhibit B**; (b) all tangible personal property and fixtures of any kind attached to or used in connection with the ownership, maintenance, or operation of the Land or Improvements (the "**Personal Property**"); (c) all (i) contracts or agreements, such as maintenance, service, or utility contracts (the "**Property Agreements**"), to the extent Buyer elects to take assignment thereof, (ii) warranties, guaranties, indemnities, and claims, (iii) licenses, permits, or similar documents, (iv) telephone exchanges, trade names, marks, and other identifying material, (v) plans, drawings, specifications, surveys, engineering reports, and other technical information, and (vi) other property (real, personal, or mixed), owned by Seller and in Seller's actual possession that relates, in any way, to the design, construction, ownership, use, leasing, maintenance, service or operation of the Property, Leases, Deposits, or Personalty, all of which may be collectively referred to herein as the "**Property**".

2. **Sales Price:** The "**Sales Price**" shall be ~~\$9,250,000~~ which shall be paid at Closing in immediately available federal funds. 9,675,000 Seller Initials KS
Buyer Initials Am

3. **Earnest Money:** \$1,000.00 (the "**Earnest Money**") has been tendered and is to be deposited with Republic Title Company.

4. **Escrow:** The Earnest Money is deposited with Escrow Agent with the understanding that Escrow Agent (i) does not assume or have any liability for performance or non-performance of any party and (ii) has the right to require the written release of Escrow Agent, the termination of this Contract, and the authorization from all parties to disburse the Earnest Money. At Closing, Earnest Money and accrued interest shall be applied to any cash down payment required, next to Buyer's closing costs and any excess refunded to Buyer.

5. **Feasibility Study.** Buyer is granted the right to conduct such engineering, environmental, geotechnical soil, market, economic feasibility and other inspections, surveys, studies and tests as Buyer, in its sole discretion, shall deem appropriate (collectively, "**Feasibility Study**") of or concerning the Property. Buyer shall have from the Effective Date until **January 31, 2019** to perform such studies, and in this regard, Buyer or its designated agents, representatives, employees, consultants and contractors may upon at least a three day notice to the Seller, enter upon the Property for purposes of conducting such studies provided, however, that no invasive testing shall be performed without Seller's prior written consent, which consent shall not be unreasonably withheld, conditioned or delayed. If, on or before 5:00

p.m., Dallas, Texas, time on such period beginning on the Effective Date through this January 31, 2019, being referred to as the "**Feasibility Period**"), Buyer determines, in its sole judgment, that the Property is not suitable for any reason for Buyer's intended use or purpose or is unacceptable for any reason, then Buyer may, by written notice to Seller and Title Company prior to the expiration of the Feasibility Period, terminate this Contract, and it shall be null and void for all purposes and the Earnest Money shall be returned to Buyer, less the sum of \$100 to be delivered to and retained by Seller as independent consideration for this Contract, which consideration is deemed earned as of the date of this Contract. If the Title Company receives written notice from Buyer prior to the expiration of the Feasibility Period of Buyer's intent to terminate this Contract, then the Title Company is specifically authorized to disburse the then-refundable portion of the Earnest Money (less the \$100 consideration described above) to Buyer immediately upon receipt of notice from Buyer that this Contract is terminated. If the written notice of termination is not given to Seller within such period, this termination right and any and all objections to title as to the Survey shall be deemed to have been waived by Buyer for all purposes. In the event this Contract shall not close, through no fault of Seller, Buyer shall restore the Property to its condition immediately prior to Buyer's entry thereupon, and shall provide Seller with a copy of the results of any tests and inspections made by Buyer. The Feasibility Study shall be at Buyer's expense.

6. **Title Approval:** Seller, at Seller's sole cost and expense, shall deliver to Buyer, within 10 days from the Effective Date of this Contract, a Commitment for Title Insurance (the "**Commitment**") and legible copies of all recorded instruments and other documents affecting the Property and recited as exceptions in the Commitment. If Buyer has an objection to items disclosed in such Commitment or Survey (defined in paragraph 7 below), Buyer shall have 30 days after receipt of the Commitment, copies of the exception documents and the Survey to make written objections to Seller. If Buyer makes such objections or if objections are disclosed in the Commitment or by the issuer of the Title Policy, Seller shall have 10 days from the date such objections are disclosed to cure the same (but Seller shall not be obligated to do so), and shall notify Buyer not later than the expiration of such 10-day period whether or not such objections have been cured. If the objections are not satisfied by the expiration of such 10 day period, Buyer will have the right to terminate this Contract by written notice to Seller within two (2) days after the deadline for Seller to cure such objections, in which event the Earnest Money, less the \$100 Independent Consideration, shall be returned to Buyer, and neither party shall have any further rights or obligations hereunder. If Buyer does not make an election to terminate within the time specified in the immediately preceding sentence, it shall be deemed that the uncured objections were waived and shall become "Permitted Encumbrances".

7. **Survey:** Buyer and Seller accept the survey attached hereto.

8. **Property Information.** Within 5 days of the Effective Date, Seller shall deliver to Buyer (i) legible copies of all Property Agreements, (iii) legible copies of all engineering and technical reports in the possession of Seller that concern the Land or Improvements, including soils testing reports, and reports of environmental or hazardous waste inspections or surveys, and (iv) legible copies of all plans and specifications that describe or relate to the Improvements to the extent they are in Seller's actual possession. The documents described in this Section 8 are herein collectively called the "**Documents**", and the information contained in the Documents is herein collectively called the "**Information**".

9. **Representations and Warranties:** As a material inducement to Buyer to execute this Contract and consummate the transaction, Seller represents and warrants to Buyer as follows:

A. **Organization and Authority.** Seller has been duly organized and is validly existing as a limited liability company. Seller has the full right and authority and has obtained any and all consents required therefor to enter into this Contract. The persons signing this Contract on behalf of Seller are authorized to do so. This Contract has been, and the documents to be executed by Seller pursuant to this Contract will be, authorized and properly executed and does and will constitute the valid and binding obligations of Seller, enforceable against Seller in accordance with their terms.

B. **Pending Actions.** To Seller's actual knowledge, there is no action, lawsuit or other proceeding pending or, to Seller's knowledge, threatened against Seller, or the Property or which challenges or impairs Seller's ability to execute, deliver or perform this Contract or Buyer's ability to develop the Property for its intended use.

C. **Condemnation.** To Seller's actual knowledge, no condemnation proceedings are pending with regard to the Property.

D. **Contracts.** Other than as declared in this Agreement, to the best of Seller's actual knowledge there are no contracts encumbering any part of the Property.

E. The copies of all Documents, and other documents delivered by Seller to Buyer pursuant to this Agreement shall be true and complete in all material respects and, to the best of Seller's knowledge and belief, the Information shall be true and complete in all material respects.

F. All bills and other payments, including all taxes (through the immediately preceding year), standby fees and assessments, due with respect to the ownership, operation, and maintenance of the Property have been paid or will be paid prior to Closing in the ordinary course of business, no work has been performed or is in progress on the Property, and to the best of Seller's current actual knowledge no materials have been delivered to the Property, that could provide the basis for a mechanic's, materialman's or other lien against the Property.

H. Seller owns good and indefeasible title to the Property free and clear of any and all liens, assessments, unrecorded easements, security interests and other encumbrances except the Permitted Encumbrances.

If (i) any of Seller's representations and warranties set forth in this Section 9 are untrue in any material respect, or (ii) at any time at or before Closing there is any material change with respect to the matters represented and warranted by Seller pursuant to this Section 9, then Seller shall give Buyer prompt written notice thereof, and Buyer shall have the right to terminate this Agreement in accordance with Section 15 hereof by delivering notice to Seller at any time at or before the Closing. All of Seller's representations and warranties shall survive the Closing; provided, however, that Buyer may not maintain an action for breach of such representations and warranties unless it shall have given Seller written notice of such breach in reasonable detail not

later than a date which is two years from the Closing Date. The representations and warranties of Seller set forth in this Section 9 shall survive Closing for a period of twenty-four (24) months.

10. Except as specifically otherwise provided herein, the Property, including all personal property conveyed under a bill of sale, is sold in "as is" condition with all faults and conditions, including any hazardous substances or hazardous wastes that may be located on, under or around the Property. Except as specifically provided otherwise herein, Buyer agrees that, upon the Closing hereunder, Buyer shall be deemed conclusively to have released Seller from all responsibility to Buyer regarding the value and condition of the Property, and shall be deemed conclusively to have had full access to inspect the entire Property and Buyer accepted the Property in its then existing condition, "as is", without warranty of any kind except as may be otherwise expressly provided herein to the contrary, and with all faults and problems of any kind and nature whatsoever that may then exist, whether the same are of a legal nature, a physical nature, or otherwise. Buyer acknowledges it has had the advice of competent counsel and that the provisions contained in this Paragraph are a material part of this Agreement and that without this inducement, Seller would not sell the Property to Buyer.

11. Closing: The closing of the sale (the "Closing") shall occur at the Title Company or at such other location to which the parties may mutually agree, and shall take place on or before ninety (90) days from 1) the Effective Date and, ii) receipt of approval by the City of Dallas of appropriate land use approvals, approval of a proposed site plan, and receipt of adequate environmental declarations for construction of a multi-family housing development (the "First Closing Date") except that Buyer shall be entitled to two extensions of time for Closing conditioned upon Buyer increasing the Earnest Money Escrow by \$1,000.00.

A. At the Closing, Seller shall deliver to Buyer, at Seller's expense, the following:

- (1) A duly executed and acknowledged Special Warranty Deed (the "Deed") conveying good and indefeasible fee simple title to the Property, free and clear of any and all liens, encumbrances, conditions, easements, assessments, reservations and restrictions, except for the Permitted Encumbrances and the existing leases between Seller, as Lessor, and the Tenants of the Property.
- (2) A duly executed Bill of Sale assigning all rights to the Personalty, all (i) contracts or agreements, such as maintenance, service, or utility contracts (the "Property Agreements"), to the extent Buyer elects to take assignment thereof, (ii) warranties, guaranties, indemnities, and claims, (iii) licenses, permits, or similar documents, (iv) telephone exchanges, trade names, marks, and other identifying material, (v) plans, drawings, specifications, surveys, engineering reports, and other technical information, and (vi) other property (real, personal, or mixed), owned or held by Seller that relates, in any way, to the design, construction, ownership, use, leasing, maintenance, service or operation of the Property, if any ("Bill of Sale")

(3) A Foreign Investment in Real Property Tax Act ("FIRPTA") affidavit executed by Seller;

(4) Furnish evidence of its capacity and authority for the closing of this transaction;

B.

(5) A Texas standard Owner's Policy of Title Insurance (the "Title Policy") issued by the Title Company in the full amount of the Sales Price, dated as of the date and time of the recording of the Deed, insuring Buyer's fee simple title to the Property to be good and indefeasible, subject only to exceptions contained in the Deed and the standard exceptions contained in the usual form of the Owner's Title Policy, provided, however:

a. the exception as to area and boundaries may, at Buyer's option, be deleted except for "shortages in area" and if deleted, such deletion shall be an expense of Buyer;

b. the exception as to taxes shall be limited to taxes for the current year and subsequent years, and subsequent assessments for prior years due to changes in land usage or ownership; and

c. the Title Policy shall contain any endorsements that the Title Company has agreed to issue during the Feasibility Period if the requirements for issuance are satisfied, all at Buyer's expense.

C. At the closing, Buyer shall perform the following:

(1) Pay the Sales Price by immediately available federal funds;

(2) Furnish evidence of its capacity and authority for the closing of this transaction;

(3) Execute all other necessary documents to close this transaction.

D. Buyer's Conditions to Closing. In the event Buyer hasn't received all of the Awards on or before the Closing Buyer may terminate this Contract and receive the then-refundable portion of the Earnest Money, and the parties shall have no further obligation hereunder.

12. Sales Expenses To Be Paid In Cash At Or Prior To Closing:

A. Seller's Expenses: Cost of basic Owner's Title Policy; preparation of Deed; fees to its attorneys; and other expenses stipulated to be paid by Seller under other provisions of this Contract.

B. Buyer's Expenses: All expenses incident to any loan to Buyer (e.g., loan procurement fees, preparation of Note, Deed of Trust, and other loan documents); recording fees; any escrow fee; cost of all endorsements or deletions to the Owner's Title Policy requested by Buyer; survey costs; fees to its attorneys; and expenses stipulated to be paid by Buyer under other provisions of this Contract.

13. Prorations: Assessments, current taxes, and any rents shall be prorated to the date of Closing. If the precise amount of ad valorem taxes for the year in which the sale is closed are not available on the date of the Closing, proration of taxes shall be made on the basis of taxes assessed in the previous year, with a subsequent cash adjustment of such proration to be made between Seller and Buyer, if necessary, when actual tax figures are available. This provision shall survive Closing.

14. Possession: The exclusive possession of the Property generally in the condition existing as of the date of this Contract shall be delivered to Buyer at Closing.

15. Default: If all conditions to Buyer's obligations to purchase the Property have been satisfied or waived by Buyer, and if Buyer fails to comply herewith for any reason other than Seller's default or an express right of termination granted herein, Seller may, as its sole remedy, terminate this Contract and receive the Earnest Money as liquidated damages for Buyer's failure except for any damages resulting from Buyer's inspections, the parties hereby acknowledging that Seller's actual damages in the event of a default by Buyer hereunder will be difficult to ascertain, and that such liquidated damages represent the parties' best estimate of such damages. If Seller fails to comply with its obligations under this Contract, Buyer having complied with its obligations hereunder, Buyer may, as its sole remedy, (i) terminate this Contract and receive the Earnest Money, thereby releasing Seller from this Contract, or (ii) enforce specific performance hereof or sue Seller for actual damages incurred by the Buyer.

16. Attorney's Fees: Any signatory to this Contract who is the prevailing party in any legal proceeding against any other signatory brought under or with relation to this Contract or transaction shall be entitled to recover court costs and reasonable attorney's fees from the non-prevailing party.

17. Condemnation: In the event any proceedings in condemnation are contemplated, threatened or instituted against any portion of the Property by anybody having the power of eminent domain, Buyer may, at Buyer's option, by notice to Seller given within 10 Business Days after Seller provides written notice to Buyer of such proceedings together with all relevant information concerning such proceedings (and if necessary the Closing Date shall be extended to give Buyer the full 10 Business Day period to make such election): (i) terminate this Agreement, and the Earnest Money shall be immediately returned to Buyer, or (ii) proceed under this Agreement, in which event Seller shall, at the Closing, assign to Buyer Seller's entire right, title,

and interest in and to any condemnation award, and Buyer shall have the sole right during the pendency of this Agreement to negotiate and otherwise deal with the condemning authority in respect of such matter. If Buyer fails to timely make such election, Buyer shall be deemed to have elected to terminate this Agreement as provided above.

18. Casualty Loss and Liability: It is hereby acknowledged by both Parties that the Improvements on the Property have no material commercial value and as such risk of loss by damage or destruction to the Property prior to the Closing is not a material consideration of this transaction. Therefore, both Parties agree that the value for which the Buyer is paying the Sales Price is intrinsic to the Land only and Seller shall not be required to insure the Property for other than general liability.

19. Miscellaneous:

A. All notices shall be either (a) sent by overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one business day after deposit with such courier, (b) sent by certified or regular U.S. mail, postage prepaid, in which case notice shall be deemed delivered two business days after deposit in such mails, (c) sent by facsimile, in which case notice shall be deemed delivered upon the mechanical confirmation of delivery, or (d) sent by personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery. A party's address may be changed by written notice to the other party; provided, however, that no notice of a change of address shall be effective until actual receipt of such notice. Notices given by counsel to Buyer shall be deemed given by Buyer and notices given by counsel to Seller shall be deemed given by Seller. The addresses reflected on the signature page hereof shall be the notice addresses.

B. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Dallas County, Texas.

C. This Contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns.

D. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, and unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

E. This Contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings or written or oral agreements between the parties respecting the within subject matter and cannot be changed except by their written consent.

F. Time is of the essence of this Contract.

G. Words of any gender used in this Contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

H. Should the date for performance of any action or condition fall on a Saturday, Sunday or legal holiday in Texas, then the date for performance shall be extended until the following day that is not a Saturday, Sunday or legal holiday in Texas.

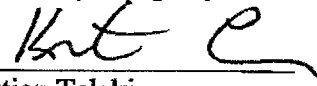
20. Assignment: Seller shall be entitled to assign this contract without limitation. Buyer may assign this contract to a company which is controlled by, or under common control with, Buyer, or an affiliate of Buyer.

(Signatures on Following Page)

EXECUTED in multiple originals effective the 25th day of January, 2019. The "Effective Date" shall be the date on which a fully executed copy of this Contract is deposited with the Title Company as evidenced below.

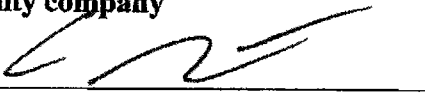
SELLER:

Bryan Street Land Holdings, LLC, a Texas limited liability company

By: 
Kristian Teleki
Authorized Representative

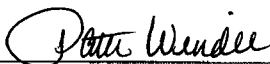
BUYER:

RMGM Developers, LLC, a Texas limited liability company

By: 
Adam Miller, Authorized Representative

Receipt of this Contract w is acknowledged in the form of _____ as of this 28 day of Jan, 2019 (the "Effective Date").

Republic Title of Texas, Inc
Escrow Agent

By: 

Name: Patti Windle

Title: S.U.P.

EXHIBIT_A__

County: Dallas
Description: Dallas High School - Multi-Family
Acreage: 1.4899

Property Description

Being a 1.4899 acre (64,900 square feet) parcel land situated in the John Grigsby Survey, Abstract 495, Dallas County, Texas, and being out Block 4/312 and Block 264 of the City of Dallas, also out of a tract of land, conveyed to MSW Bryan Street, LP, as recorded under Dallas County Clerk's Instrument (D.C.C.I.) No. 201500320339, said 1.4899 acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a "x" cut in concrete marking the westerly corner of Tract 1, also on the southeasterly right-of-way line of Bryan Street, variable width, from which the intersection of the northeasterly right-of-way line of Pearl Street, variable width, bears for reference South 44°33'01" West, 132.80 feet, thence as follows;

North 44°33'01" East, along the southeasterly right-of-way line of said Bryan Street, a distance of 470.00 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the southwesterly corner and the POINT OF BEGINNING of the herein described parcel;

THENCE, North 44°33'01" East, along the southeasterly right-of-way line of said Bryan Street, a distance of 114.99 feet to a "x" cut set in concrete marking an angle point;

THENCE, North 44°45'59" East, continuing along the southeasterly right-of-way line of said Bryan Street, a distance of 194.26 feet to a "X" cut found marking the southwest corner of a called 0.0144 acre tract of land, conveyed to Dallas Area Rapid Transit, as recorded under Dallas County Clerk's Instrument (D.C.C.I.) No. 200503659654;

THENCE, North 62°35'14" East, leaving southeasterly right-of-way line of said Bryan Street, a distance of 56.19 feet, to a 5/8-inch iron rod found at the northwesterly right-of-way line of Live Oak Street (width varies), marking the southeast corner of said 0.0144 acre tract of land, and the north corner of the herein described parcel;

THENCE, South 03°22'09" West, along the northwesterly right-of-way line of said Live Oak Street, a distance of 331.28 feet, to a 5/8-inch iron rod with cap stamped "STANTEC" set marking an angle point;

EXHIBIT_A__

THENCE, North 45°36'01" West, continuing along the northwesterly right-of-way line of said Live Oak Street, a distance of 19.92 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking an angle point;

THENCE, South 44°14'14" West, continuing along the northwesterly right-of-way line of said Live Oak Street, a distance of 15.45 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking an angle point;

THENCE, South 45°36'01" East, continuing along the northwesterly right-of-way line of said Live Oak Street, a distance of 65.51 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the beginning of a curve to the right;

THENCE, continuing along the northwesterly right-of-way line of said Live Oak Street, and along the arc of said curve to the right having a central angle of 06°59'51", a radius of 933.93 feet, a chord bearing and distance of South 11°16'50" West, 113.99 feet, and an arc length of 114.06 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the end of said curve to the right, also being the southeasterly corner of the herein described parcel;

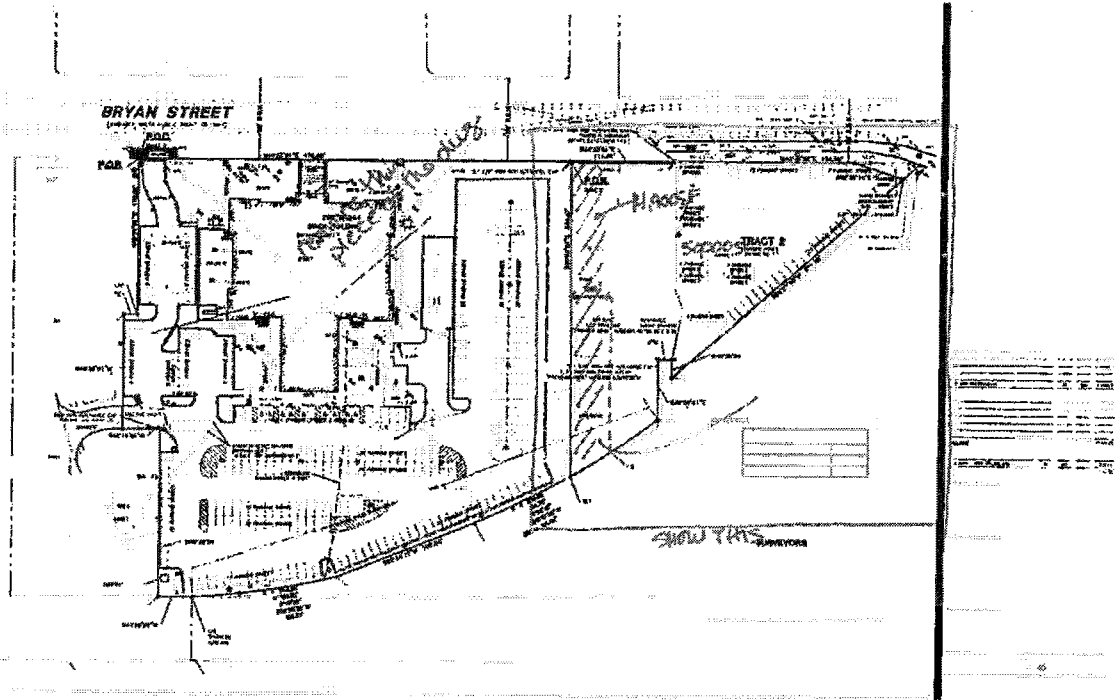
THENCE, North 45°54'01" West, leaving the northwesterly right-of-way line of said Live Oak Street, a distance of 344.47 feet to the POINT OF BEGINNING, containing an area of 1.4899 acres (64,900 square feet) of land.

All bearings and coordinates are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983. All distances and coordinates shown are surface with a scale factor of 0.999863513.

EXHIBIT_A__

A parcel plat of even date was prepared in conjunction with this property description.

Exhibit B Site Plan





First American Title™

Commitment For Title Insurance T-7

ISSUED BY

First American Title Insurance Company

Commitment

THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN SCHEDULE A, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

We FIRST AMERICAN TITLE INSURANCE COMPANY will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

First American Title Insurance Company

Dennis J. Gilmore
President

Jeffrey S. Robinson
Secretary

By its issuing agent, Republic Title of Texas, Inc.

Authorized Signatory



REPUBLIC TITLE®

2626 Howell Street, 10th Floor
Dallas, TX 75204
(214) 855-8888
(214) 855-8848

Title insurance insures you against loss resulting from certain risks to your title. The commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The commitment is a legal document. You should review it carefully to completely understand it before your closing date.

El seguro de título le asegura en relación a pérdidas resultantes de ciertos riesgos que pueden afectar el título de su propiedad. El Compromiso para Seguro de Título es la promesa de la compañía aseguradora de títulos de emitir la póliza de seguro de título. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y enterderlo completamente antes de la fecha para finalizar su transacción.

Your Commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the Policy as Exclusions. These risks will not be covered by the Policy. The Policy is not an abstract of title nor does a Company have an obligation to determine the ownership of any mineral interest.

- **MINERALS AND MINERAL RIGHTS** may not be covered by the Policy. The Company may be unwilling to insure title unless there is an exclusion or an exception as to Minerals and Mineral Rights in the Policy. Optional endorsements insuring certain risks involving minerals, and the use of improvements (excluding lawns, shrubbery and trees) and permanent buildings may be available for purchase. If the title insurer issues the title policy with an exclusion or exception to the minerals and mineral rights, neither this Policy, nor the optional endorsements, ensure that the purchaser has title to the mineral rights related to the surface estate.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown in Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

- **EXCEPTIONS** are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also be added if you do not comply with the Conditions section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.
- **EXCLUSIONS** are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.
- **CONDITIONS** are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions.

You can get a copy of the policy form approved by the Texas Department of Insurance by calling the Title Insurance Company at 1-888-632-1642 or by calling the title insurance agent that issued the Commitment. The Texas Department of Insurance may revise the policy form from time to time.

You can also get a brochure that explains the policy from the Texas Department of Insurance by calling 1-800-252-3439.

Before the Policy is issued, you may request changes in the policy. Some of the changes to consider are:

- Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey and comply with other requirements of the Company. On the Owner's Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company and if the Company's other requirements are met, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy. Whether or not you request amendment of the "area and boundary" exception, you should determine whether you want to purchase and review a survey if a survey is not being provided to you.
- Allow the Company to add an exception to "rights of parties in possession." If you refuse this exception, the Company or the title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Waiver of Inspection form and allow the Company to add this exception to your Policy.

The entire premium for a Policy must be paid when the Policy is issued. You will not owe any additional premiums unless you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

CONDITIONS AND STIPULATIONS

1. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment, that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.
2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.



First American Title™

Commitment For Title Insurance T-7
REA 071819-247m-JR

ISSUED BY

First American Title Insurance Company

SCHEDULE A

Effective Date: **March 03, 2019** at 8:00 a.m.

GF No. **1002-242666-RTT**

Commitment No. **1002-242666-RTT**, issued **March 14, 2019**, at 8:00 a.m.

1. The policy or policies to be issued are:
 - (a) OWNER'S POLICY OF TITLE INSURANCE (Form T-1)
(Not applicable for improved one-to-four family residential real estate)
Policy Amount: \$9,675,000.00
PROPOSED INSURED: RMGM Developers, LLC, a Texas limited liability company and
2400 Bryan Street, LLC, a Texas limited liability company
 - (b) TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE
ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R)
Policy Amount: \$
PROPOSED INSURED:
 - (c) LOAN POLICY OF TITLE INSURANCE (Form T-2)
Policy Amount: \$TBD
PROPOSED INSURED: TBD
Proposed Borrower: RMGM Developers, LLC, a Texas limited liability company and 2400
Bryan Street, LLC, a Texas limited liability company
 - (d) TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
Policy Amount \$
PROPOSED INSURED:
Proposed Borrower:
 - (e) LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13)
Binder Amount: \$
PROPOSED INSURED:
Proposed Borrower:
 - (f) OTHER
Policy Amount: \$
PROPOSED INSURED:

2. The interest in the land covered by this Commitment is:

FEE SIMPLE

3. Record title to the land on the Effective Date appears to be vested in:

BRYAN STREET LAND HOLDINGS, LLC, a Texas limited liability company

4. Legal description of land:

See Exhibit "A" attached hereto and made a part hereof.

EXHIBIT "A"

Being a 1.4899 acre (64,900 square feet) parcel land situated in the John Grigsby Survey, Abstract 495, Dallas County, Texas, and being out Block 4/312, 1/312 and Block 264 of the City of Dallas, also out of a tract of land, conveyed to MSW Bryan Street, LP, as recorded under Dallas County Clerk's Instrument (D.C.C.I.) No. 201500320339, said 1.4899 acre parcel being more particularly described by metes and bounds as follows:

COMMENCING at a "X" cut in concrete marking the westerly corner of the westerly adjacent tract, also on the southeasterly right-of-way line of Bryan Street, variable width, from which the intersection of the northeasterly right-of-way line of Pearl Street, variable width, bears for reference South 44°33'01" West, 132.80 feet, thence as follows;

North 44°33'01" East, along the southeasterly right-of-way line of said Bryan Street, a distance of 470.00 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the southwesterly corner and the POINT OF BEGINNING of the herein described parcel;

THENCE, North 44°33'01" East, along the southeasterly right-of-way line of said Bryan Street, a distance of 114.99 feet to a "X" cut set in concrete marking an angle point;

THENCE, North 44°45'59" East, continuing along the southeasterly right-of-way line of said Bryan Street, a distance of 194.26 feet to a "X" cut found marking the southwest corner of a called 0.0144 acre tract of land, conveyed to Dallas Area Rapid Transit, as recorded under Dallas County Clerk's Instrument (D.C.C.I.) No. 200503659654;

THENCE, North 62°35'14" East, leaving southeasterly right-of-way line of said Bryan Street, a distance of 56.19 feet, to a 5/8-inch iron rod found at the northwesterly right-of-way line of Live Oak Street (width varies), marking the southeast corner of said 0.0144 acre tract of land, and the north corner of the herein described parcel;

THENCE, South 03°22'09" West, along the northwesterly right-of-way line of said Live Oak Street, a distance of 331.28 feet, to a 5/8-inch iron rod with cap stamped "STANTEC" set marking an angle point;

THENCE, North 45°36'01" West, continuing along the northwesterly right-of-way line of said Live Oak Street, a distance of 19.92 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking an angle point;

THENCE, South 44°14'14" West, continuing along the northwesterly right-of-way line of said Live Oak Street, a distance of 15.45 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking an angle point;

THENCE, South 45°36'01" East, continuing along the northwesterly right-of-way line of said Live Oak Street, a distance of 65.51 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the beginning of a curve to the right;

THENCE, continuing along the northwesterly right-of-way line of said Live Oak Street, and along the arc of said curve to the right having a central angle of 06°59'51", a radius of 933.93 feet, a chord bearing and distance of South 11°16'50" West, 113.99 feet, and an arc length of 114.06 feet to a 5/8-inch iron rod with cap stamped "STANTEC" set marking the end of said curve to the right, also being the southeasterly corner of the herein described parcel;

THENCE, North 45°54'01" West, leaving the northwesterly right-of-way line of said Live Oak Street, a distance of 344.47 feet to the POINT OF BEGINNING, containing an area of 1.4899 acres (64,900 square feet) of land.

Note: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.



First American Title™

Commitment For Title Insurance T-7
REA 3/18/19 4:24pm-JR

ISSUED BY

First American Title Insurance Company

SCHEDULE B

G.F. No. or File No. 1002-242666-RTT

EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Item 1 of Schedule B is hereby deleted in its entirety.

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.
3. Homestead or community property or survivorship rights, if any, of any spouse of any insured. (Applies to the Owner's Policy only.)
4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

(Applies to the Owner's Policy only.)

5. Standby fees, taxes and assessments by any taxing authority for the year 2019, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year 2019 and subsequent years.")
6. The terms and conditions of the documents creating your interest in the land.
7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner.

8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only). Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).
10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
 - a. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
 - b. This item has been intentionally deleted.
 - c. This item has been intentionally deleted.
 - d. Rights of parties in possession and rights of tenants under any unrecorded leases or rental agreements. (May be amended or deleted upon execution of satisfactory affidavit with respect to parties in possession and tenants at closing.)
 - e. This item has been intentionally deleted.
 - f. Limited or lack of access to road or highway abutting subject property as set forth in instrument filed 12/10/1969, recorded in Volume 69239, Page 1729, Real Property Records of Dallas County, Texas, as shown on Survey prepared by Stephen L. Godinich, RPLS No. 5170, of Stantec Consulting Services, Inc., dated 11/26/2018, last revised 02/08/2019.
 - g. Terms, provisions, and conditions of City of Ordinance No. 29184, filed 12/19/2013, recorded in cc# 201300382540, Real Property Records, Dallas County, Texas, as mitigated and completed so that the land is acceptable for residential land use pursuant to the terms, provisions and conditions of the Voluntary Cleanup Program Final Certificate of Completion, filed 08/28/2014, recorded in cc# 201400220126, Real Property Records, Dallas County, Texas.
 - h. This item has been intentionally deleted.
 - i. This item has been intentionally deleted.
 - j. This item has been intentionally deleted.



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Commitment For Title Insurance T-7
REA 5/18/19 p. 24

ISSUED BY

First American Title Insurance Company

SCHEDULE C

G.F. No. or File No. 1002-242666-RTT

Your Policy will not cover loss, costs, attorney's fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
2. Satisfactory evidence must be provided that:
 - no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
 - all standby fees, taxes, assessments and charges against the property have been paid,
 - all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers, and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
 - there is legal right of access to and from the land,
 - (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
3. You must pay the seller or borrower the agreed amount for your property or interest.
4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
5. With respect to item 2 of Schedule C above, the Company will not except in any policies to be issued pursuant to this commitment to 'Lack of a right of access to and from the land'.
6. Require Affidavit as to Debts and Liens and Parties in Possession executed by owner at or prior to closing.
7. In accordance with Section 11.008 of the Texas Property Code, all deeds and deeds of trust transferring an interest in real property to or from an individual and disclosing that individual's social security number or driver's license number must include the following notice on the top of the first page of the instrument in 12 point bold or uppercase font: NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.
8. Require satisfactory evidence of authority to act on behalf of record owner.
9. This item has been intentionally deleted.
10. This item has been intentionally deleted.

11. This item has been intentionally deleted.

REA 3/18/19 1:24pm-JR

12. This item has been intentionally deleted.



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Commitment For Title Insurance T-7
REA 0718749-C-247m-JR

ISSUED BY

First American Title Insurance Company

SCHEDULE D

No:

GF-Number: 1002-242666-RTT

Pursuant to the requirements of Procedural Rule P-21 promulgated by the Commissioner of Insurance:

Shareholders owning, controlling or holding, either directly or indirectly, 10% or more of the shares of First American Title Insurance Company and all individuals partnerships, corporations, trusts or other entities owning ten percent (10%) or more of First American Title Insurance Company as of the last day of the year preceding the date hereinabove set forth are as follows: First American Title Insurance Company, a Nebraska Corporation - 100%, a wholly owned subsidiary of First American Corporation, a public company.

DIRECTORS of First American Title Insurance Company:

Dennis J. Gilmore, Christopher M. Leavell, Mark E. Seaton, Ellen C. Albrecht, Jeffrey S. Robinson

OFFICERS of First American Title Insurance Company:

President and CEO: Dennis J. Gilmore; EVP and Chief Operating Officer: Christopher M. Leavell; Chief Financial Officer: Mark E. Seaton; EVP, Vice Chairman: Kurt P. Pfothenauer; Executive Vice President: John M. Hollenbeck; Executive Vice President: Curt A. Caspersen; Executive Vice President: Sally French Tyler; Executive Vice President: George S. Livermore; Executive Vice President: Evan M. Zanic; Chief Accounting Officer: Matthew F. Wajner; SVP, Secretary: Jeffrey S. Robinson; VP, Treasurer: Matthew McCreadie

TITLE INSURANCE AGENCY: Republic Title of Texas, Inc. (Dallas, TX)

Shareholder, owner, partner or other person having, owning or controlling ten percent (1%) or more of the Title Insurance Title Agent: First American Financial Corporation 100%

Shareholder, owner, partner or other person having, owning or controlling ten percent (10%) or more of an entity that has, owns or controls one percent (1%) or more Title Insurance Agent:
NONE

If the Title Insurance Agent is a corporation the following is a list of the members of the Board of Directors:

Chris M. Leavell, William A. Kramer, David A. Shuttee, Ward Willford, Bo Feagin, Peter Graf, David Kramer

If the Title Insurance Agent is a corporation, the following is a list of its officers:

William A. Kramer, Executive Chairman; David A. Shuttee, Executive Chairman; Ward Willford, Vice Chairman; Bo Feagin, President; Peter Graf, Executive Vice President and General Counsel; David Kramer, Executive Vice President, Western Operations; Linda Brown, Executive Vice President and Chief Financial Officer.

You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving any sum from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium * is:

Owner Policy	\$	41,679.00
Loan Policy	\$	TBD
Endorsement Charges	\$	TBD
Other	\$	TBD
Total	\$	41,679.00

Of this total amount \$ or 15.00% will be paid to the policy issuing Title Insurance Company; \$ or 85.00% will be retained by the issuing Title Insurance Agent, and the remainder of the estimated premium will be paid to other parties as follows:

<u>Amount</u>	<u>To Whom</u>	<u>For Services</u>
\$		
\$		
\$		

*The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance.

**FIRST AMERICAN TITLE INSURANCE COMPANY****Commitment for Title Insurance Form (T-7)****DELETION OF ARBITRATION PROVISION**

(Not applicable to the Texas Residential Owner's Policy)

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the closing of your real estate transaction or by writing to the Company.

The arbitration provision in the Policy is as follows:

"Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured, unless the Insured is an individual person (as distinguished from an Entity). All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction."

SIGNATURE

DATE



Republic Title of Texas, Inc.

PRIVACY STATEMENT



First American

Republic Title of Texas, Inc. ("RTT") is a wholly owned subsidiary of First American Title Insurance Company. RTT and its subsidiary and affiliated companies respect the privacy and security of your non-public personal information ("Personal information") and protecting your Personal information is one of our top priorities. This Privacy Statement explains RTT's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. RTT follows the privacy practices described in this Privacy Statement and, depending on use business performed, RTT may share information described herein.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. RTT and First American have also adopted broader guidelines that govern our use of Personal Information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic Personal Information that we may collect include:

- * Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- * Information about your transactions with us, our affiliated companies, or others;
- * Information we receive from a consumer reporting agency; and
- * Information from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites.

Uses of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your Personal Information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of Personal Information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your Personal Information. We restrict access to Personal Information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your Personal Information will be handled responsibly and in accordance with this Privacy Policy and RTT and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your Personal Information.

Information Obtained Through Our Web Site

RTT and First American Financial Corporation are sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet. In general, you can visit RTT or First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. RTT and First American use this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the Personal Information. Usually, the Personal Information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any Personal Information with us, we will only use it its accordance with the policies outlined above.

Business Relationships

RTT and First American Financial Corporation's sites and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of RTT's and First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive. Republictitle.com and FirstAm.com use stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

- * **Fairness** We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.
- * **Public Record** We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.
- * **Use** We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.
- * **Accuracy** We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.
- * **Education** We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.
- * **Security** We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Effective Date: August 1, 2011

Requests for Correction, Amendment, or Deletion of Personal Information

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, RTT's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Republic Title of Texas, Inc.
Peter S. Graf
General Counsel
2626 Howell Street, 10th Floor
Dallas, Texas 75204

Changes to this Privacy Statement

This privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated below, indicates the last time this Privacy Statement was revised or materially changed.



First American Title™

Important Notice

ISSUED BY

First American Title Insurance Company

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call First American Title Insurance Company's toll-free telephone number for information or to make a complaint at:

1-888-632-1642

You may also write to First American Title Insurance Company at:

**1 First American Way
Santa Ana, California 92707**

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may write the Texas Department of Insurance:

*P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007
Web: <http://www.tdi.texas.gov>
E-mail: ConsumerProtection@tdi.texas.gov*

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact First American Title Insurance Company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANTE

Para obtener información o para presentar una queja:

Usted puede llamar al número de teléfono gratuito de First American Title Insurance Company's para información o para presentar una queja al:

1-888-632-1642

Usted también puede escribir a First American Title Insurance Company:

**1 First American Way
Santa Ana, California 92707**

Usted puede comunicarse con el Departamento de Seguros de Texas para obtener información sobre compañías, coberturas, derechos, o quejas al:

1-800-252-3439

Usted puede escribir al Departamento de Seguros de Texas a:

*P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007
Web: <http://www.tdi.texas.gov>
E-mail: ConsumerProtection@tdi.texas.gov*

DISPUTAS POR PRIMAS DE SEGUROS O RECLAMACIONES:

Si tiene una disputa relacionada con su prima de seguro con una reclamación, usted debe comunicarse con el First American Title Insurance Company primero. Si la disputa no es resuelta, usted puede comunicarse con el Departamento de Seguros de Texas.

ADJUNTE ESTE AVISO A SU PÓLIZA:

Este aviso es solamente para propósitos informativos y no se convierte en parte o en condición del documento adjunto.

ACCESS AND USE EASEMENT AGREEMENT

This Access and Use Easement Agreement (the “**Agreement**”) is entered into effective as of the ____ day of _____, 2019, by and between 2400 Bryan Street, LLC, a Texas limited liability company, whose address is 320 Main Street West, Lewisville, TX 75057 (“**Grantee**”), and Bryan Street Land Holdings, LLC, a Texas limited liability company, (“**Grantor**”) who may collectively be referred to for convenience as the “**Parties**” or, individually, as a “**Party**.”

RECITALS

- A. Grantee is developing a mixed use development, together with associated improvements, on real property located in the City of Dallas, Dallas County, Texas, more particularly described in **Exhibit “A”** attached hereto (“**Tract 1**”).
- B. Grantor is the owner of certain real property in the City of Dallas, Dallas County, Texas, more particularly described in **Exhibit “B”** attached hereto located adjacent to Tract 1 (“**Tract 2**”).
- C. A sketch showing the approximate location of Tract 1 and Tract 2 is attached hereto as **Exhibit “C.”**

NOW, THEREFORE, in consideration of the foregoing and mutual representations, warranties, covenants and agreements herein contained, and such other consideration, the receipt of which is hereby acknowledged by the parties, the Parties mutually agree as follows:

AGREEMENT

1. **Grant of Access and Use Easement.** Grantor hereby grants and conveys to Grantee, its successors, assigns, employees, tenants and invitees a perpetual, non-exclusive easement for access over and across the driveways located within Tract 2 (the “**Shared Driveways**”). In addition, Grantor grants to Grantee a non-exclusive twenty (20) foot easement across the eastern edge of Tract 2 to be used to be used for the installation of a water line serving Tract 1, as more particularly shown on **Exhibit “D”** and to be used solely to be used to provide water access to Tract 1.
2. **Construction, Maintenance and Repair of the Shared Driveway.**
 - a. **General.** Grantor its successors and assigns, shall bear the cost of maintaining and repairing the Shared Driveway.
 - b. **Extraordinary Repair Costs.** In the event of any extraordinary cost of repair or rebuilding due solely to the act or omission, whether through negligence or otherwise, of

either Party or its tenant(s), guest(s) or invitee(s), shall be borne solely by the Party responsible for such extraordinary cost.

3. **Insurance.** Grantee and Grantor shall each maintain in force, at its own expense, during the term of this Agreement, (a) a policy of Commercial General Liability Insurance, which also names the other Party as an additional insured of at least \$1,000,000, per occurrence, \$2,000,000, aggregate, with an additional \$5,000,000 umbrella coverage.
4. **Indemnification.** The Parties shall each indemnify, exonerate and hold the other Party, its principals, officers, directors, agents, employees, servants and all persons for whom such other Party is legally responsible harmless from and against any loss, cost, damage and expense of whatever kind arising directly or indirectly from the Party's breach of this Agreement, including, but not limited to, reasonable attorneys' fees and court costs, except to the extent such loss, damage, cost or expense is directly due to the gross negligence or willful misconduct of the other Party or any person for whom the other Party is legally responsible. The provisions of this Section 4 shall survive termination of this Agreement insofar as any claims with respect to such indemnification are filed prior to, or within three (3) years of the expiration or termination of the Agreement.
5. **Release and Waiver of Subrogation Rights.** To the extent allowable under the laws and regulations governing the writing of insurance required within the state of Texas, the Parties each release the other and their respective agents and employees from all liability to each other, or anyone claiming through or under them, by way of subrogation or otherwise, for any loss or damage to property caused by or resulting from risks insured against under this Agreement, pursuant to insurance policies carried by the Parties which are in force at the time of the loss or damage. The Parties will each request its insurance carrier to include in policies provided pursuant to this Agreement an endorsement recognizing this waiver of subrogation. The provisions of this Section 5 shall survive termination of this Agreement.
6. **Default.**
 - a. **General.** In the event either Party breaches any term or condition of this Agreement, the non-breaching Party shall have available to them any remedies available at law or in equity, except for any remedy which would deprive any tenant, guest or invitee of Grantee or Grantor use of the Shared Driveway.
 - b. **Attorney's Fees.** In the event of any controversy, claim or action being filed or instituted to enforce or interpret any of the terms of this Agreement, the prevailing Party will be entitled to receive from the other Party all costs, damages and expenses, including reasonable attorney's fees incurred by the prevailing Party, whether or not such controversy or claim is litigated or prosecuted to judgment. The prevailing Party will be that Party who is awarded judgment as a result of trial or arbitration, or who receives a payment of money from the other Party in settlement of claims asserted by that Party or who causes performance by the other Party of the other Party's obligations hereunder.

- c. **Self Help.** Each Party hereby grants to the other Party, for the benefit of each respective Parcel, an easement to enter the other Party's Parcel for the following purposes: (i) to perform such work as is necessary to cure any default by the other Party under this Agreement; and (ii) to perform any obligations or exercise any other rights the Party has under this Agreement, provided that Grantor shall not exercise any rights pursuant to the forgoing which would interfere with the use and enjoyment of the Property by the tenants of Tract 1, included, but not limited to common areas and rental units
 - d. **Forbearance Not a Waiver.** The failure of a Party to insist upon strict performance of any of the terms, covenants, conditions or agreements contained herein shall not be deemed a waiver of any rights or remedies that said Party may have, and shall not be deemed a waiver of any subsequent breach or default in the performance of any of the terms, covenants, conditions or agreements contained herein by the same or any other Party.
 - e. **Remedies Not Exclusive.** In addition to the remedies set forth in this Agreement, each Party entitled to enforce this Agreement shall have all other remedies provided by law to the same extent as if fully set forth herein word for word. No remedy herein conferred upon, or reserved to any Party, shall exclude any other remedy herein or by law provided, but each shall be cumulative.
7. **Entire Agreement.** This Agreement constitutes the whole agreement between the Parties hereto and no warranties, agreements or representations have been made or shall be binding upon either Party unless set forth within this Agreement or within a written addendum executed by both Parties hereto. All prior oral agreements between the Parties are merged into and superseded by this Agreement.
 8. **Amendments.** This Agreement may not be amended, modified or changed except by a writing signed by both of the Parties hereto.
 9. **Notice.** All notices shall be addressed to the Parties at such addresses as are specified in page one of this Agreement or as the Parties may from time to time direct in writing. Any notice under this Agreement shall be in writing and delivered in person or by public or private courier service (including U.S. Postal Service Express Mail, Federal Express, and UPS) or certified mail or facsimile. Any notice given by certified mail shall be sent with return receipt requested. Any notice given by facsimile shall be verified by a facsimile confirmation. All notices pursuant to facsimile shall be sent to such facsimile number as the Parties may direct in writing. Any notice shall be deemed to have been given on (a) the actual day or delivery or refusal, (b) the day of mailing by registered or certified mail, or (c) the day facsimile delivery is verified.
 10. **Binding Agreement.** This Agreement shall extend to and bind the representatives, successors and assigns of the Parties hereto and shall run with the land.
 11. **Severability.** If any term or provision of this Agreement or the application of it to any Party or circumstance shall to any extent be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to Parties or circumstances, other

than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

12. **Not a Partnership.** The provisions of this Agreement are not intended to create, nor shall they be in any way interpreted or construed to create a joint venture, partnership, or any other similar relationship between the Parties.
13. **Captions and Headings.** The captions and headings in this Agreement are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.
14. **Exhibits and Recitals.** The recitals above and the exhibits attached are incorporated herein and made a part hereof to the full extent as if each were set forth in its entirety in the body hereof.

[Signatures on following pages]

IN WITNESS WHEREOF, Grantee and Grantor have executed this agreement as of the date first written above.

GRANTOR:

Bryan Street Land Holdings, LLC, a Texas limited liability company

By: _____
Kristian Teleki
Authorized Representative

GRANTEE:

2400 BRYAN STREET, LLC, a Texas limited liability company

By: 2400 BRYAN STREET GP, LLC, a Texas limited liability company, its managing member

By: RMGM BRYAN STREET, LLC, a Texas limited liability company, its manager

By: _____
Kristian Teleki, Authorized Representative

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the ___ day of _____, 2019, by Adam Miller, authorized representative of the Grantor, Bryan Street Land Holdings, LLC, a Texas limited liability company, behalf of said limited liability company.

NOTARY PUBLIC, STATE OF _____
Notary's Printed Name: _____

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the ___ day of _____, 2019, by Kristian Teleki, authorized representative, on behalf of Grantee, 2400 Bryan Street, LLC, a Texas limited liability company, on behalf of said limited liability company.

NOTARY PUBLIC, STATE OF _____
Notary's Printed Name: _____
Comm. Expires: _____

EXHIBIT "A"

EXHIBIT "B"

EXHIBIT "C"

EXHIBIT "D"

Development Narrative

1. The proposed Development is: (Check all that apply)

New Construction

and/or:

(adaptive reuse select New Construction here and adaptive reuse in next box)

Previous TDHCA # If Acquisition/Rehab or Rehab, original construction year:

If Reconstruction, Units Demolished Units Reconstructed

If Adaptive Reuse, Additional Phase, or Scattered Site, include detailed information in the Narrative (4.) below.

2. The Target Population will be:

*Applicants seeking to be scored as Supportive Housing **must** select Supportive Housing as the population.*

§10.3(46) If Elderly Preference is selected, complete the statement below and submit supporting documentation behind this tab.

Elderly Preference is based on funding from:

3. Staff Determinations regarding definitions of development activity obtained?

If a determination under §10.3(b) of the Uniform Multifamily Rules was made prior to Application submission, provide a copy of such determination behind this tab.

4. Narrative

Briefly describe the proposed Development, including any relevant information not already identified above.

[Provided under separate cover](#)

If a revised form is submitted, date of submission:

5. Funding Request:

Complete the table below to describe this Application's funding request. If applying for Multifamily Direct Loan funds, please select only one type of loan.

Department Funds applying for with this Application	Requested Amount	If funds will be in the form of a Direct Loan by the Department or for Private Activity Bonds, the terms will be:		
		Interest Rate (%)	Amortization (Years)	Permanent Term (Years)
Multifamily Direct Loan: Const. to Perm (Repayable)			30	
Multifamily Direct Loan: Construction Only (Repayable)				
Multifamily Direct Loan: Const. to Perm. (Soft Repayable)		0.00%		
CHDO Operating Expenses Grant				
Housing Tax Credits	\$ 1,500,000			
Private Activity Mortgage Revenue				

6. §11.5 - Set-Aside (For Competitive HTC & Multifamily Direct Loan Applications Only)

Identify any and all set-asides the application will be applying under with an "x". Set-Asides can not be added or dropped from pre-application to full Application for Competitive HTC Applications.

Competitive HTC Only				Multifamily Direct Loan Only			
At-Risk	Nonprofit	USDA		CHDO	SH/SR		

By selecting the set-aside above, I, individually or as the general partner(s) or officers of the Applicant entity, confirm that I (we) are applying for the above-stated Set-Aside(s) and Allocations. To the best of my (our) knowledge and belief, the Applicant entity has met the requirements that make this Application eligible for this (these) Set-Aside(s) and Allocations and will adhere to all requirements and eligibility standards for the selected Set-Aside(s) and Allocations.

7. Previously Awarded State and Federal Funding

Has this site/activity previously applied for TDHCA funds?

Has this site/activity previously received TDHCA funds?

If "Yes" Enter Project Number: and TDHCA funding source:

Has this site/activity previously received non-TDHCA federal funding?

If yes, source:

Will this site/activity receive non-TDHCA federal funding for costs described in this Application?

8. Qualified Low Income Housing Development Election (HTC Applications only)

Pursuant to §42(g)(1)(A) & (B), the term "qualified low income housing development" means any project or residential rental property, if the Development meets one of the requirements below, whichever is elected by the taxpayer." Once an election is made, it is irrevocable. Select only one:

- At least 20% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 50% or less of the area median gross income, adjusted for family size.
- At least 40% or more of the residential units in such development are both rent restricted and occupied by individuals whose income is 60% or less of the median gross income, adjusted for family size.

If a revised form is submitted, date of submission:

Development Activities

1. Common Amenities (ALL Multifamily Applications §10.101(b)(5))

of Units must qualify for Points

Development will provide sufficient common amenities to qualify for the number of points indicated above, pursuant to §10.101(b)(5) of the Uniform Multifamily Rules. Applications for scattered site developments should refer to §10.101(b)(5)(B) of the Uniform Multifamily Rules.

2. Unit Requirements (ALL Multifamily Applications §10.101(b)(6)(A) and (B))

A. Unit Sizes

Development is New Construction or Reconstruction and will meet the minimum Unit Size requirements:

Bedroom Size	0	1	2	3	4
Square Footage	500	600	800	1,000	1,200

OR:

Development is proposing Rehabilitation (excluding Reconstruction) or Supportive Housing, and does not adhere to the size requirements above.

B. Unit Amenities (For Competitive HTC Applications, see Tab 19 for Unit and Development Features)

Application is a Tax Exempt Bond Development and will meet a minimum of seven (7) points as outlined in §10.101(b)(6)(B) of the Uniform Multifamily Rules.

Application is HOME only or other Department Direct Loan and will meet a minimum of four (4) points as outlined in §10.101(b)(6)(B) of the Uniform Multifamily Rules.

**** Rehabilitation Developments will start with a base score of three (3) points and Supportive Housing Developments will start with a base score of five (5) points.****

3. Tenant Supportive Services (For Competitive HTC Applications and Direct Loan Applications seeking to qualify for points under §13.6, see Tab 19 for Tenant Services elections)

Application is a **Tax Exempt Bond Development** and will meet a minimum of eight (8) points as outlined in §10.101(b)(7) of the Uniform Multifamily Rules.

Application is **only requesting Direct Loan funds** and will meet a minimum four (4) points as outlined in §10.101(b)(7) of the Uniform Multifamily Rules.

4. Development Accessibility Requirements (ALL Multifamily Applications)

Development will meet all specifications and accessibility requirements reflected in the Certification of Development Owner form pursuant to §10.101(b)(8) of the Uniform Multifamily Rules.

All Units accessed by the ground floor or by elevator (“affected units”) comply with the visitability requirements in clauses (i) – (iii) of 10 TAC §10.101(b)(8)(B).

and

Development will meet all specifications and accessibility requirements reflected in 10 TAC Chapter 1, Subchapter B, §1.207.

Development has a minimum of 5% of all units in the development set aside for the mobility impaired and an additional 2% set aside for the hearing and/or visually impaired.

Regardless of building type, all Units accessed by the ground floor or by elevator (“affected units”) must comply with the visitability requirements in clauses (i) – (iii) of 10 TAC §10.101(b)(8)(B).

Development Activities (Continued)

self score 123

1. Size and Quality of Units (Competitive HTC Applications only) [§11.9(b)]

Development is Rehabilitation and either Supportive Housing or USDA financed OR meets the minimum size requirements identified below: Points claimed: 8

Bedroom Size	0	1	2	3	4
Square Footage	550	650	850	1,050	1,250

Specific amenities and quality features will be provided in every Unit at no extra charge to the tenant; Development will maintain the points selected and associated with those amenities as outlined in §10.101(b)(6)(B) of the Uniform Multifamily Rules.* Points claimed: 7

** Direct Loan applicants proposing new construction or rehabilitation should be prepared to comply with requirements of the newly published Federal rule at 81 FR 92626, which requires installation of broadband infrastructure at the time of new construction or substantial rehabilitation of multifamily rental housing that is funded or supported by HUD.*

2. Rent Levels of Tenants and Tiebreaker (Direct Loan Applications only) [§13.6(e) and (f)]

At least 20 percent of all low-income Units at 30% or less of AMGI* Direct Loan Points: 0

At least 10 percent of all low-income Units at 30% or less of AMGI or, for a Development located in a Rural Area, 7.5 percent of all low-income Units at 30% or less of AMGI* Direct Loan Points: 0

At least 5 percent of all low-income Units at 30% or less of AMGI* Direct Loan Points: 0

In the event of a tie with another application or applications, this percentage of 30% AMGI MFDL units within the Development would be converted to be available to households at 15% AMGI.

** Applicants electing to restrict units at 30% AMGI for Competitive HTC purposes may not count those units for point scoring under §13.6(e). However, 50% AMGI and 60% AMGI units that are layered with 30% AMGI units for Direct Loan purposes may count for point scoring under §13.6(e). Points claimed here will not appear on the Self Score tab.*

3. Income Levels of Tenants (Competitive HTC Applications only) [§11.9(c)(1)]

56 Total Number of Units at 50% or less of AMGI

11 Number of 30% Units used to score points under §11.9(c)(2)* CHECK YOUR MATH!

Number of 30% Units used under §11.4(c)(3)(D) regarding an Increase in Eligible Basis (30% boost)

45 Number of Units at 50% or less of AMGI available to use for points under §11.9(c)(1)

40.54% Percentage used for calculation of eligible points under §11.9(c)(1)

Mark **only one** box below:

Development is located in a Non-Rural Area of the Dallas, Fort Worth, Houston, San Antonio or Austin MSA; or 16

Developments proposed in all other areas. 0

** Applicants electing the 30% boost for additional 30% units are advised to ensure the units used to support the boost are not included in the units needed to achieve the Application's scoring elections.* Points Claimed: 16

4. Rent Levels of Tenants (Competitive HTC Applications only) [§11.9(c)(2)]

Mark **only one** box below:

At least 20% (less Units used for eligibility for boost) of all low-income Units are restricted at 30% or less of AMGI; development is Supportive Housing proposed by a Qualified Nonprofit Organization. 0

Development is urban and at least 10% (less Units used for eligibility for boost) of all low-income Units are restricted at 30% or less of AMGI; or 11

Development is located in a Rural Area and 7.5% (less Units used for eligibility for boost) of all low-income Units are restricted at 30% or less of AMGI; or 0

At least 5% of all low-income Units at 30% or less of AMGI 0

Points Claimed: 11

5. Tenant Services (Competitive HTC Applications and Direct Loan Applications) [§11.9(c)(3) and §13.6(6)]

Development will provide a combination of supportive services as identified in §10.101(b)(7) and those services will be recorded in the Development's LURA.

Supportive Housing Development proposed by a Qualified Nonprofit 0

All other Developments. 9

The Applicant certifies that the Development will contact local service providers, and will make Development community space available to them on a regularly-scheduled basis to provide outreach services and education to the tenants. Points Claimed:

1
10

6. Tenant Populations with Special Housing Needs (Competitive HTC, MFDL, and Section 811 Applications) [§11.9(c)(7); §13.6(6)]

Applicants scoring points under the Section 811 PRA program should pay close attention to the URA requirements included in Tab 21, Davis Bacon requirements under TAB 44 and the environmental clearance requirements included in Tab 47.

If pursuing these points, Applicants must try to score first with subparagraph (A) and then subparagraph (B). Only if an Applicant or Affiliate cannot meet the requirements of subparagraphs (A) or (B) may an Application qualify for points under subparagraph (C). Select **only one** scoring scenario below:

A Applicant or Affiliate Owns or Controls an **Existing Development** that is included on the List of Eligible Existing Developments for Participation in the Section 811 PRA Program (See 10 TAC §8.3 and 10 TAC 8.4)

Existing Development Name: _____ TDHCA #: _____

Attached behind this tab is the executed Certification for Section 811 PRA Program Participation. Points Claimed:

2

OR

B If not scoring under A above, Applicant or Affiliate is committing at least 10 Units in the proposed Development for participation in the Section 811 PRA Program

Applicant or Affiliate has attached behind this tab an explanation and documentation regarding the Applicant's or Affiliate's lack of Ownership interest or Control of any Existing Development that is included on the List of Qualified Existing Developments for Multifamily Programs;

AND

Attached behind this tab is the executed Certification for Section 811 PRA Program Participation. Points Claimed:

0

OR

C If cannot score under A or B above, Applicant elects to set-aside at least 5 percent of the total Units for Persons with Special Needs. **Applications including MFDL cannot elect to score points under this item.** The Department will require an initial minimum twelve-month period during which Units must either be occupied by Persons with Special Needs or held vacant, unless the units receive HOME funds from any source.

Applicant or Affiliate has attached behind this tab an explanation and documentation regarding the Applicant's or Affiliate's lack of Ownership interest or Control of any Existing Development that is included on the List of Qualified Existing Developments for Multifamily Programs; and the Development applying for funding has a disqualifying factor described below:

Mark **any** of the following factors that disqualify the development applying for funding from participating in the Section 811 PRA Program and provide documentation supporting the selection:

The Development is not proposing to use and previously did not use federal funding (such as HOME or CDBG funds), and the Development was originally constructed before 1978;

Development only has units available that have existing or proposed project-based rental or long-term operating assistance that will be in effect when the property is operating or within six months of receiving Section 811 PRA Program assistance;

Development only has units available that are restricted for persons with disabilities. A Development having a **preference** for Persons with Disabilities or a use restriction for Special Needs Populations **is not a disqualifying factor** for purposes of this scoring item.

Development only has units with an existing or proposed 62 or more age restriction.

Development is not located in Austin-Round Rock MSA, Brownsville-Harlingen MSA, Corpus Christi MSA, Dallas-Fort Worth-Arlington MSA, El Paso MSA, Houston-The Woodlands-Sugar Land MSA, McAllen-Edinburg-Mission MSA, or San Antonio-New Braunfels MSA.

The Development is a new construction project and located in the mapped 500-year floodplain or in the 100-year floodplain according to FEMA's most current Flood Insurance Rate Maps.

The Development is located in a coastal high hazard area (V Zone) or regulatory floodway.


Other disqualifying factor (please explain) _____

Points Claimed:

0

Application is seeking points for Tenant Populations. Points Claimed:

2

7. **Pre-Application Participation (Competitive HTC Applications only) [§11.9(e)(3)]**
 Development is requesting Pre-Application Points. 6
8. **Extended Affordability (Competitive HTC Applications only) [§11.9(e)(5)]**
 Development will maintain a 35 year Affordability Period. 2
9. **Historic Preservation (Competitive HTC Applications only) [§11.9(e)(6)]**
 Application requests points for Historic Preservation.
 Application contains a letter from the Texas Historical Commission (THC) determining preliminary eligibility for federal or state historic (rehabilitation) tax credits.
 Application includes documentation from the Texas Historical Commission that the property is currently a Certified Historic Structure or determining preliminary eligibility for status as a Certified Historic Structure.
 Development will be able to document receipt of historic tax credits by the time Forms 8609 are issued.
 At least 75% of the residential units will be within the Certified Historic Structure.
 Attached behind this tab are the THC letter and other documentation described above.
 Application is eligible for five (5) points.  0
10. **Right of First Refusal (Competitive HTC Applications only) [§11.9(e)(7)]**
 Development Owner agrees to provide a Right of First Refusal to purchase the Development upon or following the end of the Compliance Period. 1
11. **Funding Request Amount (Competitive HTC Applications only) [§11.9(e)(8)]**
 Application reflects funding request for no more than 100% of the amount available in the subregion or set-aside as of 12/5/2017. 1

Architectural Drawings Must be Submitted Behind this Tab [§10.204(b)(9)]
(If development is scattered site, consult staff.)

- Site Plan which:
 - states the size of the site on its face
 - includes a unit and building type table matrix that is consistent with the Rent Schedule and Building and Unit Configuration forms in labeling the buildings, stating sizes, etc.
 - identifies all residential and common buildings and labels them consistently with the Building/Unit Type Configuration form
 - clearly delineates the flood plain boundary lines or states there is no floodplain
 - identifies all easements, regardless of how they are held
 - indicates placement of detention/retention pond(s) or states there are no detention ponds
 - indicates the location and number of parking spaces, garages and carports
 - indicates the location and number of accessible parking spaces (review application webinar)
 - includes information regarding local parking requirements
 - indicates compliant accessible routes
 - includes a unit and building type table matrix that indicates the distribution of accessible Units
 - describes if applicable how flood mitigation or other required mitigation will be accomplished.
- Residential Building floor plans should include the following, building by building:
 - separate tabulation of the square footage of each of these areas: breezeways, corridors, utility closets, porches and patios, and any other square footage not included in NRA
 - location of accessible units
- Common Building floor plans should include the following, building by building:
 - tabulation of the square footage of conditioned (heated and cooled) spaces that are accessible to tenants, e.g., offices for tenant/management contact, clubrooms, kitchens, exercise rooms, laundries, etc. (state each area separately).
 - tabulation of the square footage of conditioned areas that are restricted to employees, only, e.g., administrative offices, maintenance areas, etc. (state each area separately).
 - tabulation of the square footage of unconditioned areas that are accessible to tenants, e.g., porches, patios, mailbox areas, etc. (state each area separately)
 - tabulation of the square footage of unconditioned areas that are restricted to employees, only, e.g., maintenance areas, equipment rooms, storage, etc. (state each area separately)
 - For Supportive Housing only**, specification of space to be used for 50 sq ft/unit common space
- Unit floor plans for each type of Unit
 - 5% of each Unit type are accessible to tenants with a mobility impairment, and 2% are accessible to tenants with a vision or hearing impairment
 - All Units accessed by the ground floor or by elevator comply with the visitability requirements of 10.101(b)(8)(B)(iii)
- Elevations for each side of each building type and must include:
 - a percentage estimate of the exterior composition of each elevation
 - roof pitch
- Photos of building elevations (Rehab and Adaptive Reuse not altering the unit configuration)

Exterior Changes from
Perkins & Will
(the project architects)

2. and 6. The original underwriting report describes the Development as a 14-story concrete and steel constructed building with an exterior combination of brick, casement windows and storefront glazing and a garage that is open-air behind metal screens. Please explain if there have been any significant modifications of the architectural design (materials, elevations, etc) above and beyond the change in footprint and the change in stories that should be included in this amendment request. **15-story concrete and steel constructed building with an exterior combination of brick, window wall and curtain wall glazing, and a garage that is open-air behind metal screens.**

PERKINS+WILL

March 29, 2019

R. Brent Stewart
Real Estate Analysis Division
Texas Department of Housing & Community Affairs
221 E. 11th Street | Austin, TX 78701

Re: Architect Statement of Clarification

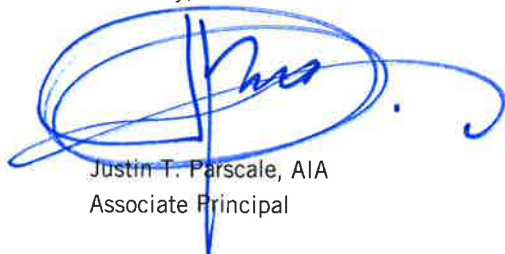
Dear Mr. Stewart,

The below response is to alleviate the concerns described in the email received by our client March 26, 2019.

We affirm that the current set of documents (Architectural, Structural and MEP), are considered a 50% Construction Document level, will be used to obtain our building permit in our Q-team review with the City of Dallas, currently scheduled on April 15th. In addition, these construction documents are the same set of documents used for the pricing and soliciting of bids by the general contractor, Jordan Foster. Our design team has worked collaboratively with Jordan Foster, and their key trade-partners, to make every effort in balancing costs while adhering to the fundamental design guidelines as set forth by the TDHCA. Any in-progress documentation scope not yet fully completed has been extensively reviewed directly with the general contractor. The general contractor has captured the complete scope in the current construction budget through appropriately sized and approved allowances. Alignment of the final construction documents and specifications are included in Perkins+Will's forthcoming Issued for Construction documents. We affirm that the bids reviewed with Jordan Foster are consistent with what we are seeing on other projects of similar scale and construction type in this specific market.

If you have any other questions, or need any more information, please write or call.

Sincerely,



Justin T. Parscale, AIA
Associate Principal



9639 Greenville Avenue
Dallas, TX 75243
P: 214.349.7900
F: 214.349.7910

A Foundation of Excellence.™

March 29, 2019

R. Brent Stewart
Real Estate Analysis Division
Texas Department of Housing & Community Affairs
221 E. 11th Street | Austin, TX 78701

Mr. Stewart,

Jordan Foster has worked extensively over the past year with Perkins & Will and Matthews Southwest to develop a working set of construction documents that are in alignment with DFW market conditions. The project teams diligent efforts have identify efficient and economical construction materials and methods that best support the construction of this project.

Jordan Foster's confidence in the number provided to Matthews Southwest on March 26, 2019 is based upon three key facts. One, strong support from the subcontractor community. For the majority of the scopes of work Jordan Foster received three or more bid packages. Two, the project team has a clear understanding of the design items still being developed. These items and the associated costs are outlined in Jordan Foster's clarifications and assumptions and the project team has allocated appropriate costs for these items. Three, the cost presented is in alignment with similar projects Jordan Foster is working on the DFW metropolex which on average are coming in at \$240 dollars per square foot.

The project team has dedicated hundreds of hours towards the pricing of this project, and in assisting the design team. The preconstruction effort to date has laid a strong foundation for which this project will be built on, and Jordan Foster is confident we will execute a construction agreement by the end of April.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'S Hesters', written over a light blue horizontal line.

Shane Hesters
Vice President
Jordan Foster Construction

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A61 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE 'A41' UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS; TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR COLUMN ENCASMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 4" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES. FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD, MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PERKINS + WILL

2218 BRYAN ST, SUITE 200, DALLAS, TX 75201
1214.283.8700
www.perkinswill.com

CONSULTANTS

- CIVIL: STANTEC, 12222 MERIT DR, SUITE 400, DALLAS, TX 75251
- STRUCTURAL: CLICK ENGINEERING, 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
- MECHANICAL & PLUMBING ENGINEERS: 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
- LANDSCAPE ARCHITECTURE: JOHNSTON LANDSCAPE ARCHITECTURE, 1 VICKSBURG LANE, RICHARDSON, TX 75080
- ELECTRICAL: ACTS 29 CONSULTING, 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

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320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

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9639 GREENVILLE, DALLAS, TX 75243

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JUSTIN PARRALE
LICENSE NO. 19729

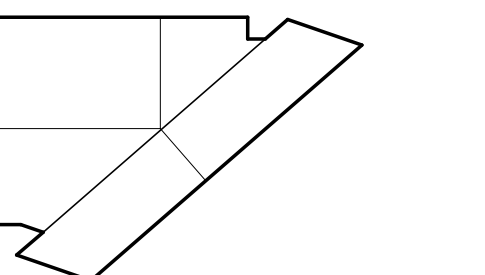
PROJECT

BRYAN STREET RESIDENTIAL TOWER
2400 BRYAN ST.
DALLAS, TX 75201



MATTHEWS SOUTHWEST
320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

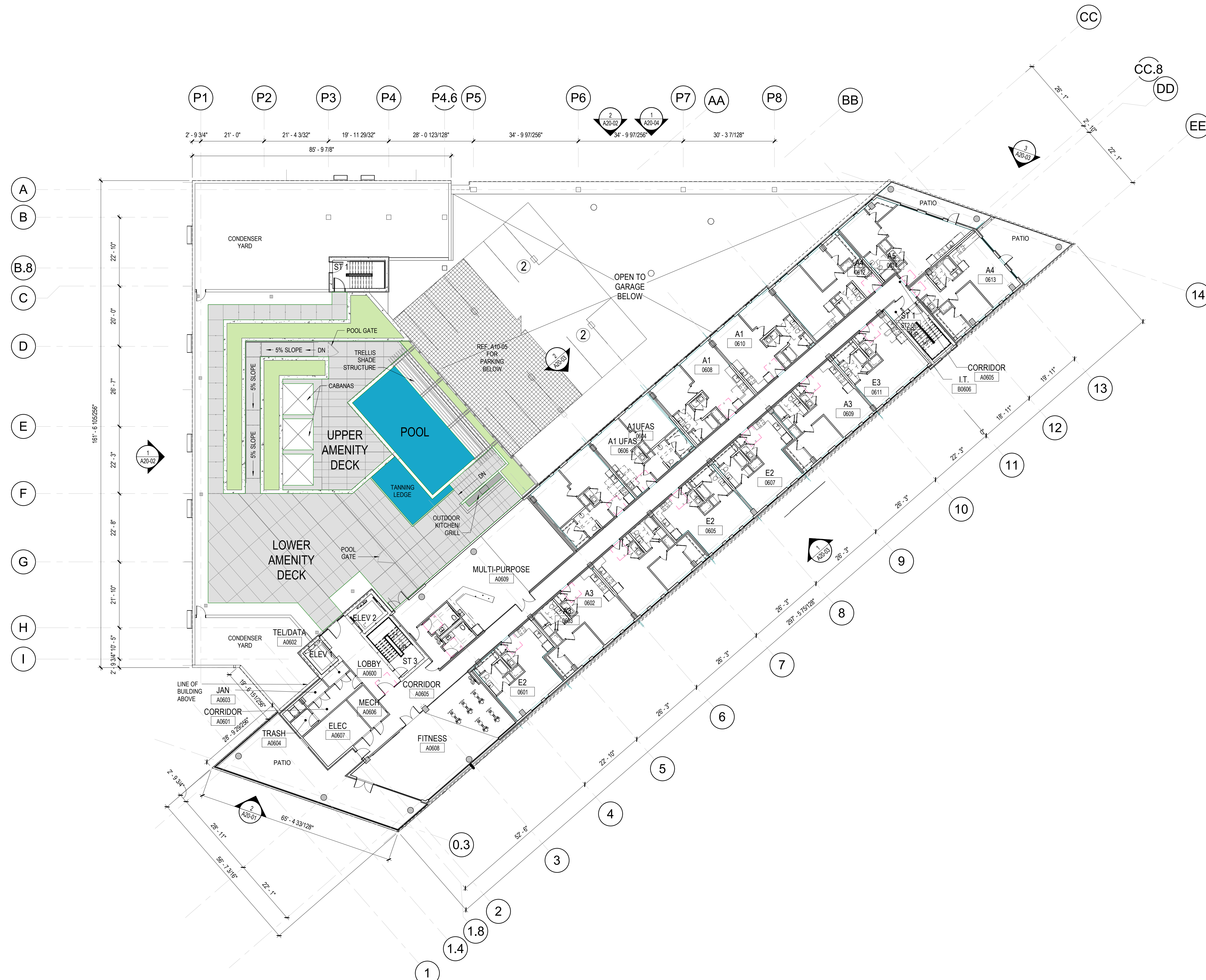
MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

TITLE

OVERALL PLAN - LEVEL 06

SHEET NUMBER

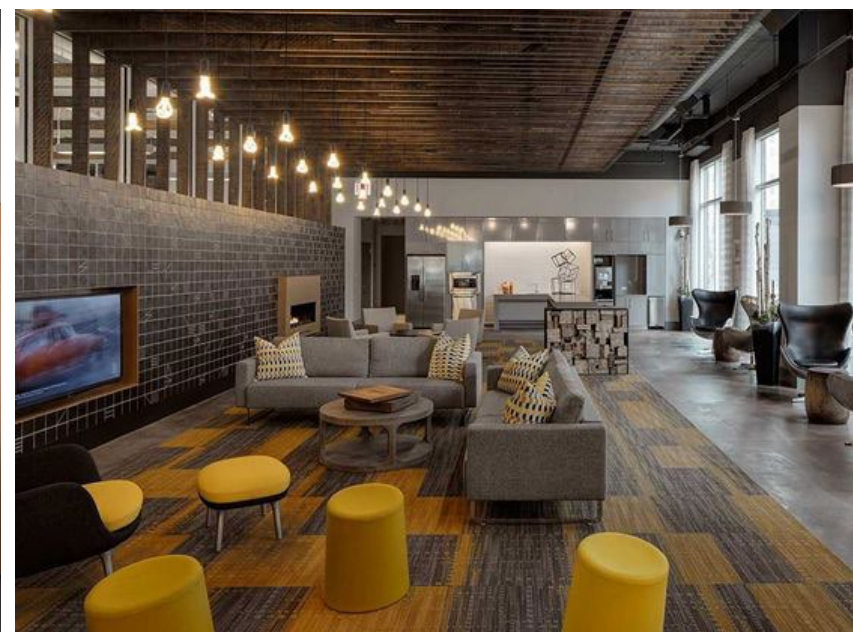
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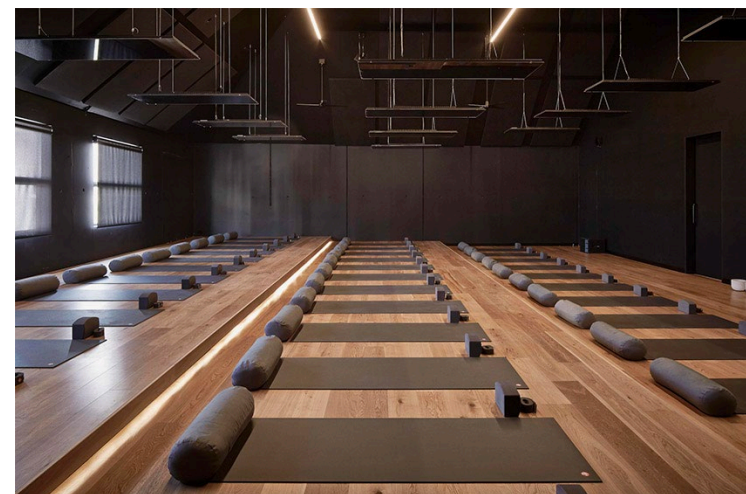
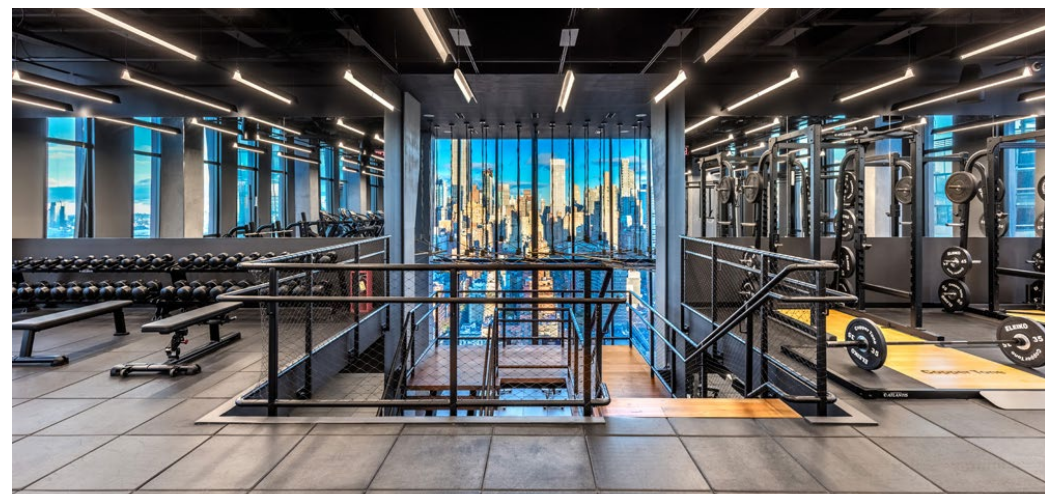
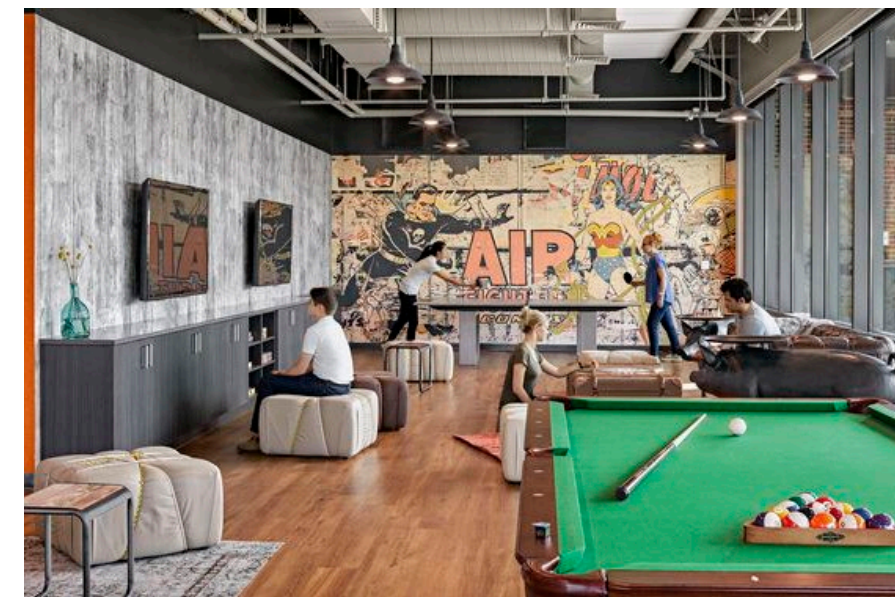
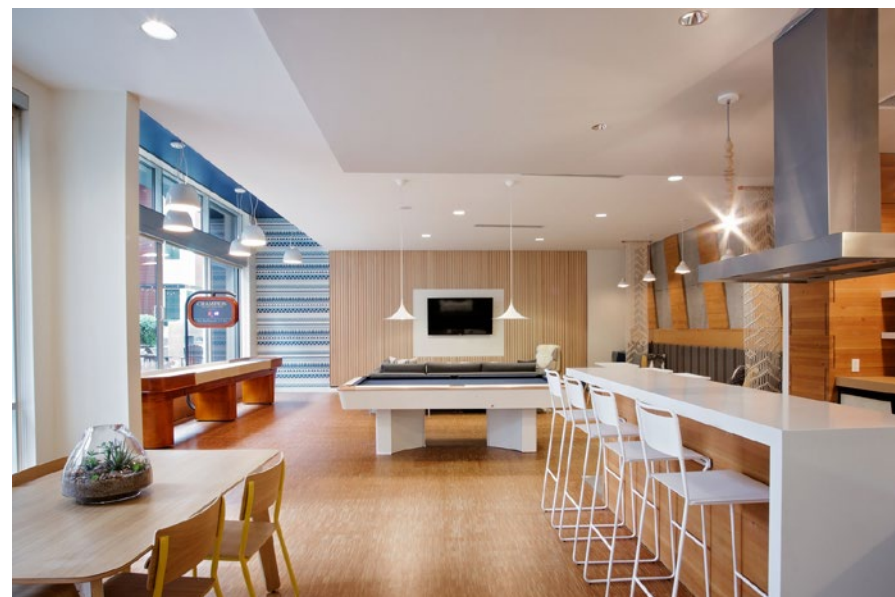
1 OVERALL PLAN - LEVEL 06
1/16" = 1'-0"



AMENITY LOUNGE + FITNESS | LOOK AND FEEL

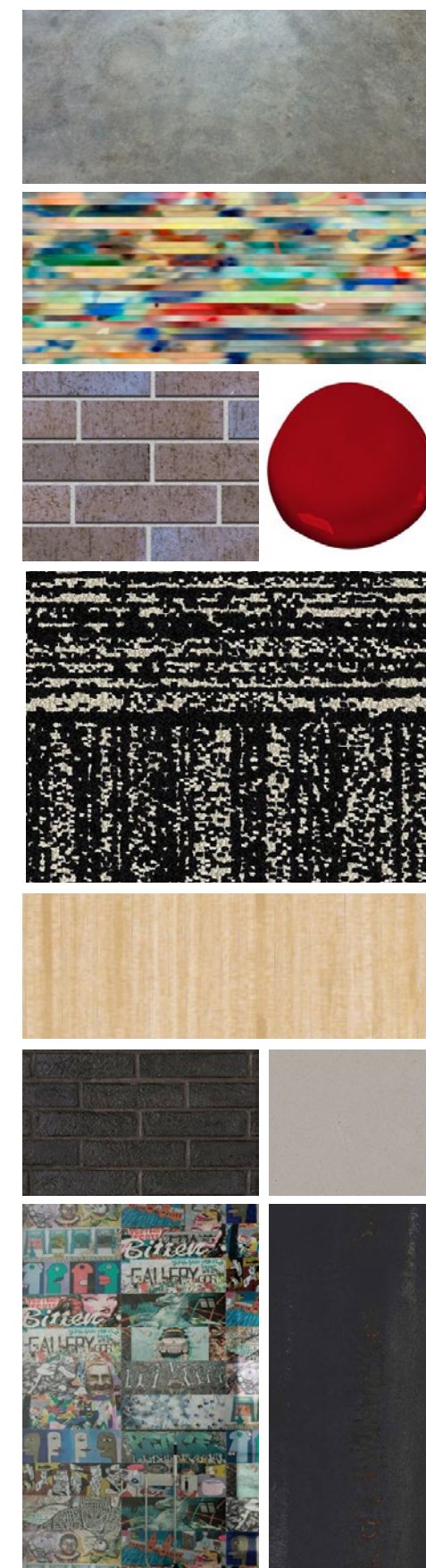
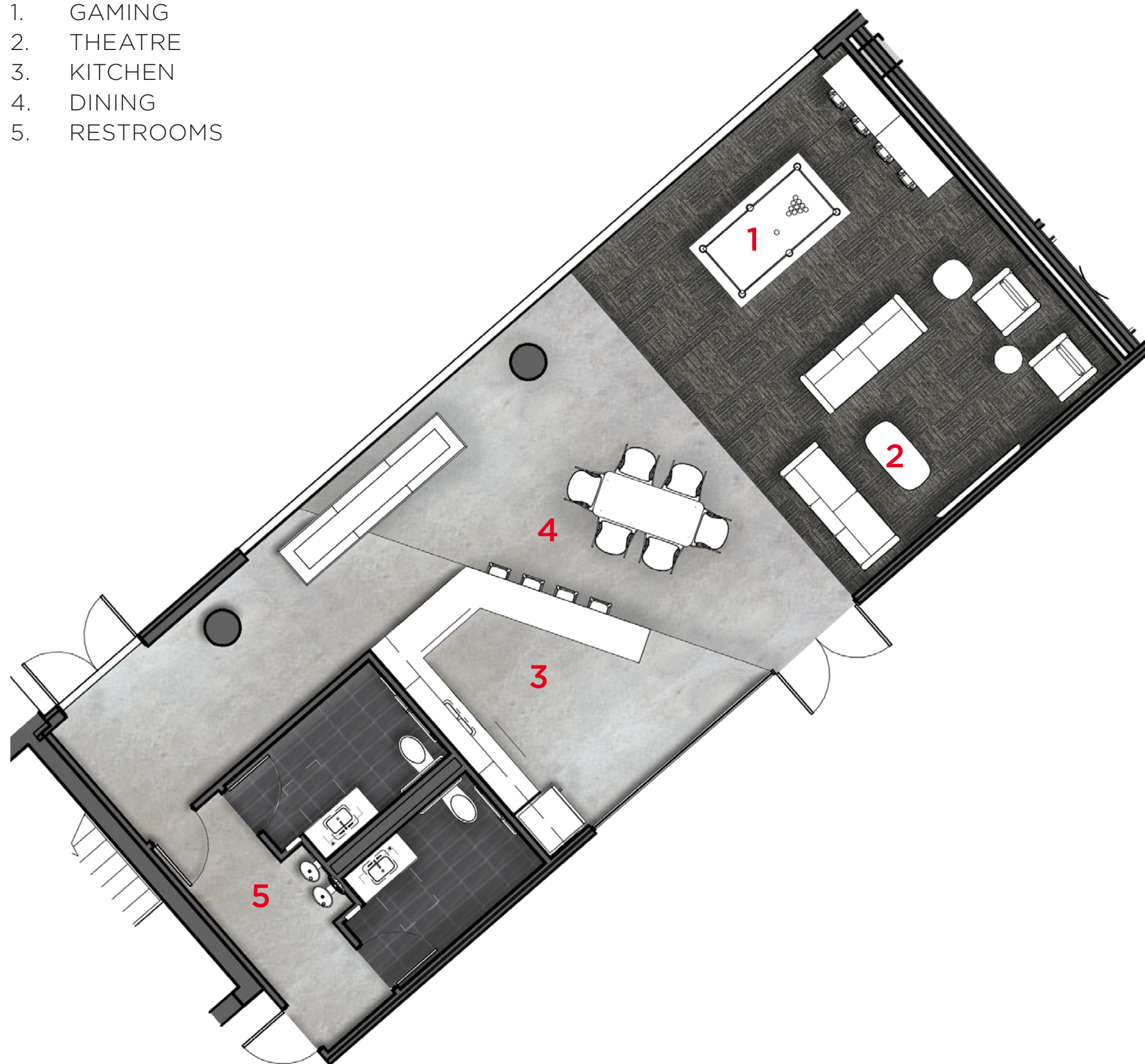


ENERGETIC
DYNAMIC
WELCOMING
ACTIVE
THRIVING
VISUAL



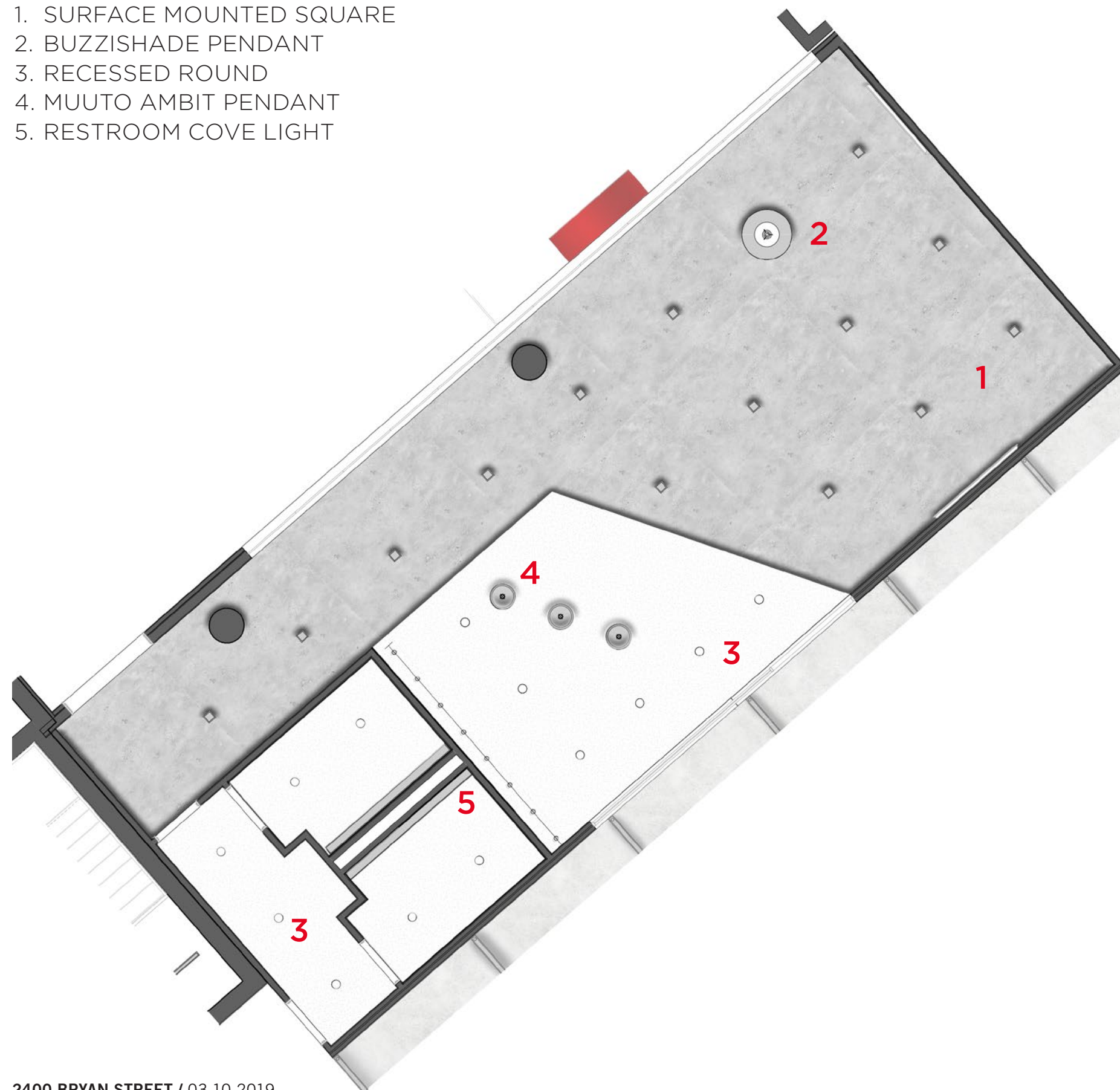
AMENITY LOUNGE | FLOOR PLAN

- 1. GAMING
- 2. THEATRE
- 3. KITCHEN
- 4. DINING
- 5. RESTROOMS

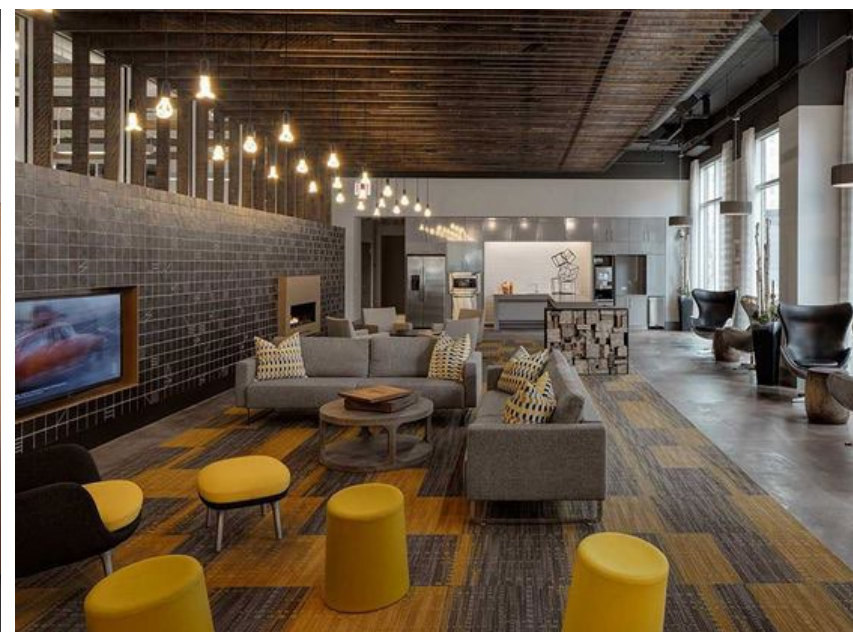


AMENITY LOUNGE | REFLECTED CEILING PLAN

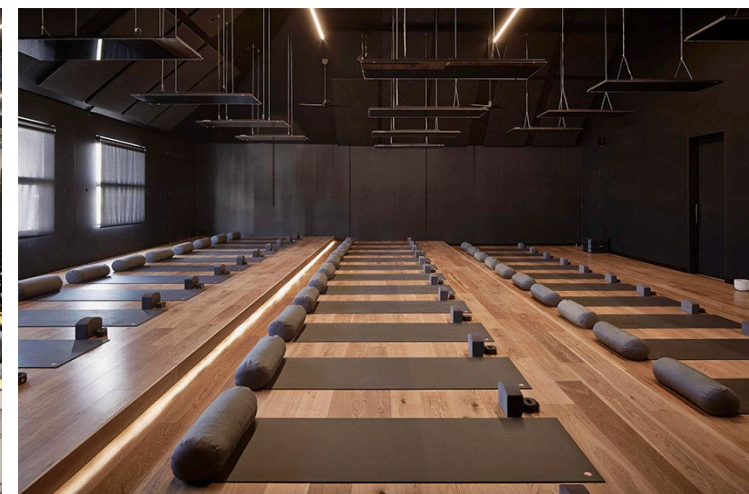
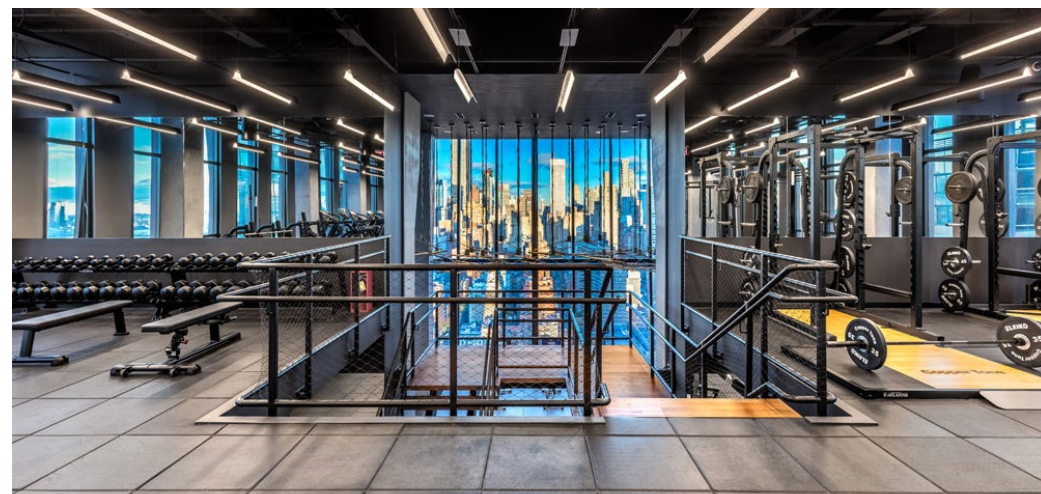
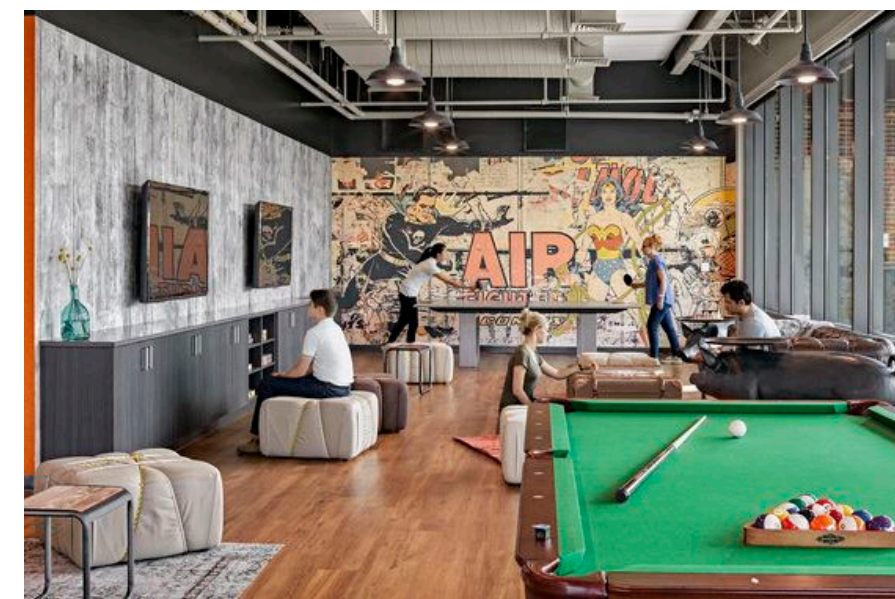
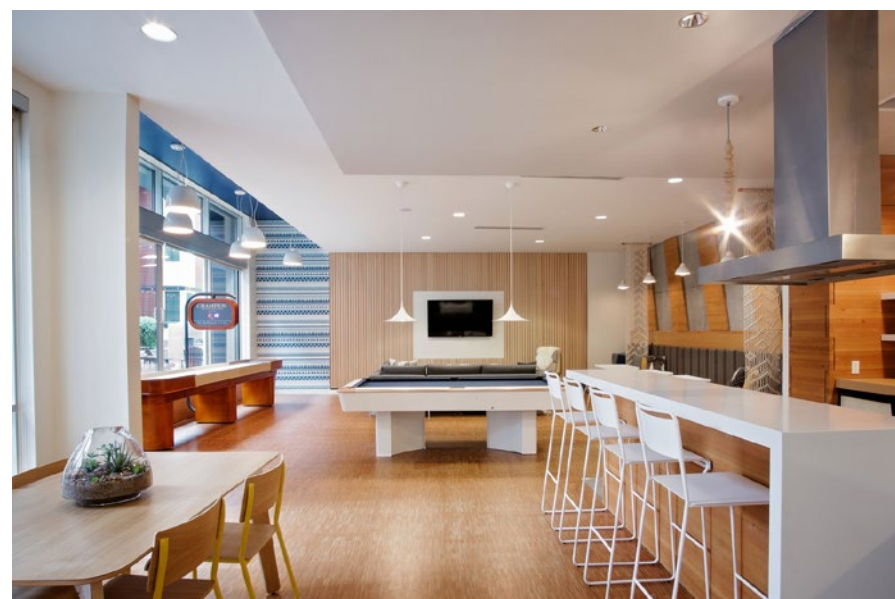
- 1. SURFACE MOUNTED SQUARE
- 2. BUZZISHADE PENDANT
- 3. RECESSED ROUND
- 4. MUUTO AMBIT PENDANT
- 5. RESTROOM COVE LIGHT



AMENITY LOUNGE + FITNESS | LOOK AND FEEL

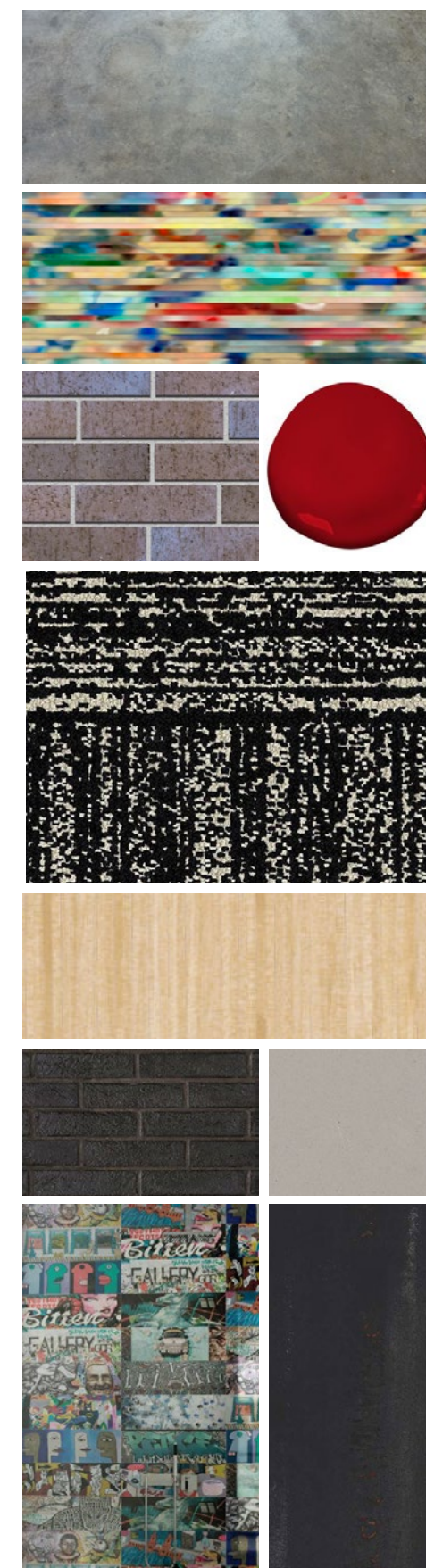
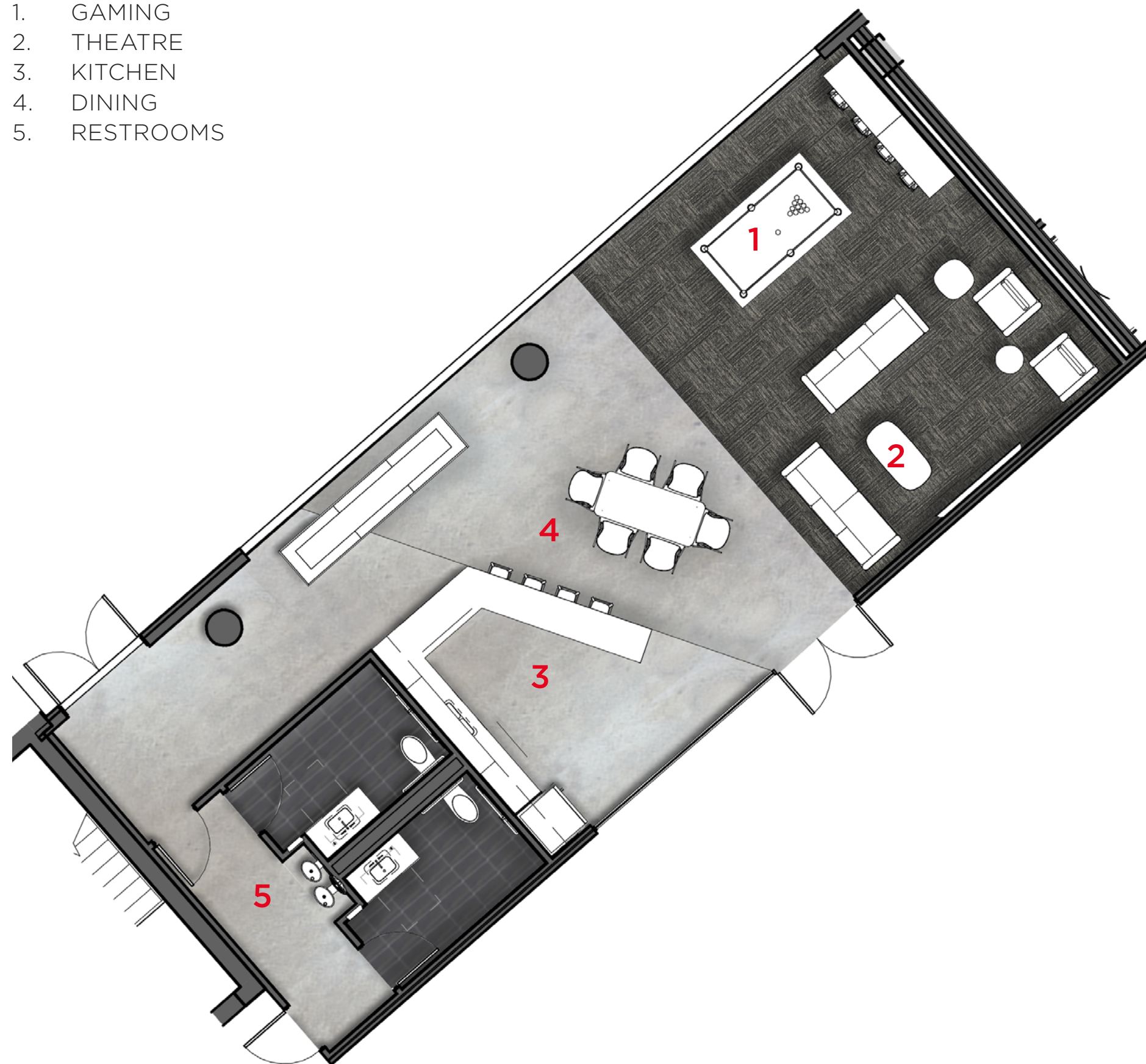


ENERGETIC
DYNAMIC
WELCOMING
ACTIVE
THRIVING
VISUAL



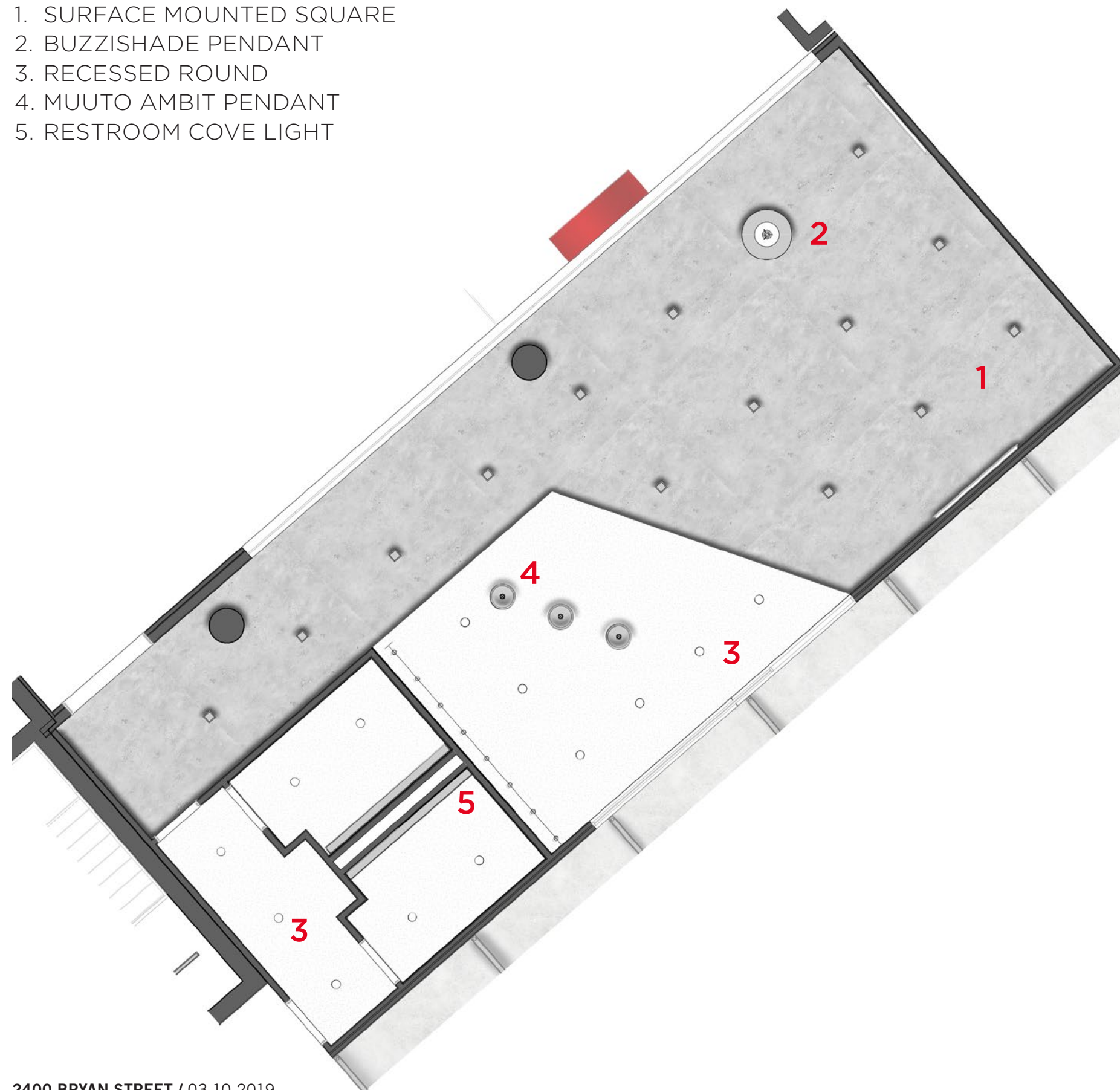
AMENITY LOUNGE | FLOOR PLAN

- 1. GAMING
- 2. THEATRE
- 3. KITCHEN
- 4. DINING
- 5. RESTROOMS



AMENITY LOUNGE | REFLECTED CEILING PLAN

- 1. SURFACE MOUNTED SQUARE
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- 3. RECESSED ROUND
- 4. MUUTO AMBIT PENDANT
- 5. RESTROOM COVE LIGHT

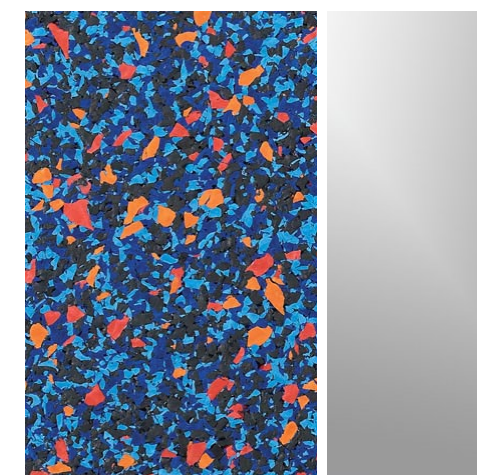
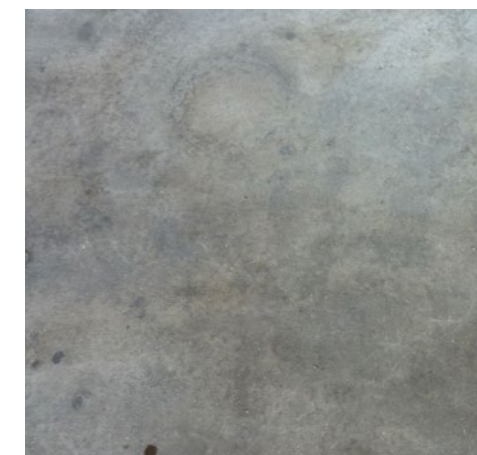
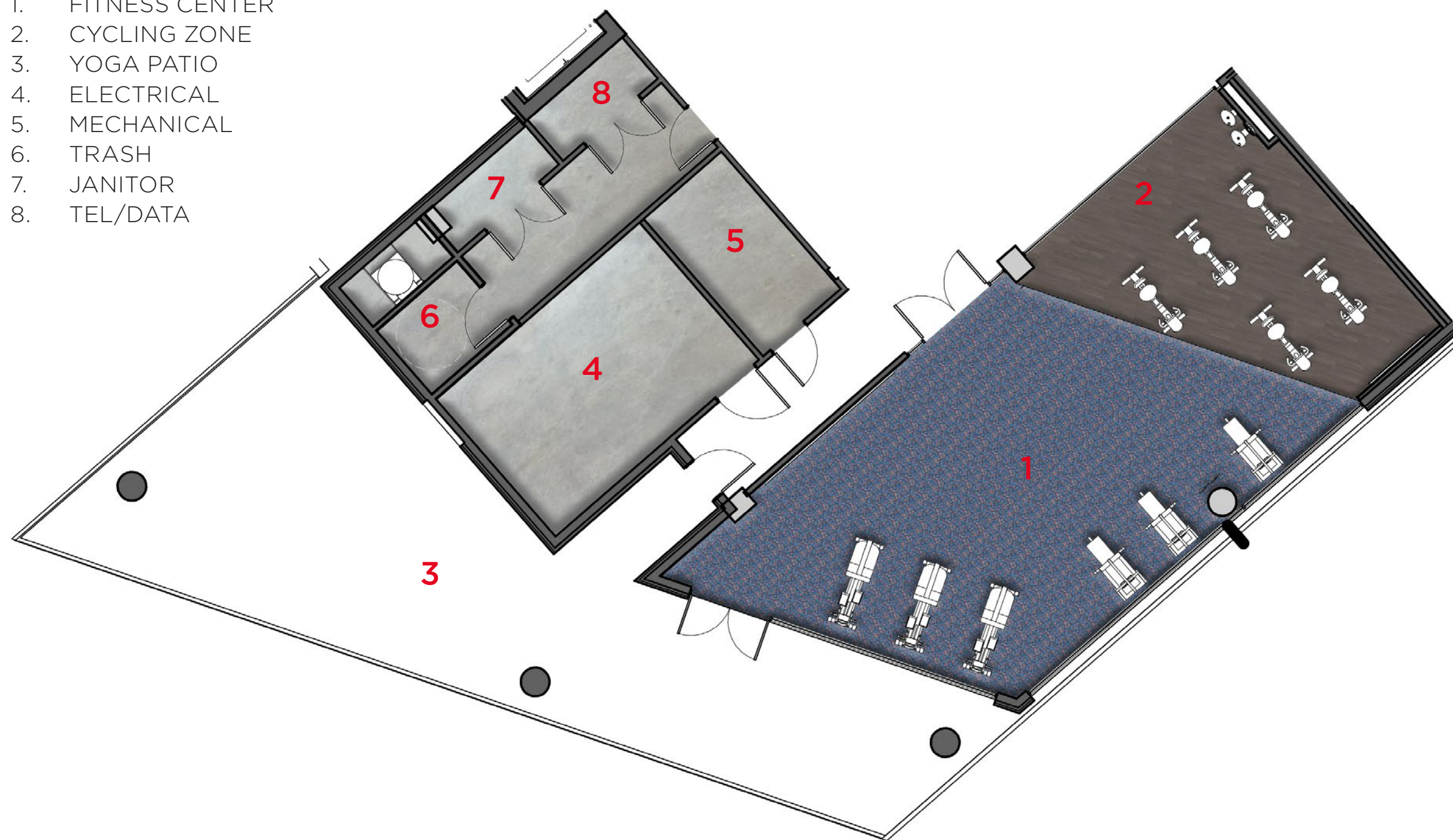


AMENITY LOUNGE



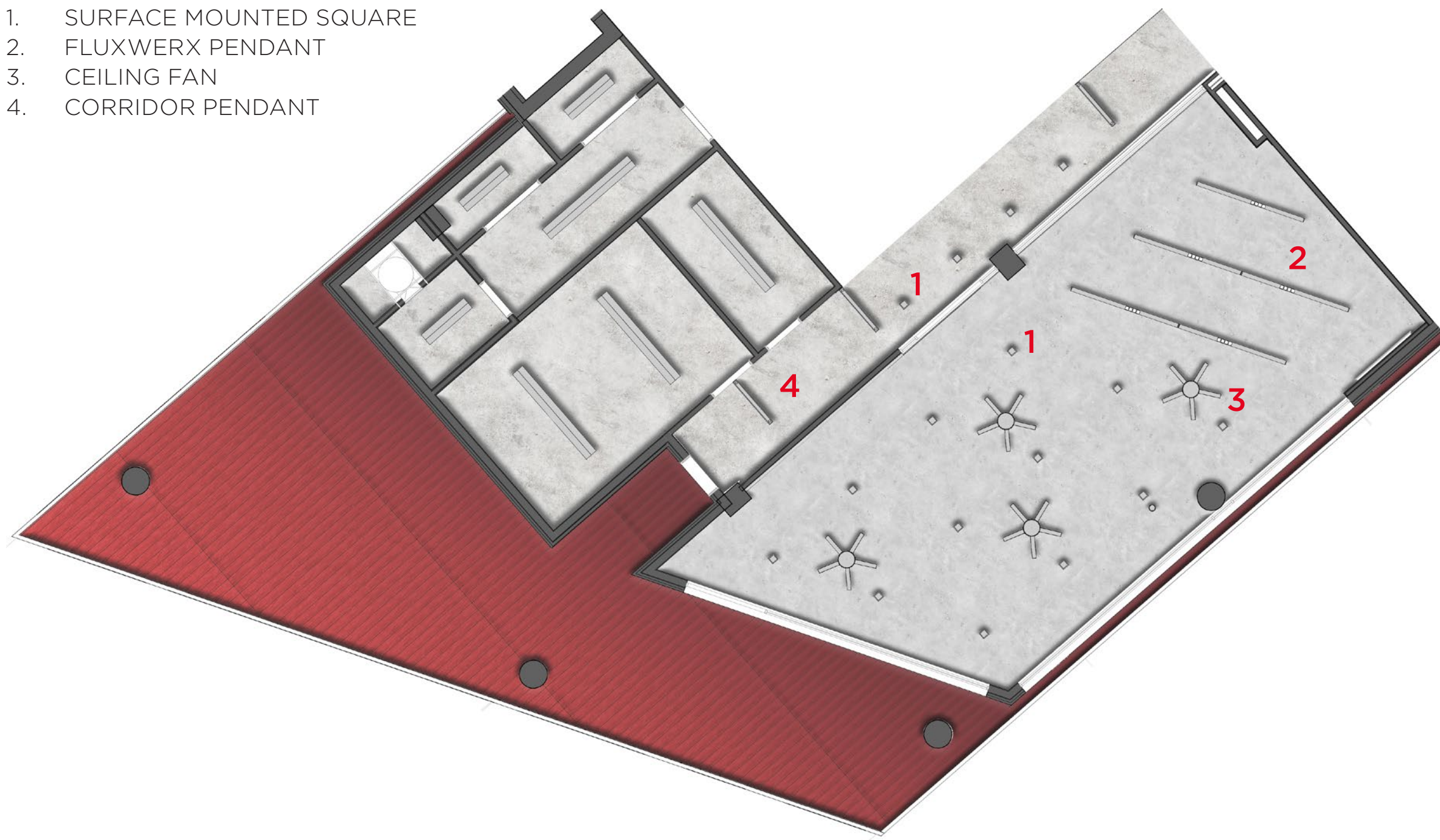
FITNESS CENTER | FLOOR PLAN

- 1. FITNESS CENTER
- 2. CYCLING ZONE
- 3. YOGA PATIO
- 4. ELECTRICAL
- 5. MECHANICAL
- 6. TRASH
- 7. JANITOR
- 8. TEL/DATA



FITNESS CENTER | REFLECTED CEILING PLAN

- 1. SURFACE MOUNTED SQUARE
- 2. FLUXWERX PENDANT
- 3. CEILING FAN
- 4. CORRIDOR PENDANT



FITNESS CENTER



2218 BRYAN ST., SUITE 200, DALLAS, TX 75201
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 ME ENGINEERS
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LANDSCAPE
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 1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
 ACTS 28 CONSULTING
 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

FACILITY
 JORDAN FOSTER CONSTRUCTION
 9839 GREENVILLE, DALLAS, TX 75243

CONTRACTOR
 JORDAN FOSTER CONSTRUCTION
 9839 GREENVILLE, DALLAS, TX 75243

PROJECT
 BRYAN STREET RESIDENTIAL TOWER
 2400 BRYAN ST., DALLAS, TX 75201

KEYPLAN
 MATTHEWS SOUTHWEST
 320 W MAIN ST., LEWISVILLE, TX 75057

ISSUE CHART

TITLE
 ARCHITECTURAL SITE PLAN

SHEET NUMBER
 A01-01

DATE
 146080.000

AUTHOR
 Drawn

CHECKER
 Checked

APPROVER
 Approved

DATE
 146080.000

AUTHOR
 Drawn

CHECKER
 Checked

APPROVER
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 Approved

DATE
 146080.000

ARCHITECTURAL SITE GENERAL NOTES

- ARCHITECTURAL SITE PLANS ISSUED FOR REFERENCE ONLY.
- RE: CIVIL DRAWINGS FOR ALL SITE CONSTRUCTION INFORMATION INCLUDING BUT NOT LIMITED TO THE FOLLOWING:
 - SITE GEOMETRY AND DIMENSIONAL CONTROL
 - SITE UTILITIES
 - SITE GRADING AND DRAINAGE
 - ASPHALT/CONCRETE PAVING DETAILS
 - PAVING MARKERS
 - CONCRETE SIDEWALK, CURB, AND GUTTER DETAILS
 - PARKING BUMPERS
 - TRAFFIC SIGNAGE
 - PAVING STRIPING AND CURB MARKINGS
 - TYPICAL HANDICAP SIGNAGE SPACES
- RE: ELECTRICAL DRAWINGS FOR SITE INFORMATION INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:
 - SITE LIGHT STANDARD LOCATIONS AND SIZES
 - ELECTRICAL SLEEVING LOCATIONS AND SIZES
 - TELEPHONE AND CABLE T.V. PULL BOX LOCATIONS
 - ELECTRICAL MANHOLE LOCATIONS AND DETAILS
 - PULL BOX LOCATIONS AND SIZES FOR VARIOUS SITE LIGHTING ELEMENTS
 - EXTERIOR BUILDING ILLUMINATION AND UTILITY COORDINATION
- REFERENCE LANDSCAPE DRAWINGS FOR:
 - LANDSCAPE PLANTING AND DETAILS
 - SOODING AND SEEDING
 - LANDSCAPE BED DRAINAGE
 - HARDSCAPE LAYOUT AND DETAILS (SPECIALTY PAVING)
- REFERENCE IRRIGATION IN LANDSCAPE DRAWINGS FOR:
 - HEAD AND VALVE LOCATIONS AND SIZES
 - IRRIGATION SLEEVING LOCATIONS AND SIZES
 - IRRIGATION SYSTEM CONTROLLER LOCATION
 - DETAILS AND SPECIFICATIONS
- THE CONTRACTOR SHALL MAINTAIN EXISTING ACCESS TO ALL EMERGENCY ENTRANCES AND SHALL NOT BLOCK ACCESS TO DRIVES AND COVERED DROP OFF AREAS. SITE WORK AND STAGING THAT AFFECT THE AREAS ADJACENT TO THE EMERGENCY DEPARTMENT ENTRANCE WILL REQUIRE A WRITTEN COORDINATION PLAN SUBMITTED TO AND APPROVED BY THE FACILITY.
- CONTRACTOR SHALL INFORM THE OWNER PRIOR TO ANY SITE DEMOLITION AND SHALL SCHEDULE SUCH DEMOLITION AS NOT TO INTERFERE WITH THE OWNER'S OPERATIONS AS OUTLINED IN AN AGREED PAVING PLAN AND SCHEDULE.
- PER ZONING C61 - NO SETBACKS ON SITE.

ARCHITECTURAL SITE PLAN LEGEND

- EXISTING TO REMAIN
- NEW BUILDING FOOTPRINT
- NEW ASPHALT PAVING
- NEW CONCRETE SIDEWALK OR PAVING
- PROPERTY LINE
- EASEMENT, BUILDING SETBACK & R.O.W.
- FIRE LANE
- REQUIRED ACCESSIBLE PATH
- NEW PARKING SPACE COUNT
- FIRE HYDRANT LOCATION

PARKING SPACES PROVIDED

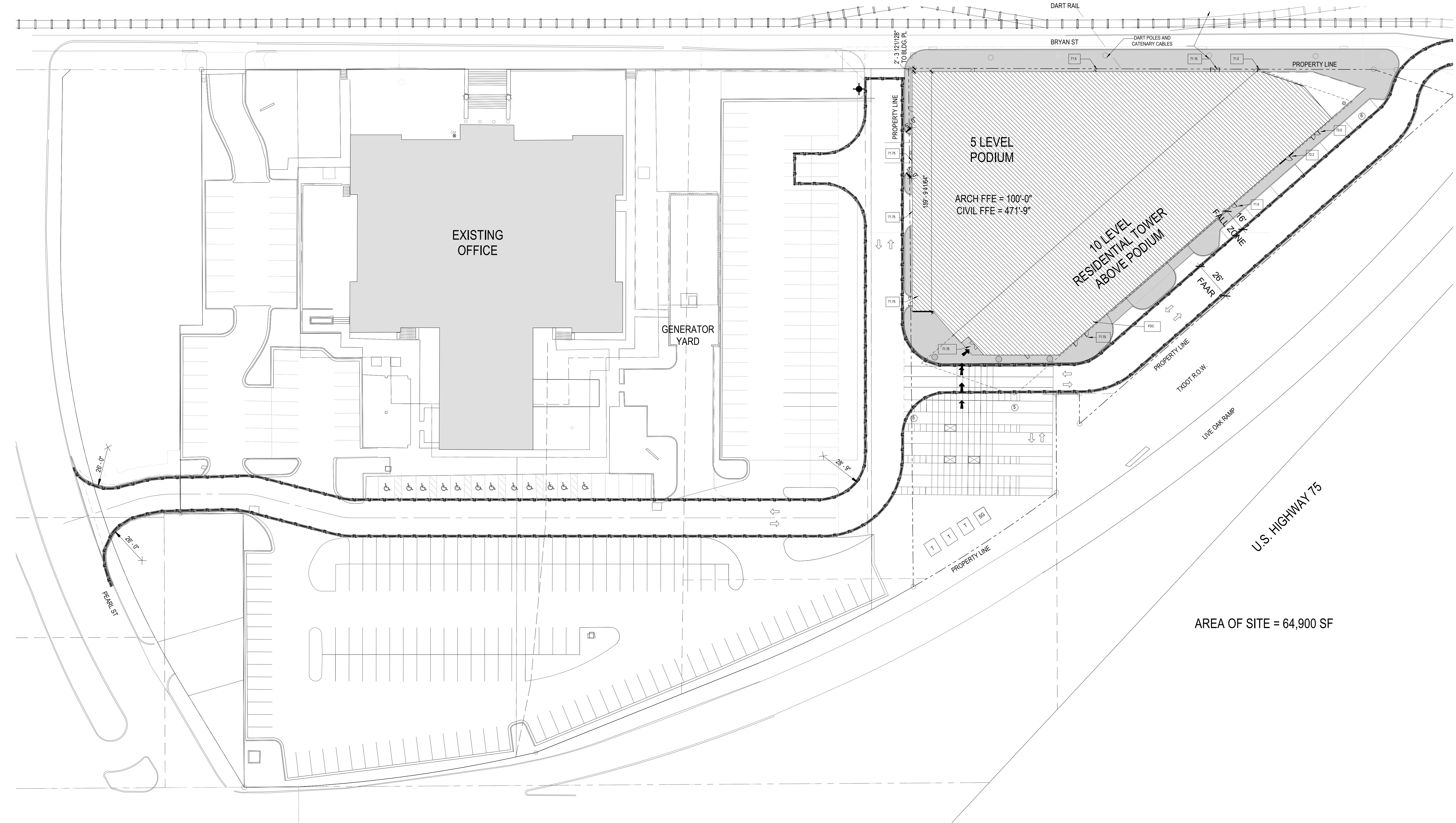
STANDARD SPACES	297 SPACES
ACCESSIBLE SPACES	(15 SPACES)
TOTAL NEW SPACES	312 SPACES PROVIDED

NOTES:

- 1 IN EVERY 6 ACCESSIBLE SPACES SHALL BE SERVED BY A 96 INCH WIDE ACCESSIBLE AND SHALL BE DESIGNATED AS "VAN ACCESSIBLE". SO FOR THIS PROJECT, 3 VAN ACCESSIBLE SPACES ARE REQUIRED.
- 2 THE EXISTING MARKED ACCESSIBLE SPACES TO REMAIN MAY NOT MEET CURRENT GUIDELINES FOR ACCESSIBILITY. THE SCOPE OF THIS PROJECT DOES NOT INCLUDE UPDATING OF THE EXISTING SPACES.

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 SITE PLAN
 1/32" = 1'-0"

PERKINS + WILL

2218 BRYAN ST., SUITE 200, DALLAS, TX 75201
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 CLIX ENGINEERING
 325 NORTH SAINT PAUL ST., SUITE 2850, DALLAS, TX 75201

MECHANICAL & PLUMBING
 ME ENGINEERS
 1825 MARKET CENTER BOULEVARD, SUITE 410, DALLAS, TX 75207

LANDSCAPING
 JOHNSTON LANDSCAPE ARCHITECTURE
 1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
 ACTS 28 CONSULTING
 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER
 RMGM | MSW
 320 W MAIN ST., LEWISVILLE, TX 75057

CONTRACTOR
 JORDAN FOSTER CONSTRUCTION
 9839 GREENVILLE, DALLAS, TX 75243

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JUSTIN PARSCALE
 LICENSE NO. 19729

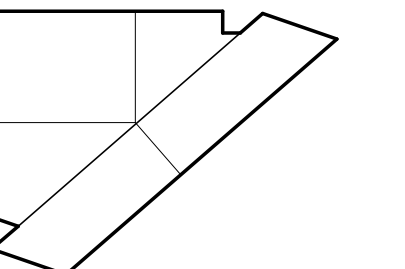
PROJECT

**BRYAN STREET
 RESIDENTIAL TOWER**
 2400 BRYAN ST.
 DALLAS, TX 75201



**MATTHEWS
 SOUTHWEST**
 320 W MAIN ST., LEWISVILLE,
 TX 75057

KEYPLAN



ISSUE CHART

ISSUE	DATE
Job Number	146288.000
Drawn	Author
Checked	Checker
Approved	Approver

OVERALL PLAN - LEVEL 01

SHEET NUMBER

A10-01

FLOOR PLAN GENERAL NOTES

1. PARTITION TYPES ARE SCHEDULED IN THE A41 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND TREATMENT BAYS.
2. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
3. ALL PARTITIONS ARE TYPE "A41" UNLESS OTHERWISE NOTED.
4. DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS, TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
5. WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO HOUR PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
6. SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
7. PROVIDE MINIMUM 1" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1" CLEAR AT THE PULL SIDE OF EVERY DOOR EXCLUDING PATIENT BEDROOMS, UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
8. PROVIDE A 1/4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1/8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES, FOR FLOOR MOUNTED FIXTURES PROVIDE A 1/4" STUD MINIMUM.
9. ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1/3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
10. PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF: STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING RIGHTS.
11. REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

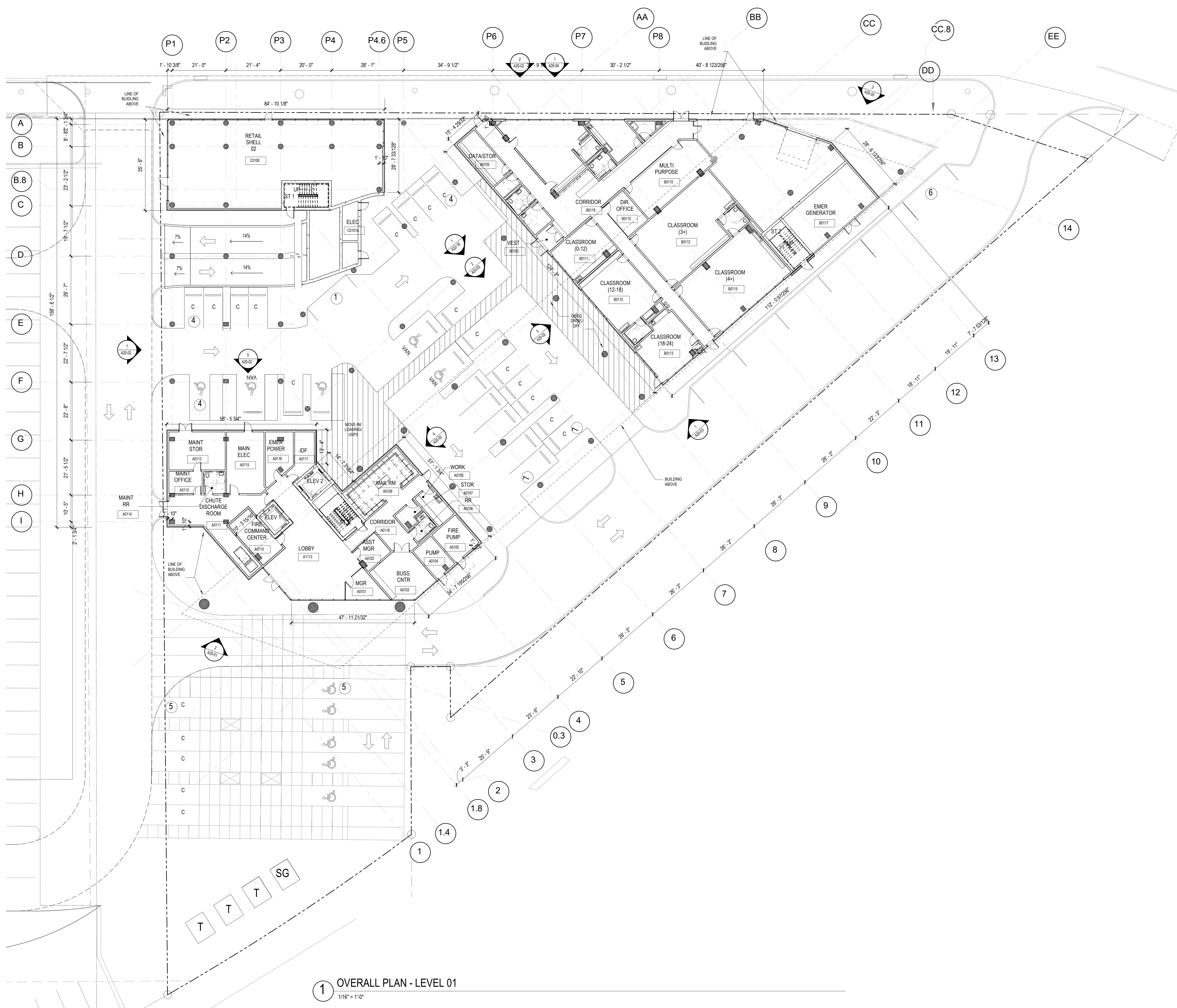
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
ONSITE				
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 01
 1/16" = 1'-0"

FLOOR PLAN GENERAL NOTES

1. PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
2. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
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4. DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS. TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
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6. SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
7. PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 6" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS). FOR WALL HUNG FIXTURES, FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD, MINIMUM.
8. PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES, FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD, MINIMUM.
9. ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
10. PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
11. REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- Ref
XXX-XXX INTERIOR ELEVATION TAG
- XX
XX-XXX EXTERIOR ELEVATION TAG
- XX
XX-XXX WALL SECTION TAG
- XX
XX-XXX BUILDING SECTION TAG
- FV FIELD VERIFY
- (ALPHA) EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- (NUMERICAL) INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- A030TA DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE.
- XX-XX PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FD FLOOR DRAIN
- X
A-XXX ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

- <<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
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OWNER: RMGM | MSW, 320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR: JORDAN FOSTER CONSTRUCTION, 9639 GREENVILLE, DALLAS, TX 75243

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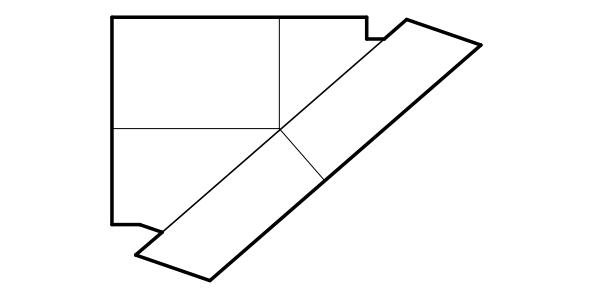
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KEYPLAN



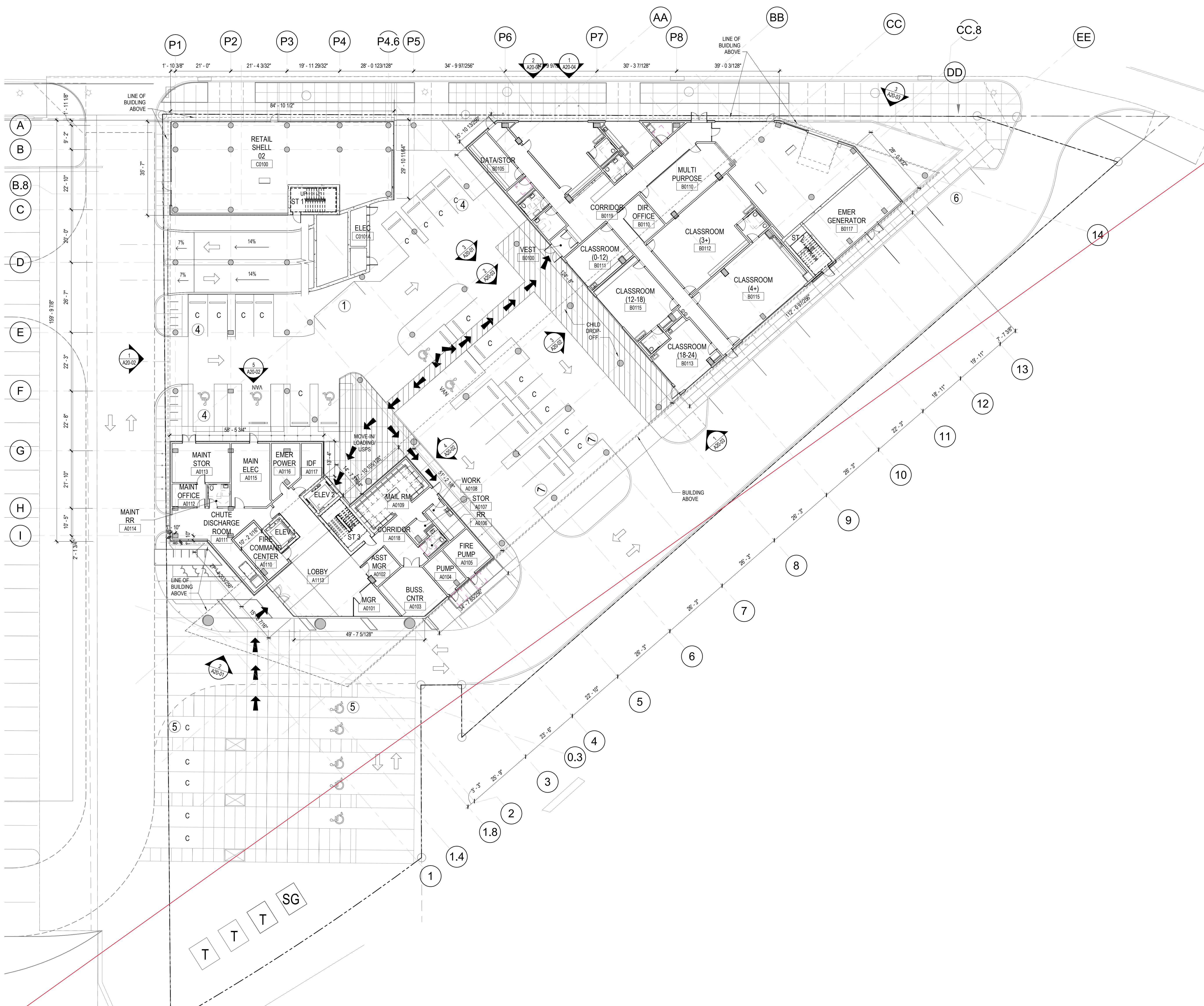
ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 01

SHEET NUMBER

A10-01



1 OVERALL PLAN - LEVEL 01
1/16" = 1'-0"

PERKINS + WILL

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MECHANICAL & PLUMBING ENGINEERS
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 JOHNSTON LANDSCAPE ARCHITECTURE
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ELECTRICAL
 ACTS 28 CONSULTING
 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

PROJECT
 BRYAN STREET RESIDENTIAL TOWER
 2400 BRYAN ST, DALLAS, TX 75201

50% CONSTRUCTION 02/27/2019

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JUSTIN PARSCALE
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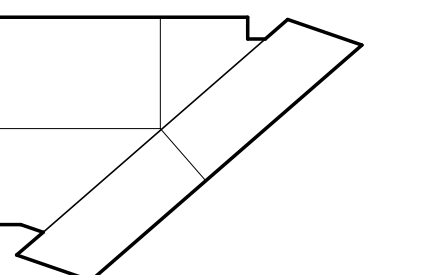
PROJECT

BRYAN STREET RESIDENTIAL TOWER
 2400 BRYAN ST, DALLAS, TX 75201



MATTHEWS SOUTHWEST
 320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

ISSUE	DATE
Job Number	146288.000
Drawn	Author
Checked	Checker
Approved	Approver

OVERALL PLAN - LEVEL 02

SHEET NUMBER

A10-02

FLOOR PLAN GENERAL NOTES

1. PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A01 SERIES "CODE COMPLIANCE PLANS" FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS, REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND TREATMENT ISLANDS.
2. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
3. ALL PARTITIONS ARE TYPE "A41" UNLESS OTHERWISE NOTED.
4. DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS, TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
5. WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASUREMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO HOUR PARTITION OR COLUMN ENCASUREMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
6. SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
7. PROVIDE MINIMUM 1" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1" CLEAR AT THE PULL SIDE OF EVERY DOOR EXCLUDING PATIENT BEDROOMS, UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
8. PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES, FOR FLOOR MOUNTED FIXTURES PROVIDE A 4" STUD MINIMUM.
9. ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
10. PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF: STRUCTURAL FOR REQUIRED STUB UP COLUMN LOCATIONS AND LOADING REQ'S.
11. REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

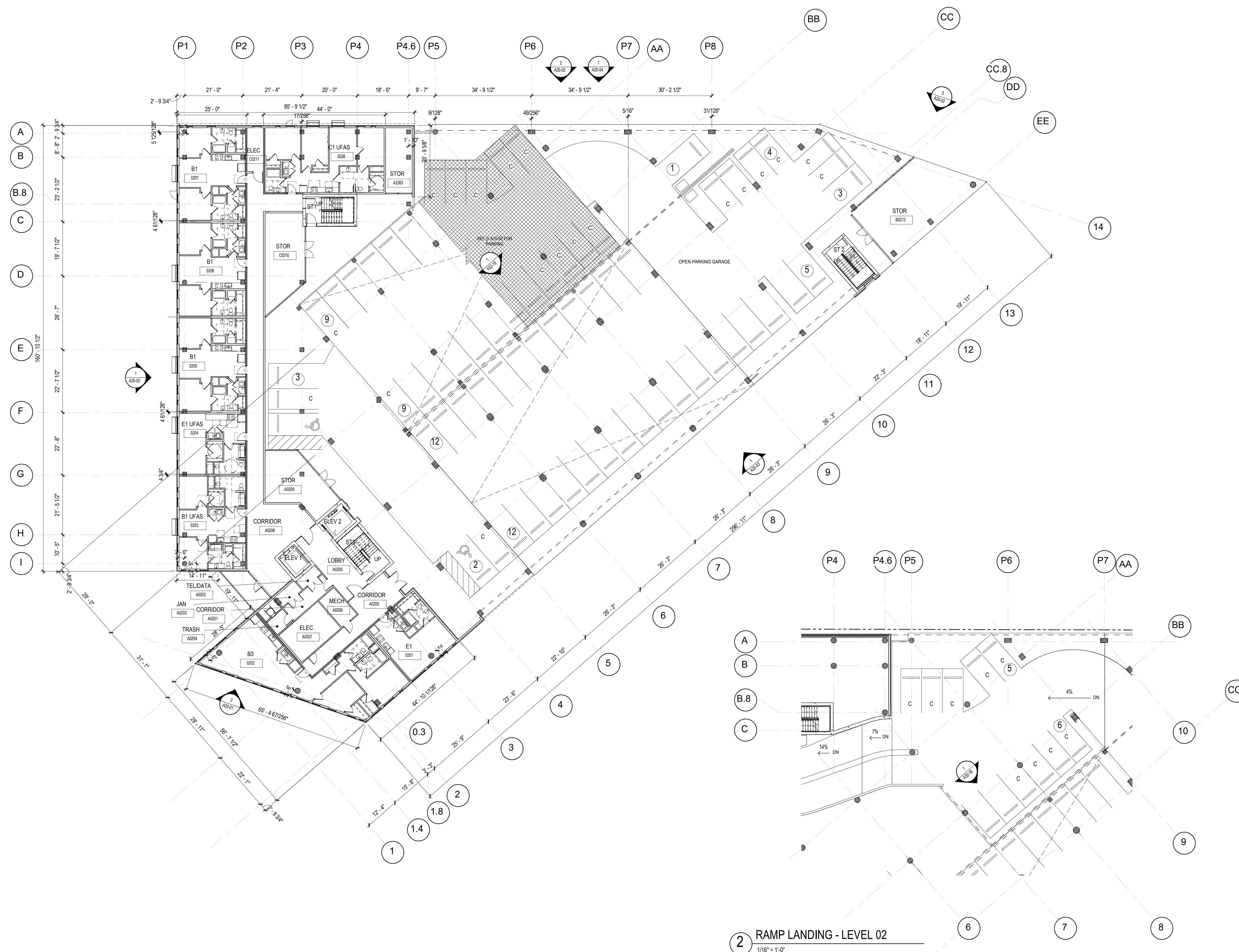
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312

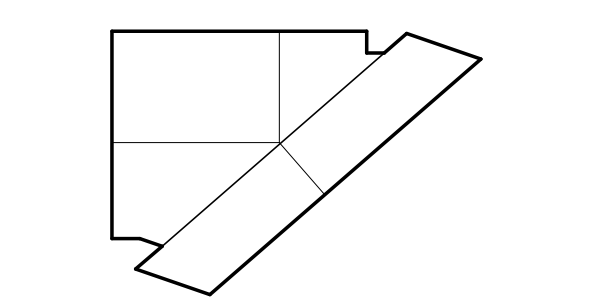


1 OVERALL PLAN - LEVEL 02
 1/16" = 1'-0"

2 RAMP LANDING - LEVEL 02
 1/16" = 1'-0"

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JUSTIN PARKS
LICENSE NO. 19729

50% CONSTRUCTION 02/27/2019



MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

**FLOOR PLAN
GENERAL NOTES**

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE 'A41' UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS; TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A THREE-HOUR PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 6" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES. FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

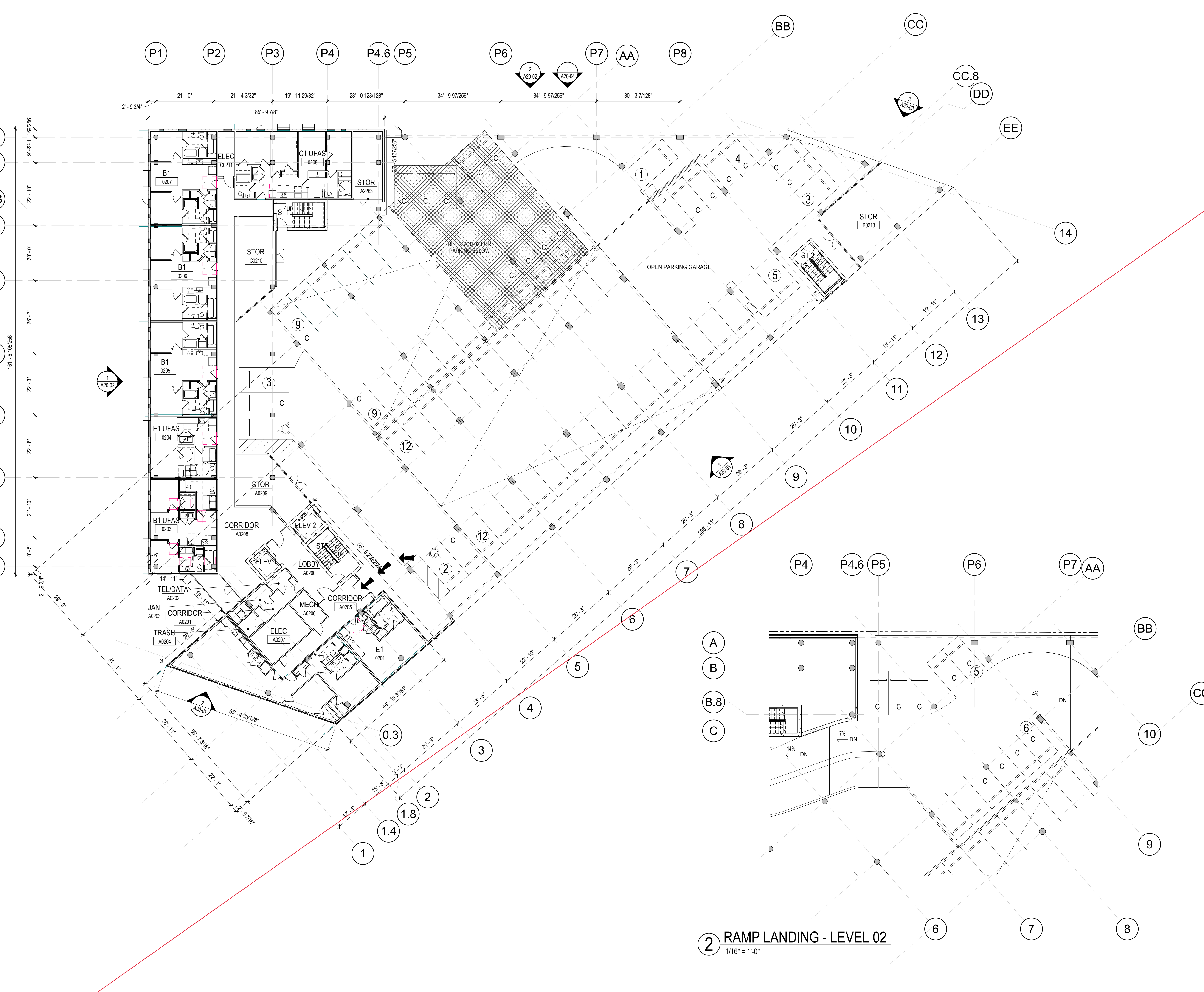
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
ONSITE Level 01	6	5	5	16
GARAGE Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
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TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 02
1/16" = 1'-0"

2 RAMP LANDING - LEVEL 02
1/16" = 1'-0"

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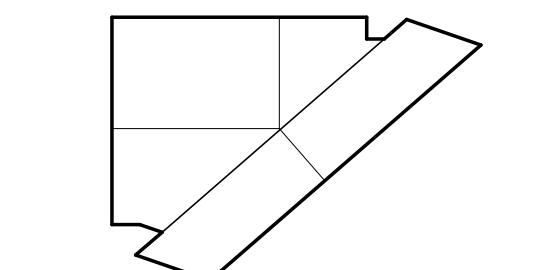
PROJECT

**BRYAN STREET
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 2400 BRYAN ST.
 DALLAS, TX 75201



**MATTHEWS
 SOUTHWEST**
 320 W MAIN ST., LEWISVILLE,
 TX 75057

KEYPLAN



ISSUE CHART

ISSUE	DATE
Job Number	146080.000
Drawn	Author
Checked	Checker
Approved	Approver

OVERALL PLAN - LEVEL 03

SHEET NUMBER

A10-03

FLOOR PLAN GENERAL NOTES

1. PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A01 SERIES "CODE COMPLIANCE PLANS" FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS, REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND TERMINATION ISLANDS.
2. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
3. ALL PARTITIONS ARE TYPE "A41" UNLESS OTHERWISE NOTED.
4. DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS, TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
5. WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASUREMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO HOUR PARTITION OR COLUMN ENCASUREMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
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7. PROVIDE MINIMUM 1" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1'6" CLEAR AT THE PULL SIDE OF EVERY DOOR EXCLUDING PATIENT BEDROOMS, UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
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11. REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- Ref
XXX.XXX INTERIOR ELEVATION TAG
- XX
XX.XXX EXTERIOR ELEVATION TAG
- XX
XX.XXX WALL SECTION TAG
- XX
XX.XXX BUILDING SECTION TAG
- FV FIELD VERIFY
- (ALPHA) EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- (NUMERICAL) INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- A0201A DOOR TAG REF: A02-01 SERIES FOR DOOR SCHEDULE
- TXX PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FD FLOOR DRAIN
- X
A.XXX ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

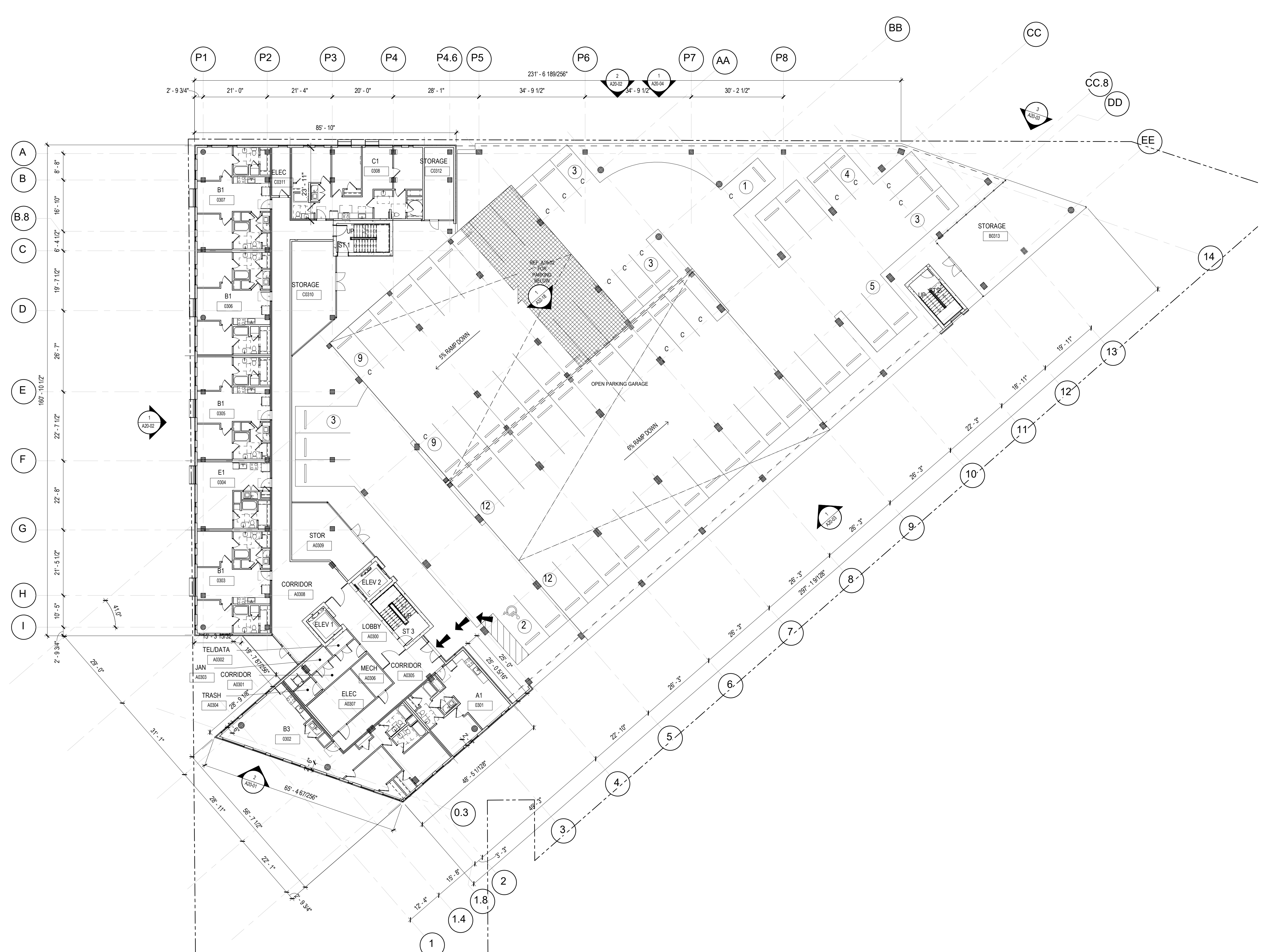
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PARKING COUNT

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FLOOR PLAN GENERAL NOTES

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FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
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- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

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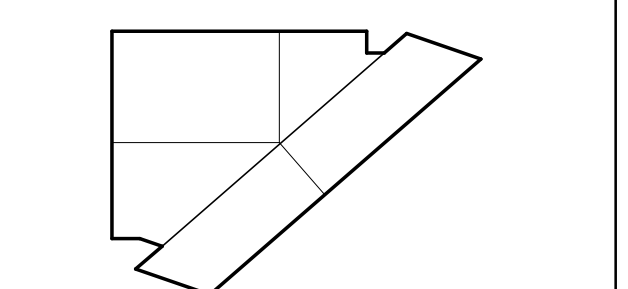
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TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

TITLE

**OVERALL PLAN -
LEVEL 03**

SHEET NUMBER

A10-03



1 OVERALL PLAN - LEVEL 03
1/16" = 1'-0"

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- STRUCTURAL**
CLICK ENGINEERING
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- MECHANICAL & PLUMBING**
ME ENGINEERS
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- LANDSCAPING**
JOHNSTON LANDSCAPE ARCHITECTURE
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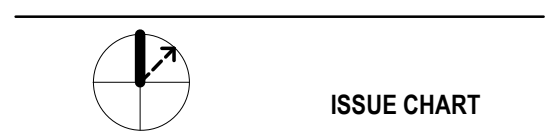
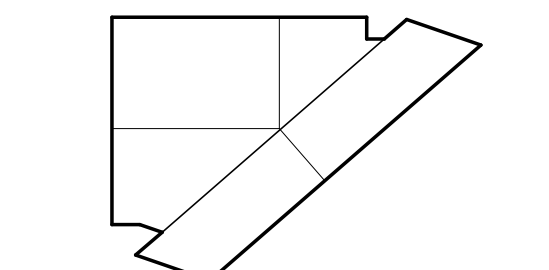
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 TX 75057

KEYPLAN



ISSUE CHART

ISSUE	DATE
Job Number	146288.000
Drawn	Author
Checked	Checker
Approved	Approver

OVERALL PLAN - LEVEL 04

SHEET NUMBER

A10-04

FLOOR PLAN GENERAL NOTES

1. PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A01 SERIES "CODE COMPLIANCE PLANS" FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS, REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND TERMINATION BANGETS.
2. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
3. ALL PARTITIONS ARE TYPE "M1" UNLESS OTHERWISE NOTED.
4. DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS, TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
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11. REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

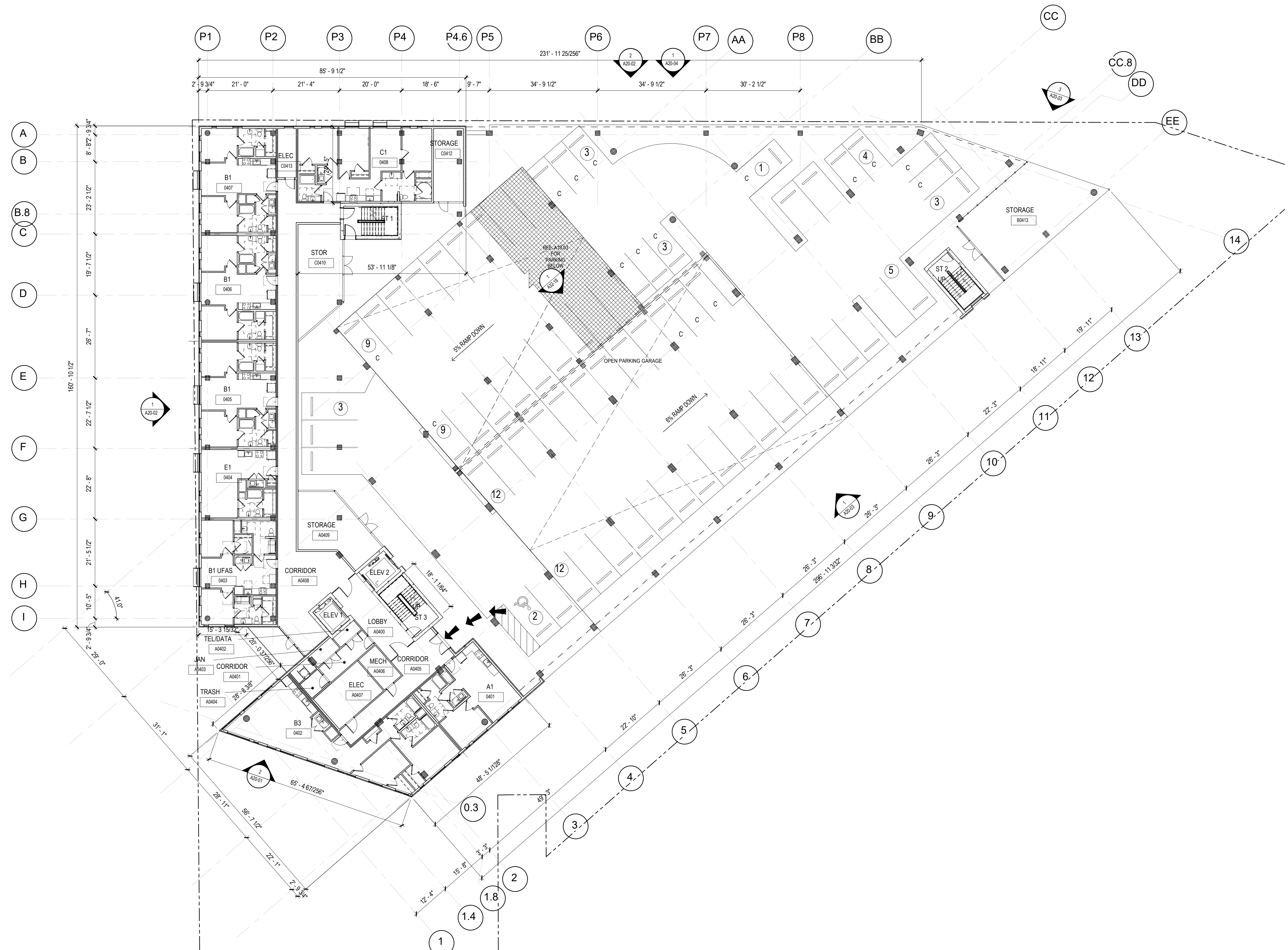
- EXPANSION JOINT
- NEW PARTITION
- Ref
▲ INTERIOR ELEVATION TAG
- XX
▲ EXTERIOR ELEVATION TAG
- XX
▲ WALL SECTION TAG
- XX
▲ BUILDING SECTION TAG
- FV FIELD VERIFY
- ▲ (ALPHA) EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- ▲ (NUMERICAL) INTERIOR WINDOW TAG REF: A83-0X SERIES FOR SCHEDULE
- A0001A DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- 7XX PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FD FLOOR DRAIN
- ▲ A XXX ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL LINT PLANS

FLOOR PLAN NOTES BY NUMBER

- ◀◀◀ Indicates Sheet Keynote on Plan

PARKING COUNT

	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
ONSITE				
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 04
 1/16" = 1'-0"

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS; REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE "A41" UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS; TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR COLUMN ENCASMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER; PROVIDE MINIMUM 6" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES. FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD. MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUB UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312

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STANTEC
12222 MERIT DR, SUITE 400, DALLAS, TX 75251
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CLICK ENGINEERING
325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
MECHANICAL & PLUMBING
ME ENGINEERS
1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
LANDSCAPING
JOHNSTON LANDSCAPE ARCHITECTURE
1 VICKSBURG LANE, RICHARDSON, TX 75080
ELECTRICAL
CAPS 29 CONSULTING
800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

JORDAN FOSTER CONSTRUCTION
9639 GREENVILLE, DALLAS, TX 75243

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PROJECT

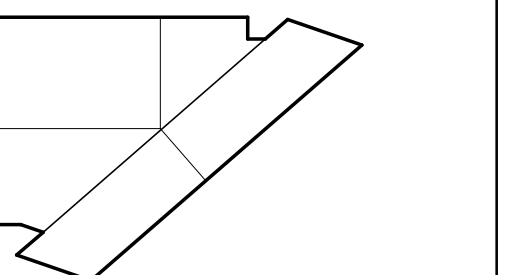
**BRYAN STREET
RESIDENTIAL TOWER**
2400 BRYAN ST.
DALLAS, TX 75201

50% CONSTRUCTION 02/27/2019



**MATTHEWS
SOUTHWEST**
320 W MAIN ST, LEWISVILLE,
TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 04

SHEET NUMBER

A10-04



1 OVERALL PLAN - LEVEL 04
1/16" = 1'-0"

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 214.283.8701
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CONSULTANTS

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 12222 MERT DR., SUITE 400, DALLAS, TX 75251

STRUCTURAL: CLIXX ENGINEERING
 325 NORTH SAINT PAUL ST., SUITE 200, DALLAS, TX 75201

MECHANICAL & PLUMBING: ME ENGINEERS
 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207

LANDSCAPING: JOHNSTON LANDSCAPE ARCHITECTURE
 1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL: ACTS 29 CONSULTING
 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER: RGM | MSW
 320 W MAIN ST., LEWISVILLE, TX 75057

CONTRACTOR: JORDAN FOSTER CONSTRUCTION
 9839 GREENVILLE, DALLAS, TX 75243

PROJECT: BRYAN STREET RESIDENTIAL TOWER
 2400 BRYAN ST., DALLAS, TX 75201

50% CONSTRUCTION 02/27/2019

MATTHEWS SOUTHWEST
 320 W MAIN ST., LEWISVILLE, TX 75057

KEYPLAN

ISSUE CHART

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FLOOR PLAN GENERAL NOTES

1. PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A01 SERIES 'VOID COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND TERMINATION BEAMETS.
2. REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
3. ALL PARTITIONS ARE TYPE "M1" UNLESS OTHERWISE NOTED.
4. DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS, TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
5. WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASUREMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO HOUR PARTITION OR COLUMN ENCASUREMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
6. SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
7. PROVIDE MINIMUM 1" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1'8" CLEAR AT THE PULL SIDE OF EVERY DOOR EXCLUDING PATIENT BEDROOMS, UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
8. PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES, FOR FLOOR MOUNTED FIXTURES PROVIDE A 4" STUD MINIMUM.
9. ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
10. PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF. STRUCTURAL FOR REQUIRED STUB UP COLUMN LOCATIONS AND LOADING REDITS.
11. REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A02-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312

ISSUE	DATE
Job Number	146080.000
Drawn	Author
Checked	Checker
Approved	Approver

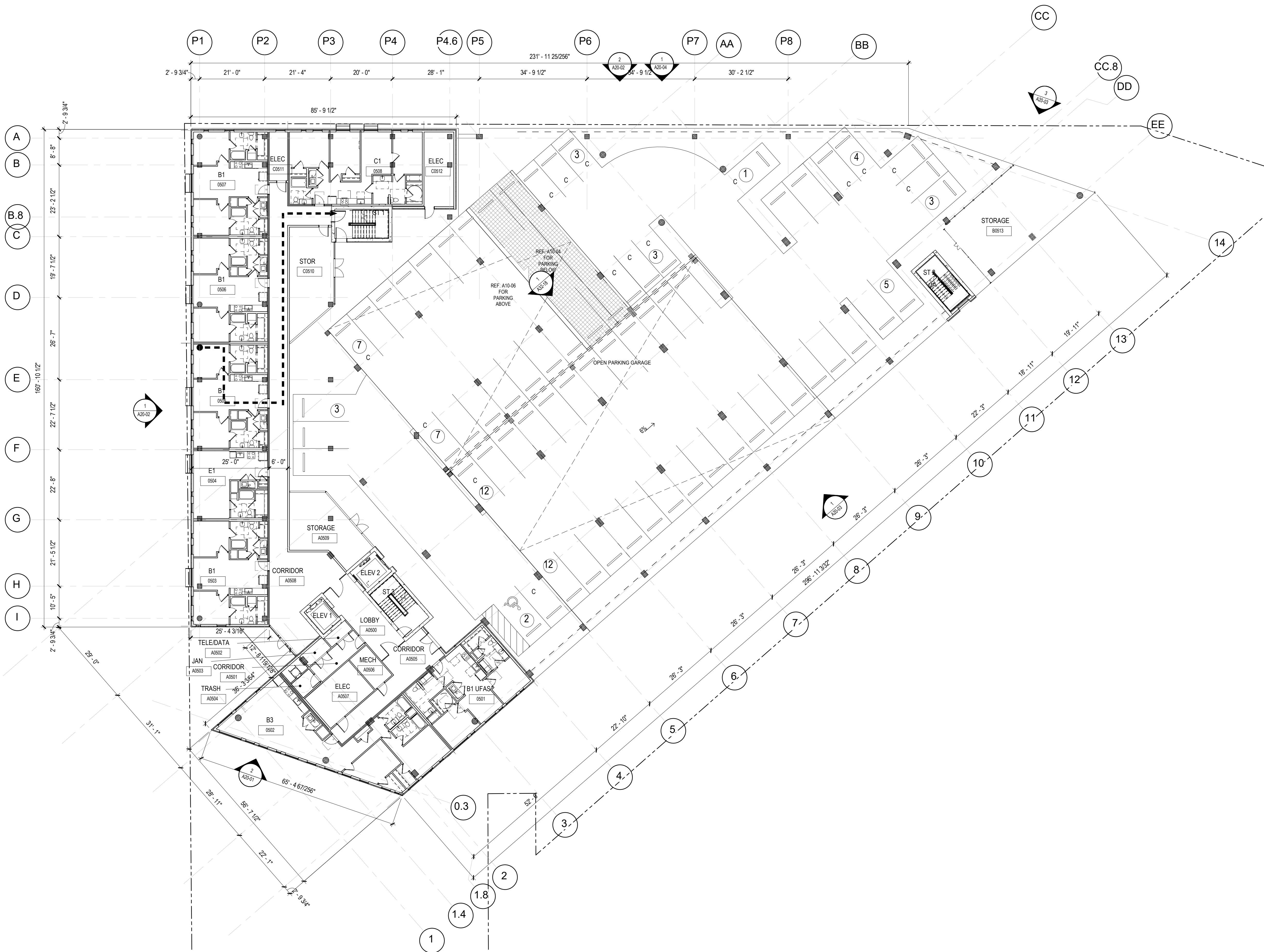
OVERALL PLAN - LEVEL 05

SHEET NUMBER

A10-05

1 OVERALL PLAN - LEVEL 05

1/16" = 1'-0"



MATTHEWS SOUTHWEST
 320 W MAIN ST., LEWISVILLE, TX 75057

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A61 SERIES. RE: A61 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE 'A41' UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS, TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR CORNER ENCASUREMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR CORNER ENCASUREMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 6" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES. FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD, MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312

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- STRUCTURAL: CLICK ENGINEERING, 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
- MECHANICAL & PLUMBING ENGINEERS: 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
- LANDSCAPE ARCHITECTURE: JOHNSTON LANDSCAPE ARCHITECTURE, 1 VICKSBURG LANE, RICHARDSON, TX 75080
- ELECTRICAL: ACTS 29 CONSULTING, 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

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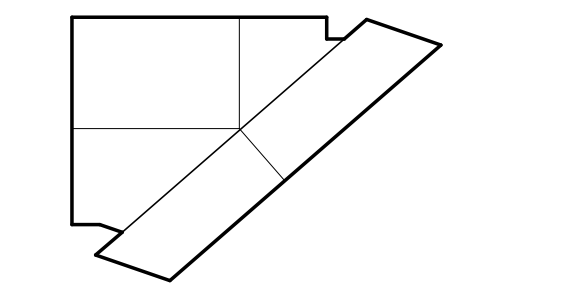
PROJECT

BRYAN STREET RESIDENTIAL TOWER
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DALLAS, TX 75201



MATTHEWS SOUTHWEST
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KEYPLAN



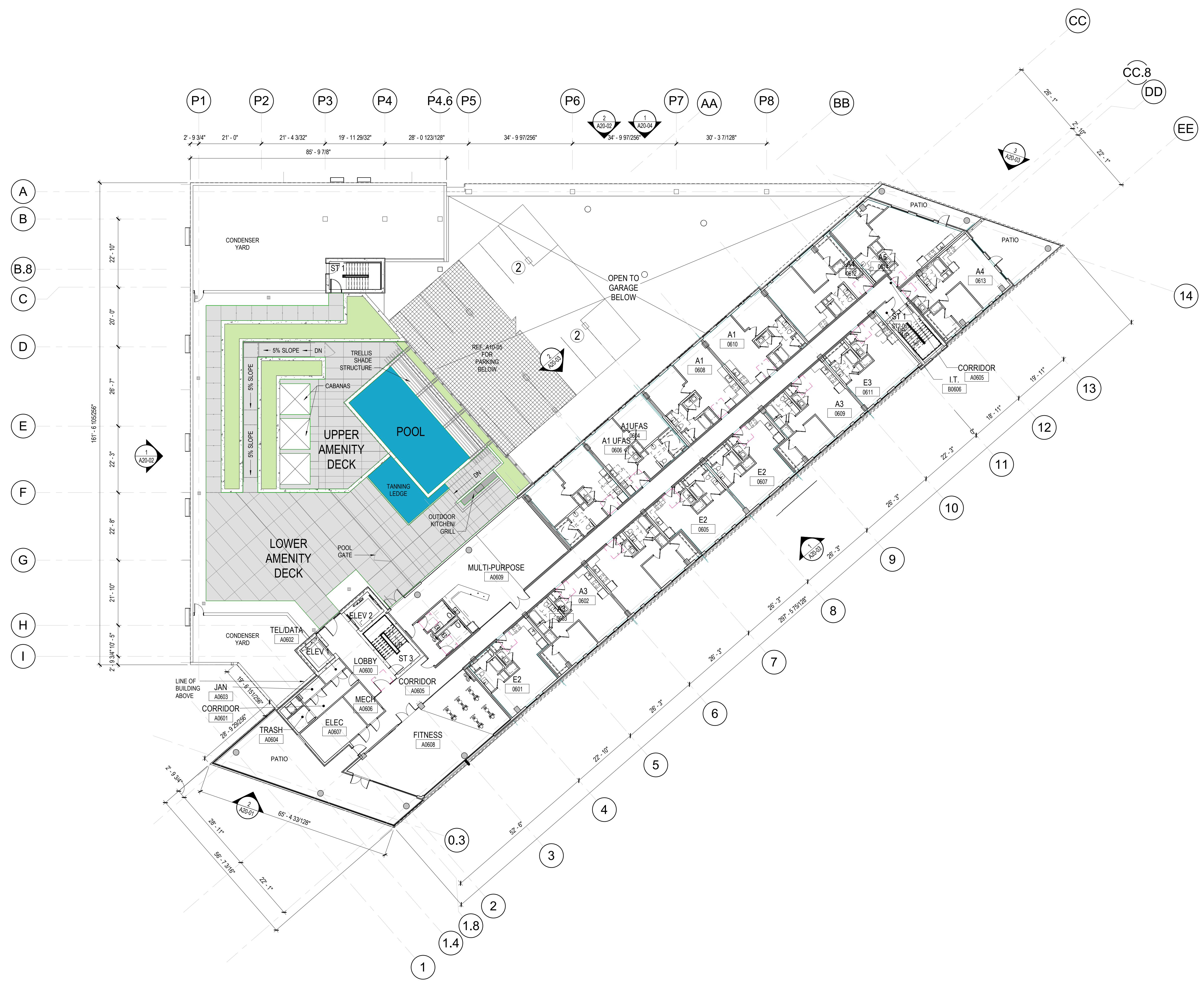
ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	
TITLE		
OVERALL PLAN - LEVEL 06		
SHEET NUMBER		
A10-06		

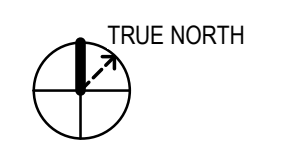
OVERALL PLAN - LEVEL 06

SHEET NUMBER

A10-06



1 OVERALL PLAN - LEVEL 06
1/16" = 1'-0"



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- STRUCTURAL: CLICK ENGINEERING, 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
- MECHANICAL & PLUMBING: ME ENGINEERS, 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
- LANDSCAPE: LANDSCAPING, JOHNSTON LANDSCAPE ARCHITECTURE, 1 VICKSBURG LANE, RICHARDSON, TX 75080
- ELECTRICAL: ACTS 29 CONSULTING, 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
 320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

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 9639 GREENVILLE, DALLAS, TX 75243

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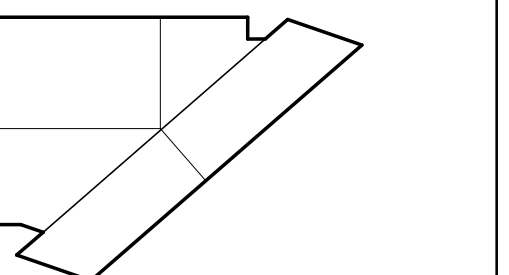
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 320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 07

SHEET NUMBER

A10-07

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE 'A41' UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS; TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1'-6" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES. FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD. MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

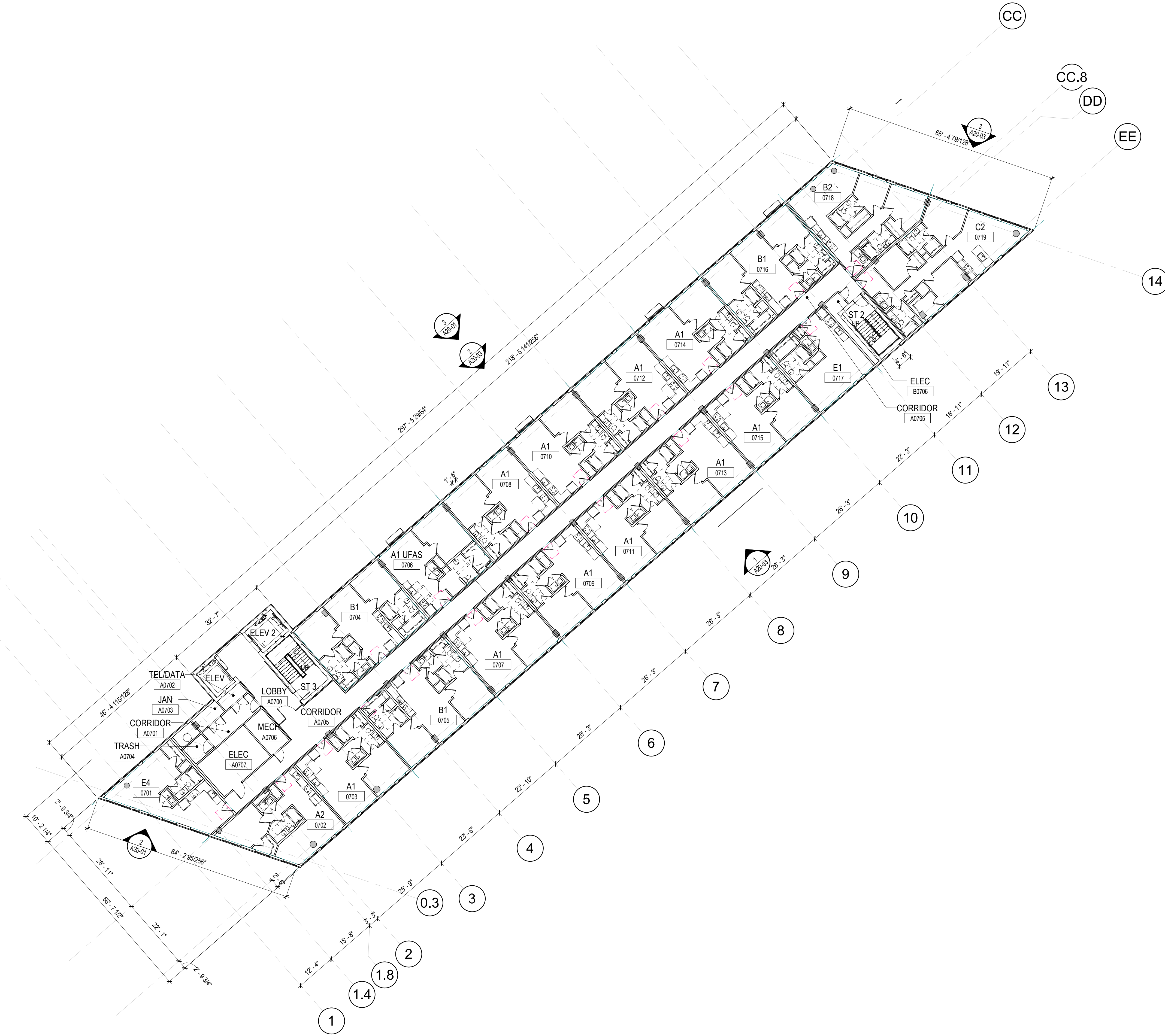
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG (Ref, XXX-XXX)
- EXTERIOR ELEVATION TAG (XX, AX-XXX)
- WALL SECTION TAG (XX, AX-XXX)
- BUILDING SECTION TAG (XX, AX-XXX)
- FIELD VERIFY (FV)
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE (A (ALPHA))
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE (I (NUMERICAL))
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE (A0301A)
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS (XXX)
- FLOOR DRAIN (FD)
- ENLARGED PLAN TAG (X, AXXX)
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 07

1/16" = 1'-0"

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CONSULTANTS

CIVIL
 STANTEC
 12222 MERIT DR, SUITE 400, DALLAS, TX 75251

STRUCTURAL
 CLICK ENGINEERING
 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201

MECHANICAL & PLUMBING
 ME ENGINEERS
 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207

LANDSCAPE
 JOHNSTON LANDSCAPE ARCHITECTURE
 1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
 ACTS 29 CONSULTING
 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

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 LICENSE NO. 19729

PROJECT

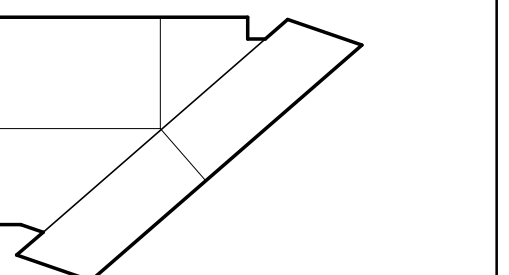
**BRYAN STREET
 RESIDENTIAL TOWER**
 2400 BRYAN ST,
 DALLAS, TX 75201

50% CONSTRUCTION 02/27/2019



**MATTHEWS
 SOUTHWEST**
 320 W MAIN ST, LEWISVILLE,
 TX 75057

KEYPLAN



ISSUE CHART

ISSUE	DATE
Job Number	146080.000
Drawn	Author
Checked	Checker
Approved	Approver

TITLE

**OVERALL PLAN -
 LEVEL 08**

SHEET NUMBER

A10-08

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE 'A41' UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS; TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1'-6" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES. FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD. MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

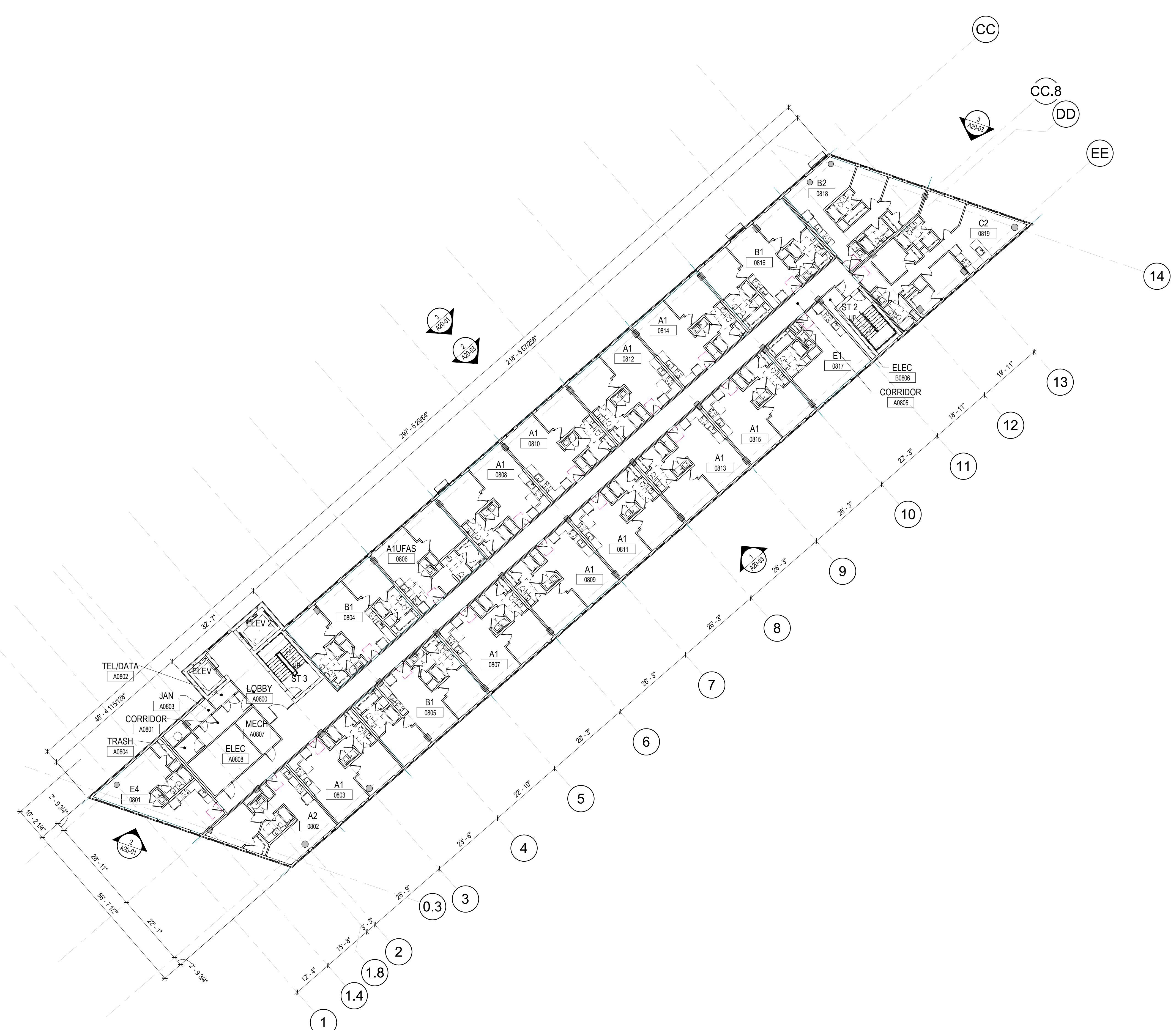
- EXPANSION JOINT
- ==== NEW PARTITION
- Ref
XXX-XXX INTERIOR ELEVATION TAG
- XX
XX-XXX EXTERIOR ELEVATION TAG
- XX
XX-XXX WALL SECTION TAG
- XX
XX-XXX BUILDING SECTION TAG
- FV FIELD VERIFY
- (ALPHA) EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- (NUMERICAL) INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- A0301A DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- XXX PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- ED FLOOR DRAIN
- X
A-XXX ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 08

1/16" = 1'-0"

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1214.283.8700
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STANTEC
12222 MERIT DR, SUITE 400, DALLAS, TX 75251

STRUCTURAL
CLICK ENGINEERING
325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201

MECHANICAL & PLUMBING ENGINEERS
1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207

LANDSCAPE ARCHITECTURE
JOHNSTON LANDSCAPE ARCHITECTURE
1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
ACTS 29 CONSULTING
800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

JORDAN FOSTER CONSTRUCTION
9639 GREENVILLE, DALLAS, TX 75243

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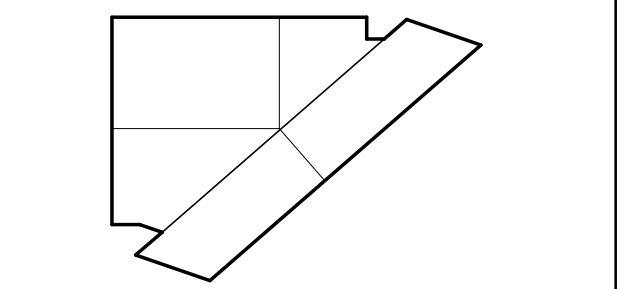
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KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

TITLE

OVERALL PLAN - LEVEL 09

SHEET NUMBER

A10-09

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
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- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

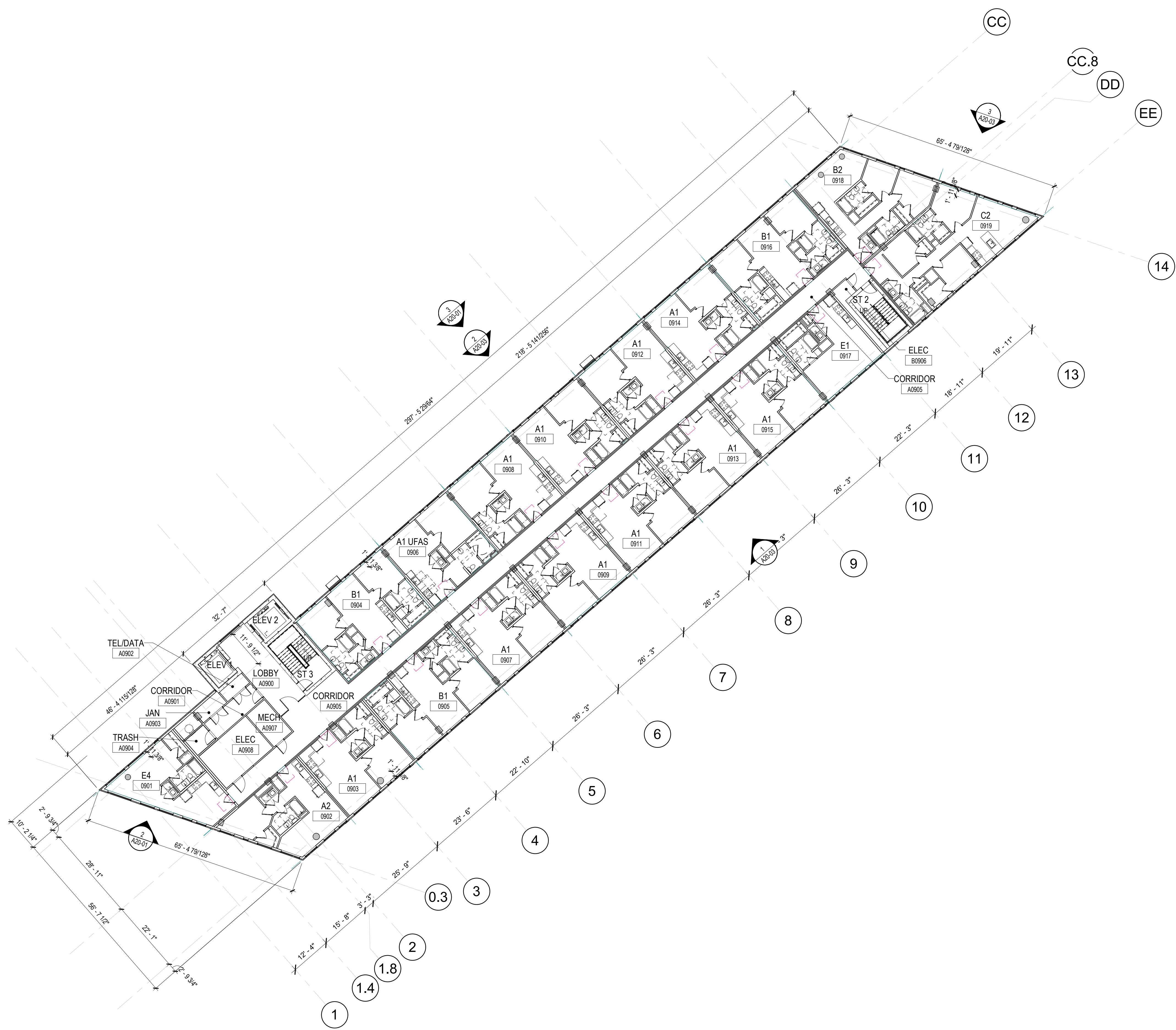
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
ONSITE				
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 09

1/16" = 1'-0"

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CONSULTANTS

- CIVIL: STANTEC, 12222 MERIT DR, SUITE 400, DALLAS, TX 75251
- STRUCTURAL: CLICK ENGINEERING, 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
- MECHANICAL & PLUMBING: ME ENGINEERS, 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
- LANDSCAPE: JOHNSTON LANDSCAPE ARCHITECTURE, 1 VICKSBURG LANE, RICHARDSON, TX 75080
- ELECTRICAL: ACTS 29 CONSULTING, 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

JORDAN FOSTER CONSTRUCTION
9639 GREENVILLE, DALLAS, TX 75243

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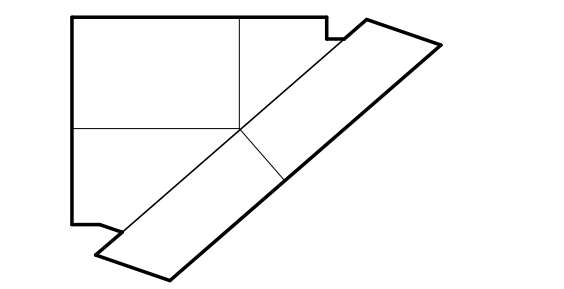
PROJECT

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2400 BRYAN ST, DALLAS, TX 75201



MATTHEWS SOUTHWEST
320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 10

SHEET NUMBER

A10-10

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
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- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

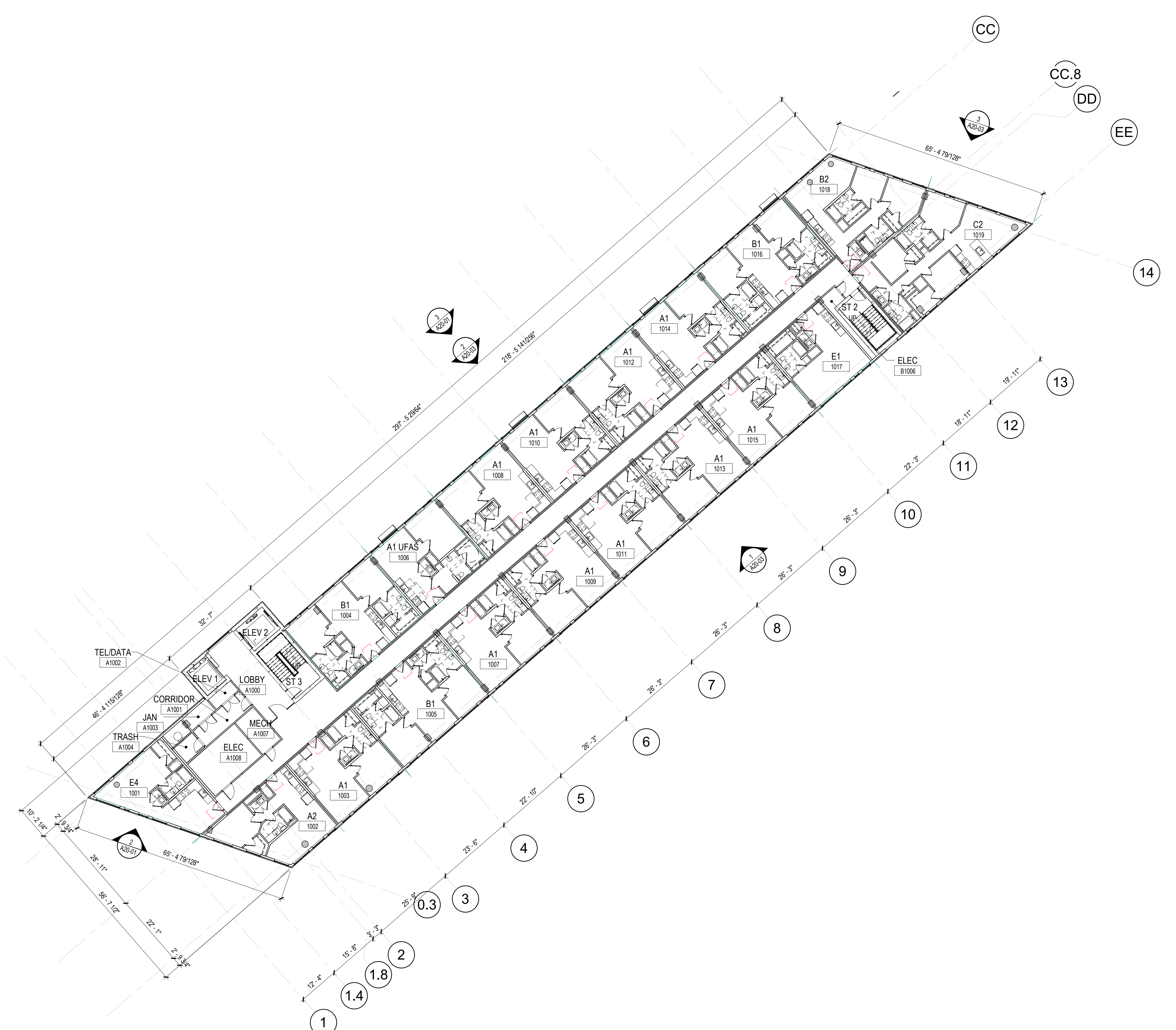
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG (Ref: XXX-XXX)
- EXTERIOR ELEVATION TAG (XX:AX:XXX)
- WALL SECTION TAG (XX:AX:XXX)
- BUILDING SECTION TAG (XX:AX:XXX)
- FIELD VERIFY (FV)
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE (A (ALPHA))
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE (NUMERICAL)
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE (A0301A)
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS (7XX)
- FLOOR DRAIN (FD)
- ENLARGED PLAN TAG (X:AX:XXX)
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
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Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 10

1/16" = 1'-0"

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 1214.283.8700
 1214.283.8701
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CONSULTANTS

- CIVIL: STANTEC, 12222 MERIT DR, SUITE 400, DALLAS, TX 75251
- STRUCTURAL: CLICK ENGINEERING, 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
- MECHANICAL & PLUMBING: ME ENGINEERS, 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
- LANDSCAPE: JORDAN FOSTER CONSTRUCTION, 1 VICKSBURG LANE, RICHARDSON, TX 75080
- ELECTRICAL: ACTS 29 CONSULTING, 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
 320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

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 9639 GREENVILLE, DALLAS, TX 75243

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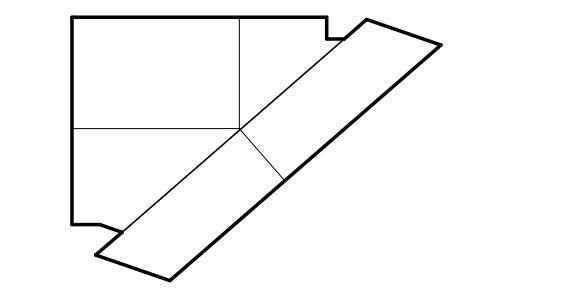
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50% CONSTRUCTION 02/27/2019



MATTHEWS SOUTHWEST
 320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 11

SHEET NUMBER

A10-11

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
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- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

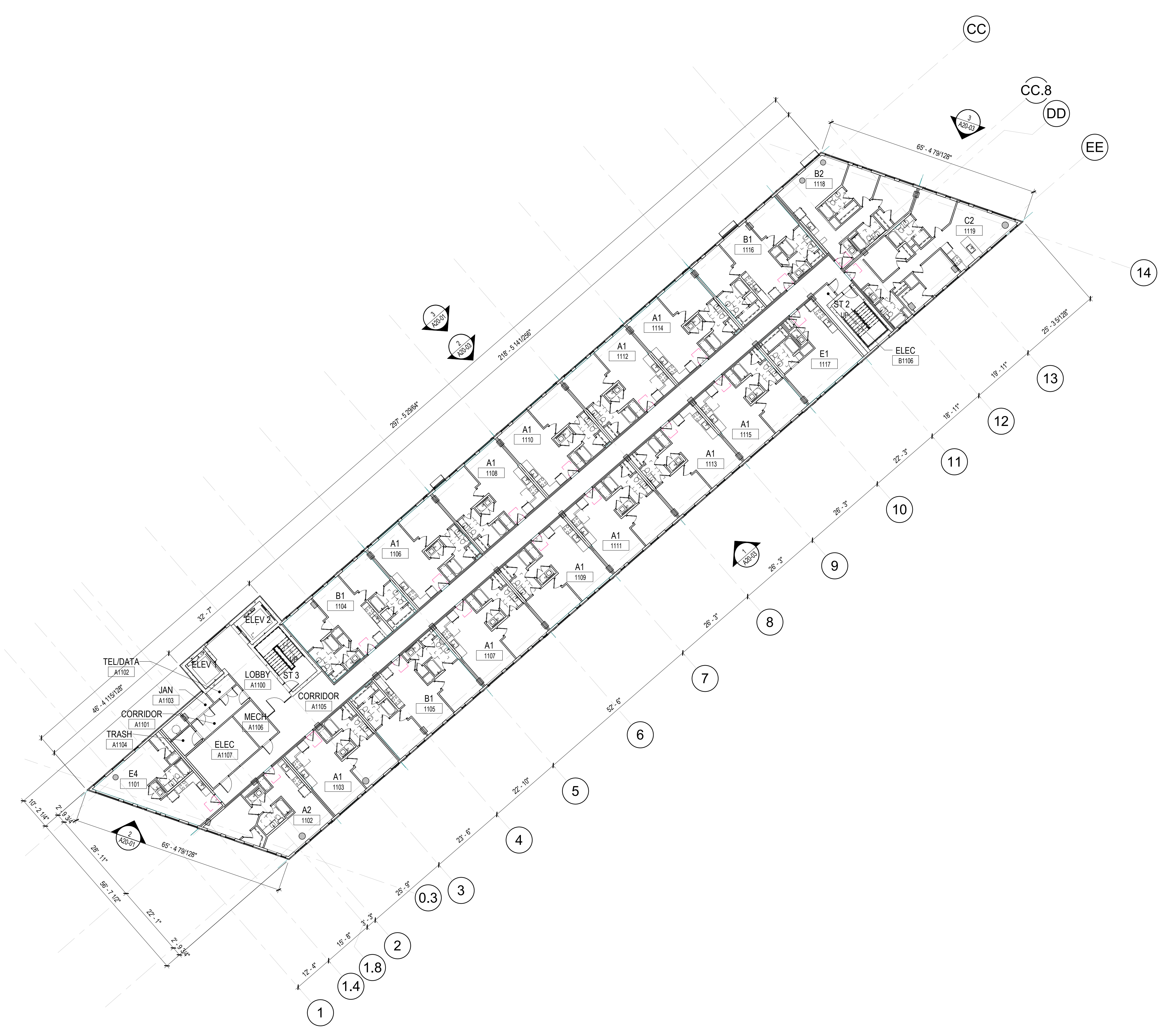
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG (Ref XX/A-XXX)
- EXTERIOR ELEVATION TAG (XX/A-XXX)
- WALL SECTION TAG (XX/A-XXX)
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- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE (A6201A)
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS (TXX)
- FLOOR DRAIN (FD)
- ENLARGED PLAN TAG (X/A-XXX)
- NOT IN SCOPE
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FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

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Level 01	6	5	5	16
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1 OVERALL PLAN - LEVEL 11

1/16" = 1'-0"

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OWNER

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CONTRACTOR

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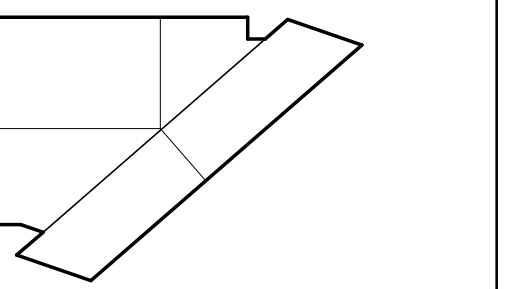
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50% CONSTRUCTION 02/27/2019



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TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 12

SHEET NUMBER

A10-12

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
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- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

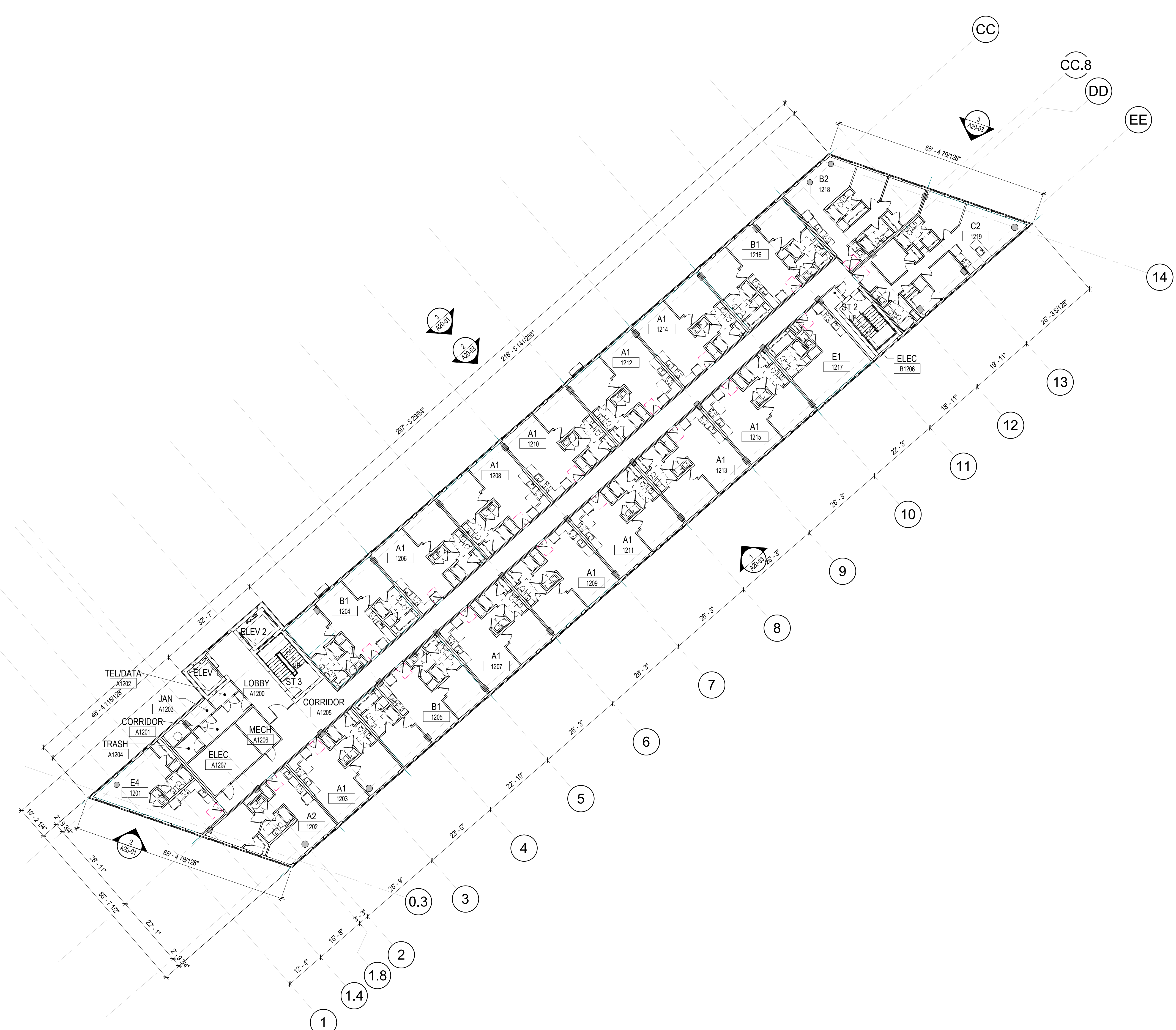
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
- EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE.
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
ONSITE				
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 12

1/16" = 1'-0"

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MECHANICAL & PLUMBING
 ME ENGINEERS
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LANDSCAPE
 JORDAN FOSTER CONSTRUCTION
 1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
 ACTS 29 CONSULTING
 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
 320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

JORDAN FOSTER CONSTRUCTION
 9639 GREENVILLE, DALLAS, TX 75243

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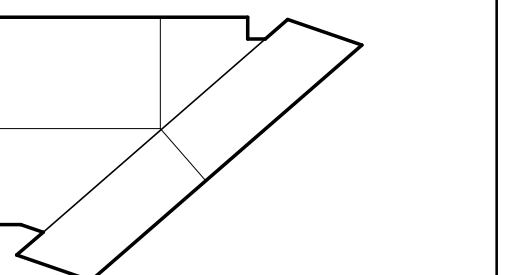
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50% CONSTRUCTION 02/27/2019



MATTHEWS SOUTHWEST
 320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 13

SHEET NUMBER

A10-13

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
- ALL PARTITIONS ARE TYPE 'A41' UNLESS OTHERWISE NOTED.
- DIMENSIONS SHOWN ON THE FLOOR PLANS FOR NEW CONSTRUCTION ARE TO THE FACE OF FINISH OF INTERIOR WALLS; TO CENTER LINE OF COLUMNS AND TO FACE OF CONCRETE OR MASONRY WALLS, UNLESS OTHERWISE INDICATED.
- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
- PROVIDE MINIMUM 1'-0" CLEAR FLOOR SPACE AT THE PUSH SIDE OF EVERY DOOR WITH A CLOSER. PROVIDE MINIMUM 1'-0" CLEAR AT THE PULL SIDE OF EVERY DOOR (EXCLUDING PATIENT BEDROOMS), UNLESS SPECIFICALLY DIMENSIONED, NOTED OR SHOWN OTHERWISE.
- PROVIDE A 1'-4" WIDE CHASE BEHIND SINGLE SIDED TOILETS, AND A 1'-8" WIDE CHASE BETWEEN BACK TO BACK TOILETS. FOR WALL HUNG FIXTURES, FOR FLOOR MOUNTED FIXTURES PROVIDE A 6" STUD, MINIMUM.
- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FIXTURE TO THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

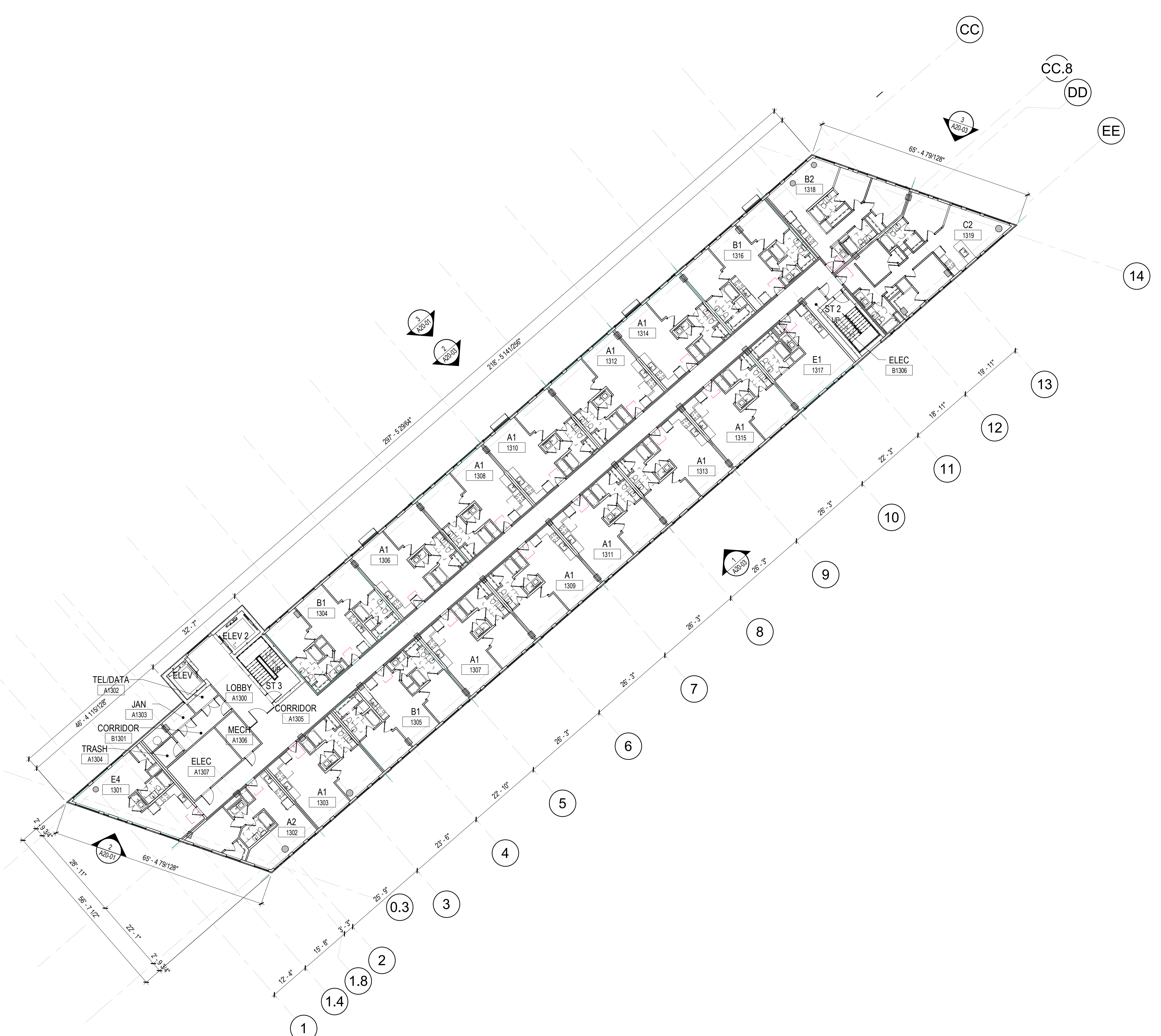
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
- BUILDING SECTION TAG
- FIELD VERIFY
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- ENLARGED PLAN TAG
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FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
ONSITE				
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
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Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 13

1/16" = 1'-0"

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- STRUCTURAL: CLICK ENGINEERING, 325 NORTH SAINT PAUL ST, SUITE 2850, DALLAS, TX 75201
- MECHANICAL & PLUMBING ENGINEERS: 1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207
- LANDSCAPE ARCHITECTURE: LANDSCAPE ARCHITECTURE, 1 VICKSBURG LANE, RICHARDSON, TX 75080
- ELECTRICAL: ACTS 29 CONSULTING, 800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

OWNER

RMGM | MSW
 320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

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 9639 GREENVILLE, DALLAS, TX 75243

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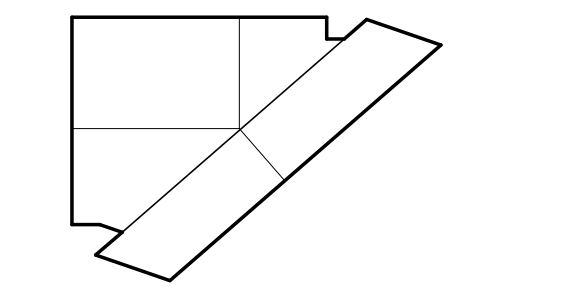
PROJECT

BRYAN STREET RESIDENTIAL TOWER
 2400 BRYAN ST, DALLAS, TX 75201



MATTHEWS SOUTHWEST
 320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

OVERALL PLAN - LEVEL 14

SHEET NUMBER

A10-14

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
- REFER TO SHEET A00-01 FOR ADDITIONAL GENERAL NOTES.
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- WHERE NEW GYPSUM BOARD PARTITIONS ARE A CONTINUATION OF AN EXISTING PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE NEW GYPSUM BOARD SHALL BE ALIGNED WITH THE FACE OF THE EXISTING SURFACE. WHERE A ONE HOUR PARTITION IS SHOWN AS A CONTINUATION OF A TWO-HOUR PARTITION OR COLUMN ENCASEMENT, THE FACE OF THE GYPSUM BOARD SHALL BE ALIGNED. STUDS SHALL BE OFFSET AND ADDITIONAL LAYERS OF GYPSUM BOARD SHALL BE PROVIDED AS REQUIRED TO PROVIDE FACE ALIGNMENT OF GYPSUM BOARD.
- SEE PLUMBING LAYOUTS FOR TYPICAL MOUNTING HEIGHTS OF PLUMBING FIXTURES AND TOILET ACCESSORIES.
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- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

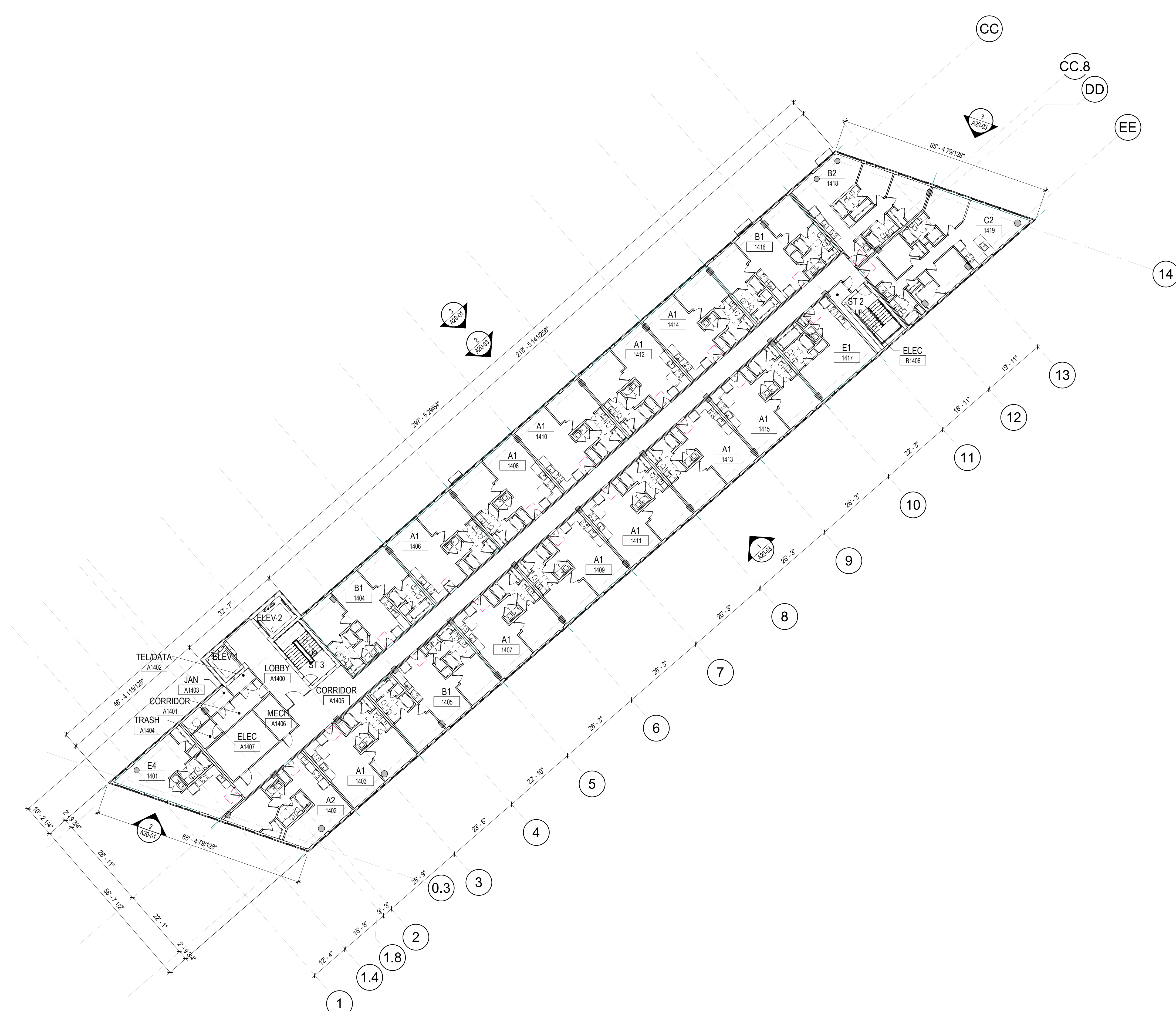
- EXPANSION JOINT
- NEW PARTITION
- INTERIOR ELEVATION TAG
- EXTERIOR ELEVATION TAG
- WALL SECTION TAG
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- DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE
- PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FLOOR DRAIN
- ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

<<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
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Level 01	6	16	5	27
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TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 14

1/16" = 1'-0"

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MECHANICAL & PLUMBING ENGINEERS
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LANDSCAPE ARCHITECTURE
 JOHNSTON LANDSCAPE ARCHITECTURE
 1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
 ACTS 29 CONSULTING
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OWNER

RMGM | MSW
 320 W MAIN ST, LEWISVILLE, TX 75057

CONTRACTOR

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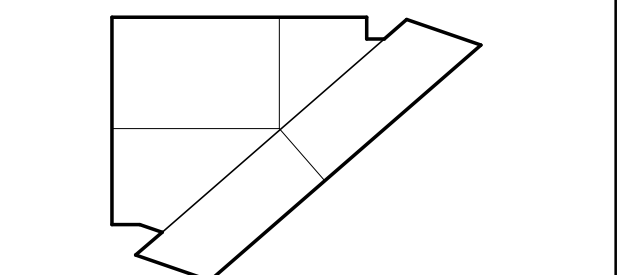
PROJECT

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 DALLAS, TX 75201



MATTHEWS SOUTHWEST
 320 W MAIN ST, LEWISVILLE, TX 75057

KEYPLAN



ISSUE CHART

ISSUE	DATE
Job Number	146080.000
Drawn	Author
Checked	Checker
Approved	Approver

TITLE

OVERALL PLAN - LEVEL 15

SHEET NUMBER

A10-15

FLOOR PLAN GENERAL NOTES

- PARTITION TYPES ARE SCHEDULED IN THE A01 SERIES. RE: A01 SERIES 'CODE COMPLIANCE PLANS' FOR GRAPHIC EXTENT OF FIRE RATED PARTITIONS. REFER TO PARTITION TYPE SCHEDULE FOR LOCATION OF SOUND ATTENUATION BLANKETS.
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- ALL LAVATORIES AND SINKS SHALL BE MOUNTED A MINIMUM OF 1'-3" FROM THE CENTERLINE OF THE FINISHED FACE OF THE ADJACENT PARTITION.
- PROVIDE BARRIER CABLE AROUND ENTIRE OPEN PERIMETER OF PARKING GARAGE. REF STRUCTURAL FOR REQUIRED STUD UP COLUMN LOCATIONS AND LOADING REQTS.
- REFERENCE PLUMBING AND LANDSCAPE FOR FLOOR DRAINS.

FLOOR PLAN LEGEND

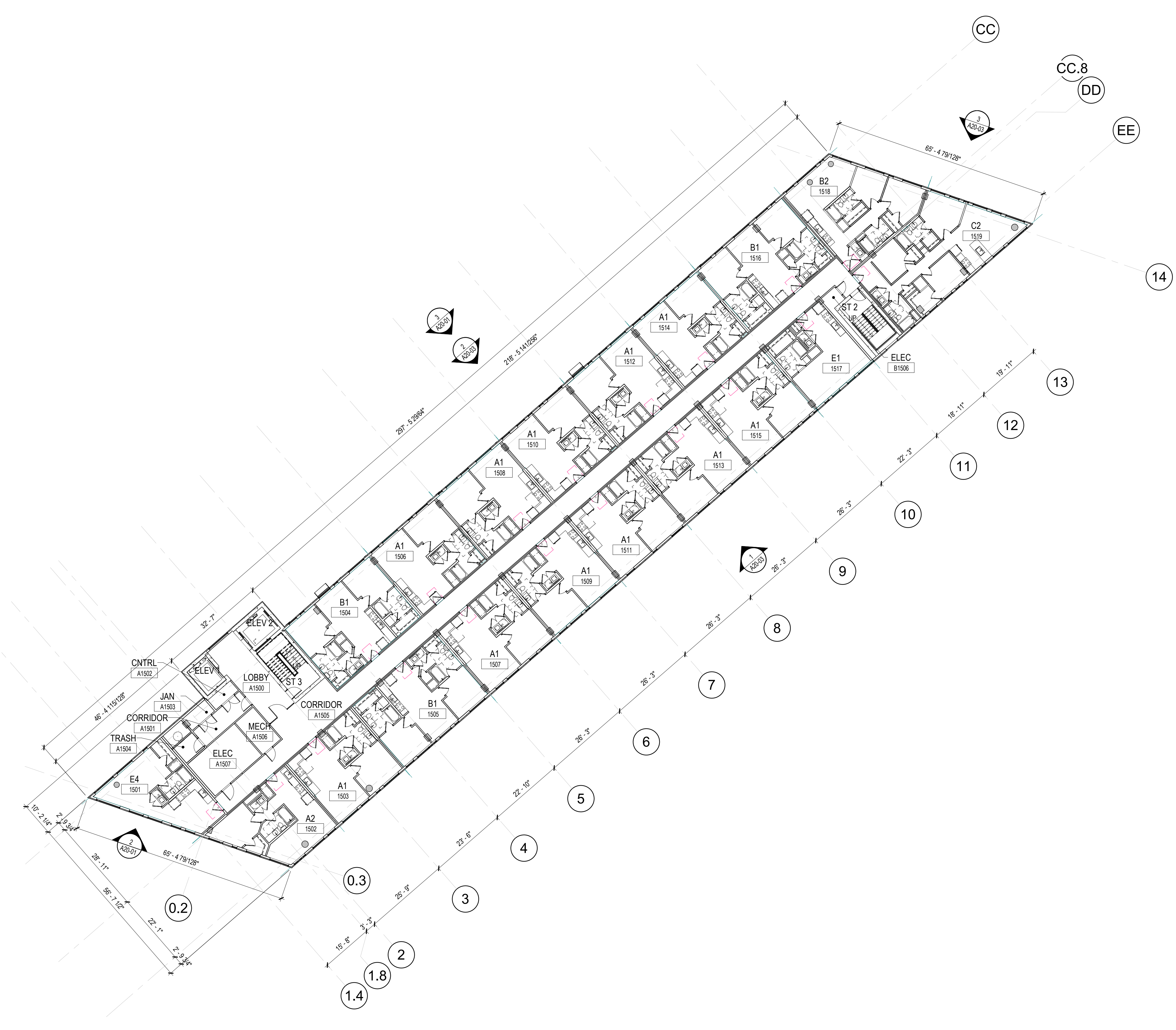
- EXPANSION JOINT
- NEW PARTITION
- Ref
XX/A-XXX INTERIOR ELEVATION TAG
- XX
A/XXX EXTERIOR ELEVATION TAG
- XX
A/XXX WALL SECTION TAG
- XX
A/XXX BUILDING SECTION TAG
- FV FIELD VERIFY
- (A) (ALPHA) EXTERIOR OPENING TAG REF: A33-0X SERIES FOR SCHEDULE
- (1) (NUMERICAL) INTERIOR WINDOW TAG REF: A63-0X SERIES FOR SCHEDULE
- A0301A DOOR TAG REF: A62-01 SERIES FOR DOOR SCHEDULE.
- XXX PARTITION TAG REF: A61-00 SERIES FOR CHARTS
- FD FLOOR DRAIN
- X
A/XXX ENLARGED PLAN TAG
- NOT IN SCOPE
- REFER TO A44-00 SERIES FOR TYPICAL UNIT PLANS

FLOOR PLAN NOTES BY NUMBER

- <<< Indicates Sheet Keynote on Plan

PARKING COUNT

ONSITE	STANDARD	COMPACT	ADA	TOTAL SPACES/ LVL
Level 01	6	5	5	16
GARAGE				
Level 01	6	16	5	27
Level 02	50	19	2	71
Level 03	57	8	1	66
Level 04	57	8	1	66
Level 05	56	9	1	66
TOTAL SPACES/TYP	232	65	15	312



1 OVERALL PLAN - LEVEL 15

1/16" = 1'-0"

**ROOF PLAN
GENERAL NOTES**

- REFER TO MECHANICAL, PLUMBING, AND ELECTRICAL FOR LOCATIONS OF PIPING, CURBS, VENTS, DUCTS, FANS, AND OTHER ITEMS ON THE ROOF SURFACE.
- PAINT EXPOSED ROOF MOUNTED EQUIPMENT, PIPING, ETC., EXCEPT THOSE ITEMS WHICH ARE ALUMINUM OR STAINLESS STEEL. COLOR AS SELECTED BY ARCHITECT.
- CUT EXISTING ROOF AS REQUIRED FOR NEW ROOF. FLASH IN WITH NEW ROOFING MATERIAL TO MATCH EXISTING. COMPLY WITH ALL REQUIREMENTS OF MANUFACTURER OF EXISTING ROOF TO MAINTAIN CURRENT WARRANTY.
- ALL ROOF FLASHING TO BE ACCORDING TO MANUFACTURERS' RECOMMENDATIONS.
- REFER TO PLUMBING DRAWINGS FOR ROOF DRAIN SIZES.
- OVERFLOW ROOF DRAIN INLETS SHALL BE 2" ABOVE THE PRIMARY DRAIN INLETS.
- REFERENCE A32 SERIES FOR TYPICAL ROOF DETAILS.
- REFERENCE ELECTRICAL FOR LIGHTNING PROTECTION SYSTEMS.

ROOF PLAN LEGEND

- TACK INSULATION BOARD WITHIN ROOF SYSTEM TO CRICKET (PROVIDE 1/4" PER FOOT MINIMUM FLOW TO DRAIN).
 - PRIMARY ROOF DRAIN (2" Ø FROM BEAM CENTERLINE TYP.). ROOF DRAIN SHALL BE AT THE LOW POINT OF THE ROOF. REF: ??AXX-XX.
 - OVERFLOW DRAIN (INLET TO BE SET AT 2" ABOVE THE PRIMARY ROOF DRAIN WITH A STANDARD 2" DAM). REF: ??AXX-XX.
 - ROOF WALK PADS. REFER TO SPECIFICATIONS.
 - SLOPE FOR 1/4" PER FOOT MINIMUM FLOW TO DRAIN, UNLESS NOTED OTHERWISE.
 - T/STL TOP OF STEEL ELEVATION
 - T/PARAPET TOP OF PARAPET
 - T/MAS TOP OF MASONRY
 - DS DOWN SPOUT
- TYPE A** UL DESIGN # D925 (2 HOUR RATED); FLAT STRUCTURE, SINGLE PLY, FULLY ADHERED PTO ROOFING ON 1/2" MIN TAPERED INSULATION (WITH HARDENED FACE BOARD PER MANUFACTURERS RECOMMENDATION), ON 2" MIN ROOF DECK INSULATION (MAINTAIN AN AVERAGE R-19) ON A CONCRETE SLAB. MAINTAIN A MINIMUM 1/4" TO 1" Ø SLOPE TO THE DRAIN WITH THE TAPERED INSULATION.
- TYPE B** UL DESIGN # D925 (2 HOUR RATED); FLAT STRUCTURE, SINGLE PLY, FULLY ADHERED PTO ROOFING ON 1/2" MIN TAPERED INSULATION (WITH HARDENED FACE BOARD PER MANUFACTURERS RECOMMENDATION), ON 2" MIN ROOF DECK INSULATION (MAINTAIN AN AVERAGE R-19) ON A COMPOSITE STL ROOF DECK. MAINTAIN A MINIMUM 1/4" TO 1" Ø SLOPE TO THE DRAIN WITH THE TAPERED INSULATION.

SHEET KEYNOTES

- <<< Indicates Sheet Keynote on Plan
- RP1 MECH EQUIPMENT, REF MECH. PROVIDE WALKWAY PADS AS REQ'D FOR MAINTENANCE ACCESS. REF A32-10 FOR DETAILS
 - RP2 FALL PROTECTION SAFETY TIE BACK ANCHORS WITH HORIZONTAL LIFE LINE PER OSHA STANDARDS. REF A32-12, REF STRUCT.
 - RP3 ROOF AND OVERFLOW DRAINS, REF A32-10 FOR DETAILS
 - RP4 CONCRETE BEAM AT LEVEL 06, REF STRUCT

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LANDSCAPING
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ELECTRICAL
ACTS 29 CONSULTING
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CONTRACTOR

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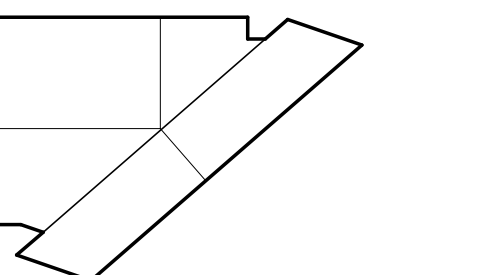
PROJECT

**BRYAN STREET
RESIDENTIAL TOWER**
2400 BRYAN ST.
DALLAS, TX 75201



**MATTHEWS
SOUTHWEST**
320 W MAIN ST., LEWISVILLE,
TX 75057

KEYPLAN



ISSUE CHART

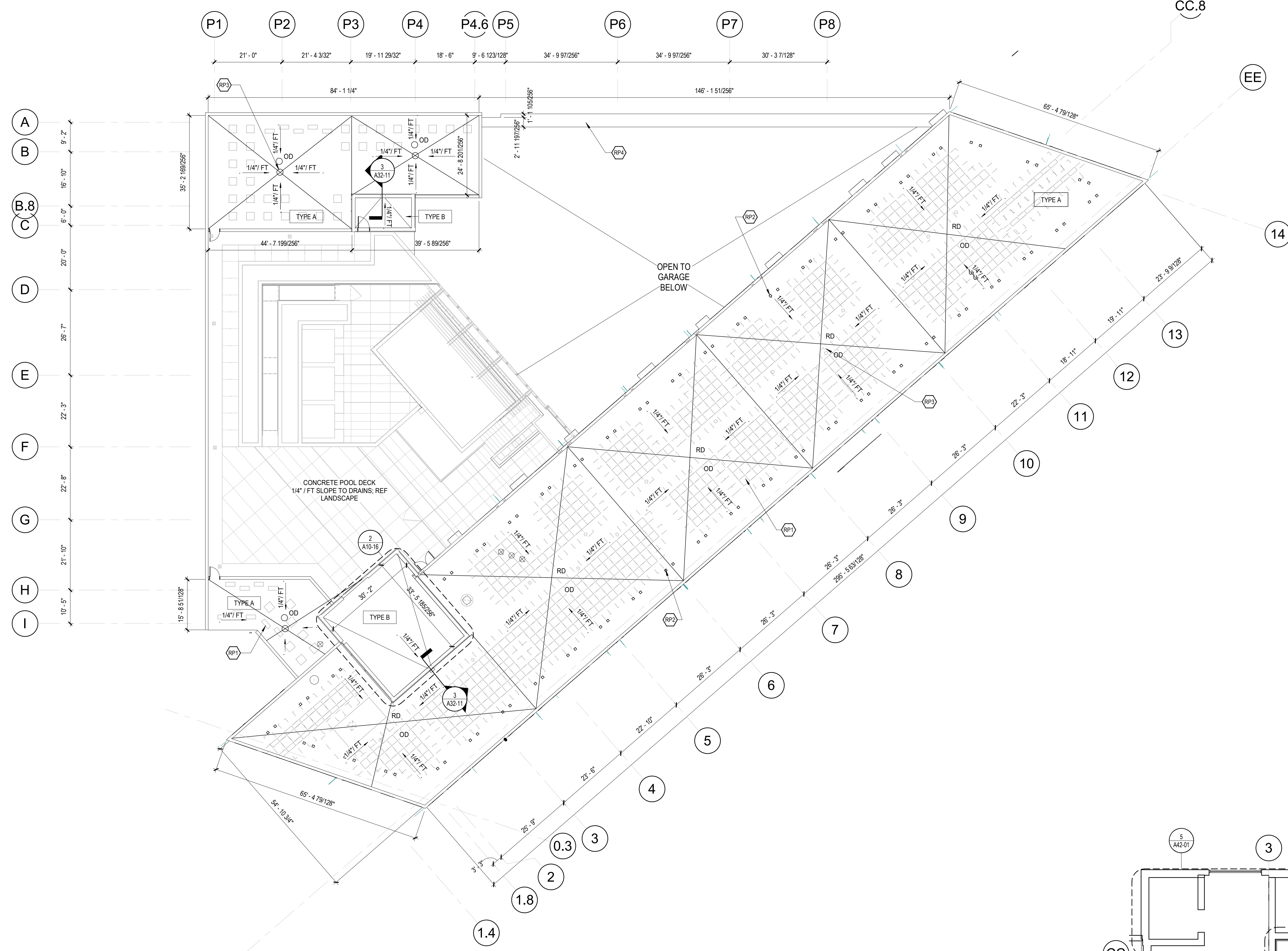
MARK	ISSUE	DATE
Job Number	146080.000	
Drawn	Author	
Checked	Checker	
Approved	Approver	

TITLE

**OVERALL PLAN -
ROOF LEVEL**

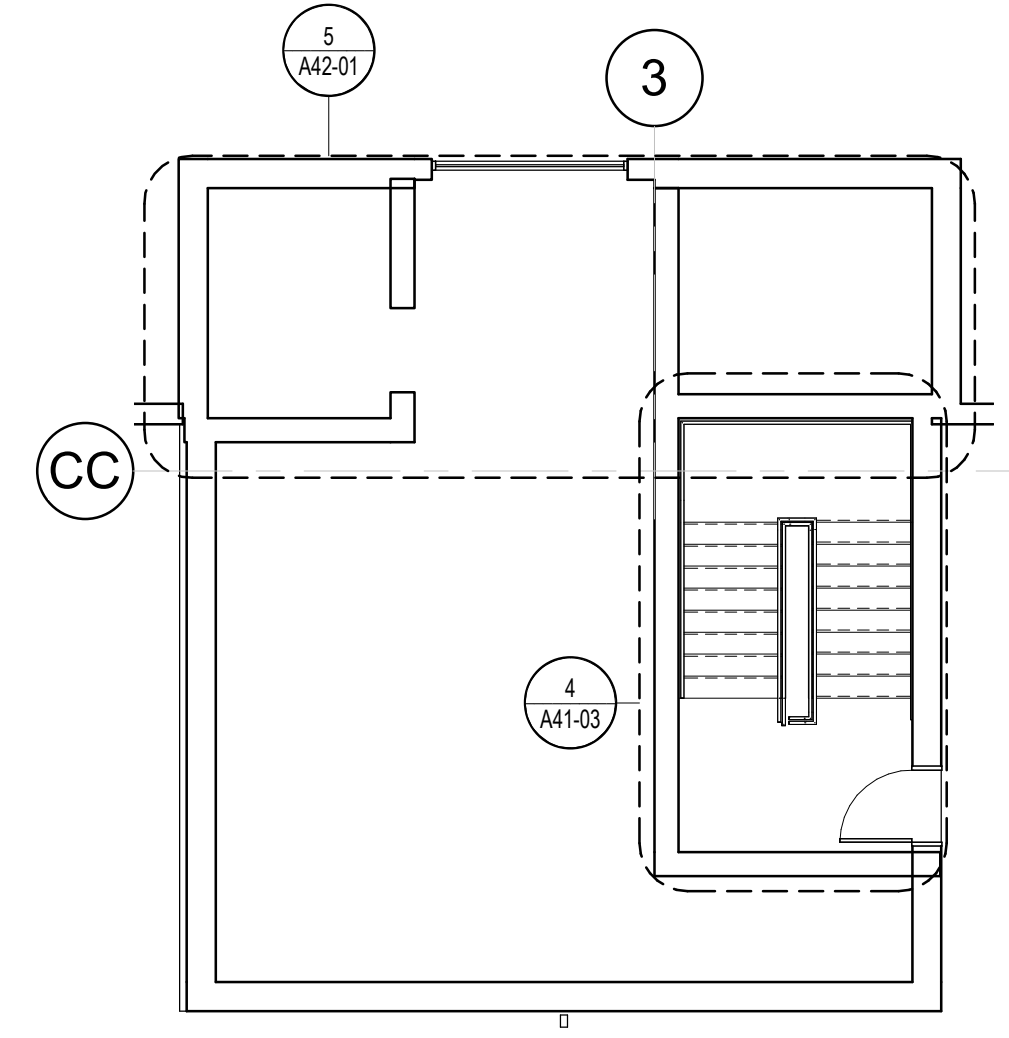
SHEET NUMBER

A10-16



1 OVERALL PLAN - ROOF LEVEL
1/16" = 1'-0"

2 ENLARGE PENTHOUSE PLAN
1/8" = 1'-0"



**EXTERIOR ELEVATION
GENERAL NOTES**

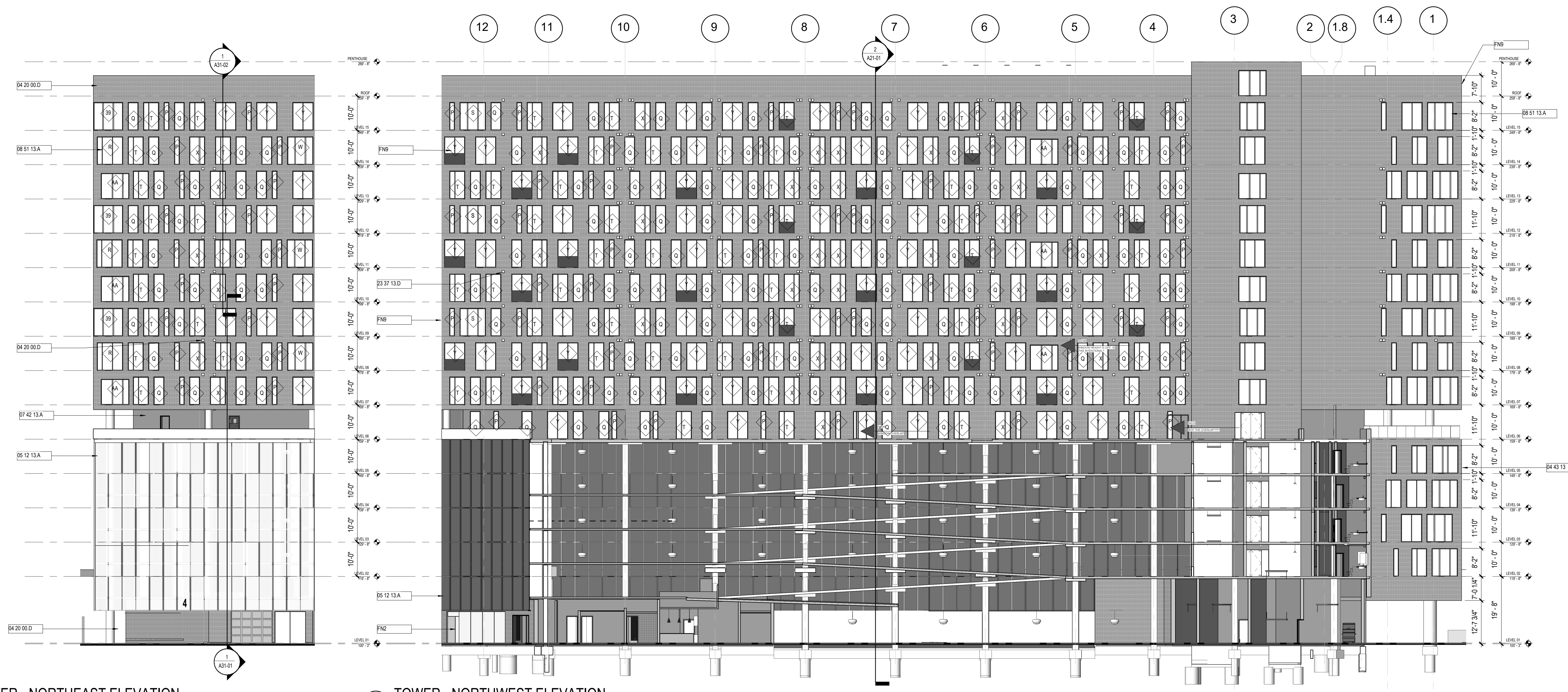
- MATERIAL SYMBOLS ON ELEVATIONS ARE TO DISPLAY THE EXTENT OF THE MATERIAL ONLY. THEY ARE NOT TO SCALE.
- PROVIDE BRICK EXPANSION JOINTS PER THE AMERICAN BRICK INSTITUTE'S RECOMMENDATIONS.

**EXTERIOR ELEVATION
LEGEND**

- ◊ EXTERIOR GLAZED OPENING TYPE RE: A33-XX SERIES
- ⊙ TEMPERED GLAZING FOR CODE
- - - BUILDING EXPANSION JOINT. RE: X1A-XX
- - - MASONRY EXPANSION JOINT. MATCH BRICK COLOR

SHEET KEYNOTES

- ◊◊◊ Indicates Sheet Keynote on Plan
- 04 20 BRICK
- 04 43 13 STONE MASONRY VENEER
- 05 12 AESS
- 13.A FORMED METAL WALL PANEL
- 07 42 ALUMINUM CURTAIN WALL
- 13.A ALUMINUM CURTAIN WALL
- 08 44 ALUMINUM CURTAIN WALL
- 13.A ALUMINUM CURTAIN WALL
- 08 51 FIXED ALUMINUM WINDOW
- 13.A GLASS
- 08 50 GLASS
- 09.A GLASS
- 23 37 LOUVER FACE DIFFUSER
- 13.D ALL EXTERIOR GLAZING WITHIN ROOM TO RECEIVE WT2.
- FN2 ALL EXTERIOR GLAZING WITHIN ROOM TO RECEIVE WT4.
- FN3 ALL EXTERIOR GLAZING WITHIN ROOM TO RECEIVE WT4.



4 TOWER - NORTHEAST ELEVATION
1/16" = 1'-0" | TOWER

3 TOWER - NORTHWEST ELEVATION
1/16" = 1'-0" | TOWER



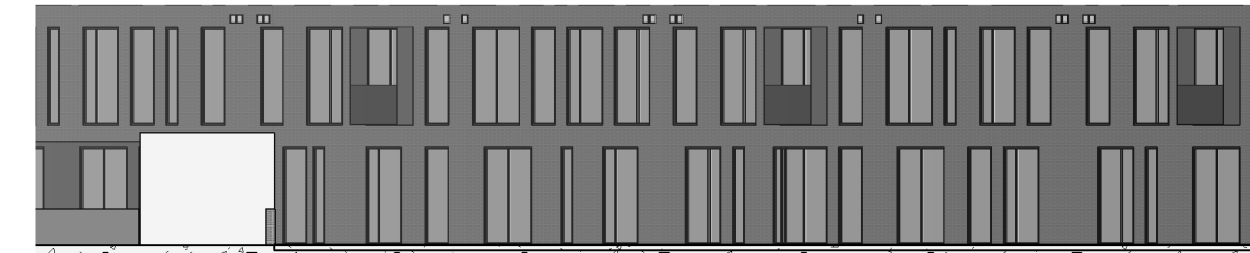
2 TOWER - SOUTHWEST ELEVATION
1/16" = 1'-0" | TOWER

1 TOWER - SOUTHEAST ELEVATION
1/16" = 1'-0" | TOWER

C:\Temp\ARCH-Matthews SW\Bryan St Tower_sarah.mcgrawey.rvt 2/15/2019 2:27:21 PM



7 AMENITY DECK- NORTH ELEVATION
1/16" = 1'-0"



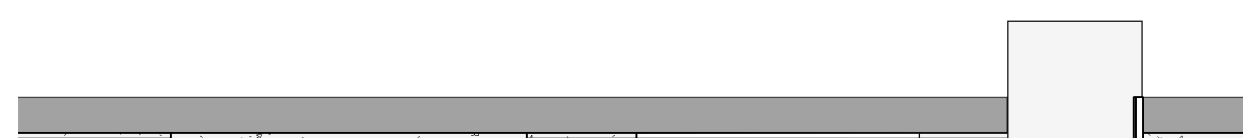
6 AMENITY DECK- WEST ELEVATION
1/16" = 1'-0"



5 NORTH ELEVATION
1/16" = 1'-0" | PODIUM



2 AMENITY DECK- SOUTH ELEVATION
1/16" = 1'-0"



1 AMENITY DECK- EAST ELEVATION
1/16" = 1'-0"



4 WEST ELEVATION
1/16" = 1'-0" | PODIUM

EXTERIOR ELEVATION
GENERAL NOTES

1. MATERIAL SYMBOLS ON ELEVATIONS ARE TO DISPLAY THE EXTENT OF THE MATERIAL ONLY. THEY ARE NOT TO SCALE.
2. PROVIDE BRICK EXPANSION JOINTS PER THE AMERICAN BRICK INSTITUTES RECOMMENDATIONS

EXTERIOR ELEVATION
LEGEND

- ◇ EXTERIOR GLAZED OPENING TYPE RE: A33-XX SERIES
- Ⓣ TEMPERED GLAZING FOR CODE
- - - BUILDING EXPANSION JOINT. RE: X1A-XX
- MASONRY EXPANSION JOINT. MATCH BRICK COLOR

SHEET KEYNOTES

◻◻◻ Indicates Sheet Keynote on Plan

PERKINS
+ WILL

2218 BRYAN ST., SUITE 200, DALLAS, TX 75201
214.283.8700
214.283.8701
www.perkinswill.com

CONSULTANTS

OWNER
RMGM | MSW
320 W MAIN ST., LEWISVILLE, TX 75057

CIVIL
STANTEC
12222 MERT DR., SUITE 400, DALLAS, TX 75251

STRUCTURAL
CLICK ENGINEERING
325 NORTH SAINT PAUL ST., SUITE 2650, DALLAS, TX 75201

MECHANICAL / PLUMBING
ME ENGINEERS
1825 MARKET CENTER BOULEVARD, SUITE 415, DALLAS, TX 75207

LANDSCAPE
JOHNSTON LANDSCAPE ARCHITECTURE
1 VICKSBURG LANE, RICHARDSON, TX 75080

ELECTRICAL
ACTS 29 CONSULTING
800 EAST CAMPBELL ROAD, SUITE 341, RICHARDSON, TX 75081

FACILITY

CONTRACTOR
JORDAN FOSTER CONSTRUCTION
9839 GREENVILLE, DALLAS, TX 75243

PROJECT

BRYAN STREET
RESIDENTIAL TOWER
2400 BRYAN ST.,
DALLAS, TX 75201



MATTHEWS
SOUTHWEST
320 W MAIN ST., LEWISVILLE,
TX 75057
KEYPLAN

FOUNDATION-ONLY PERMIT DOCUMENTS 02/06/2019

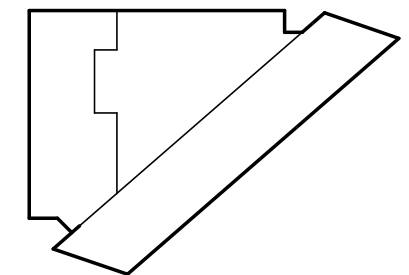
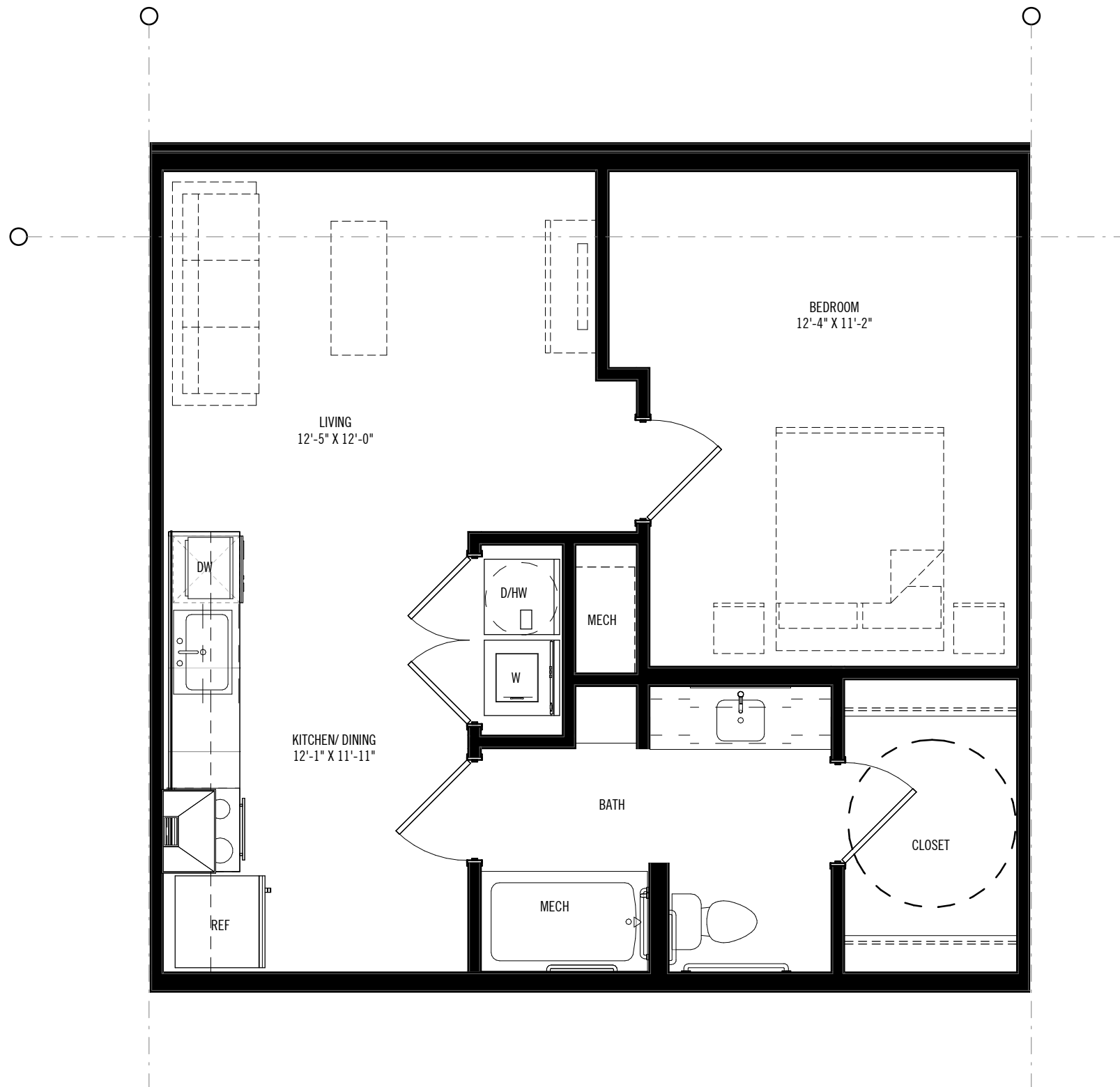
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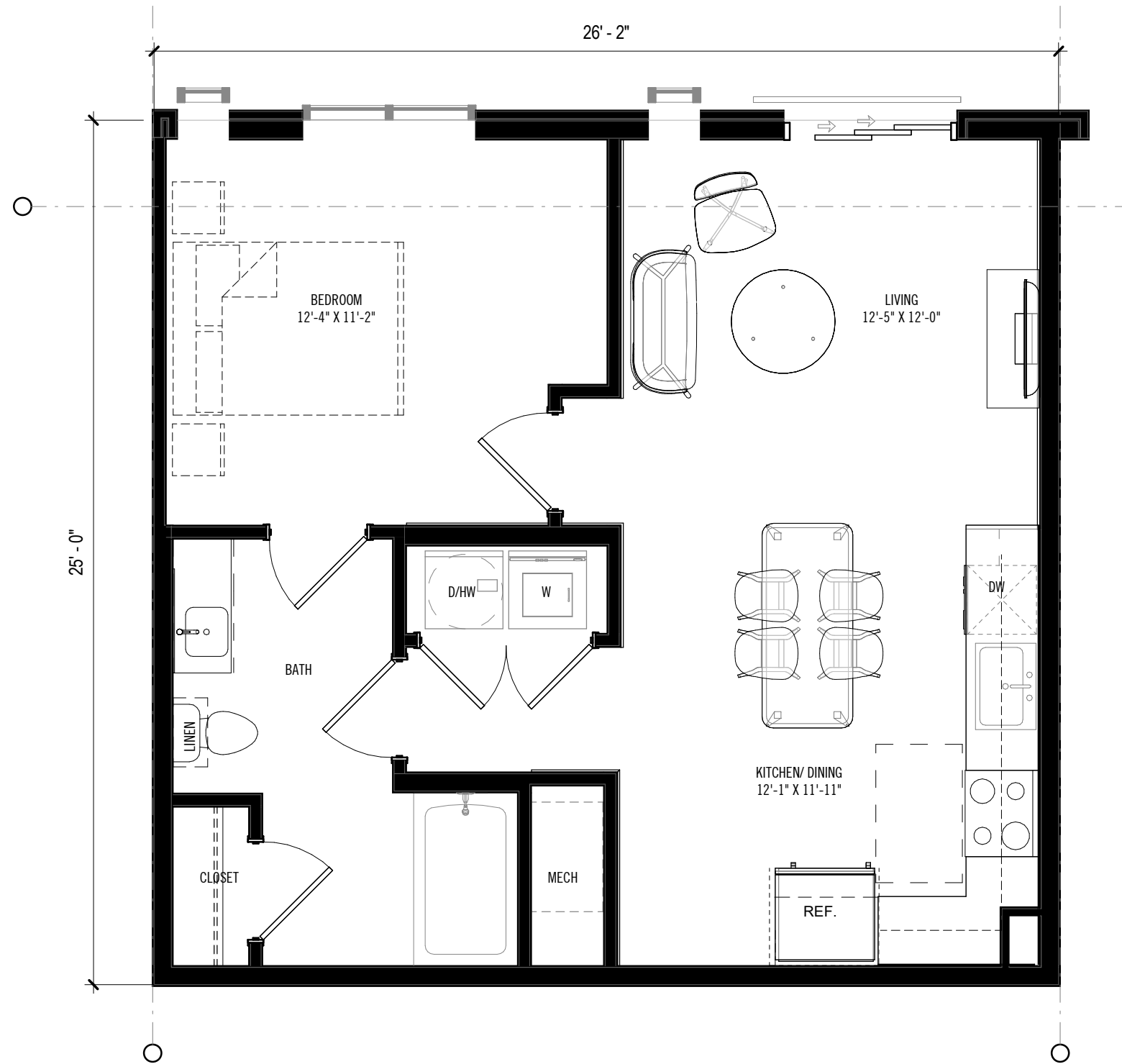
ISSUE	DATE
Job Number	146080.000
Drawn	Author
Checked	Checker
Approved	Approver

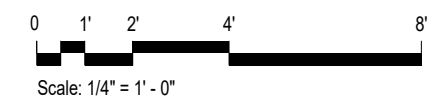
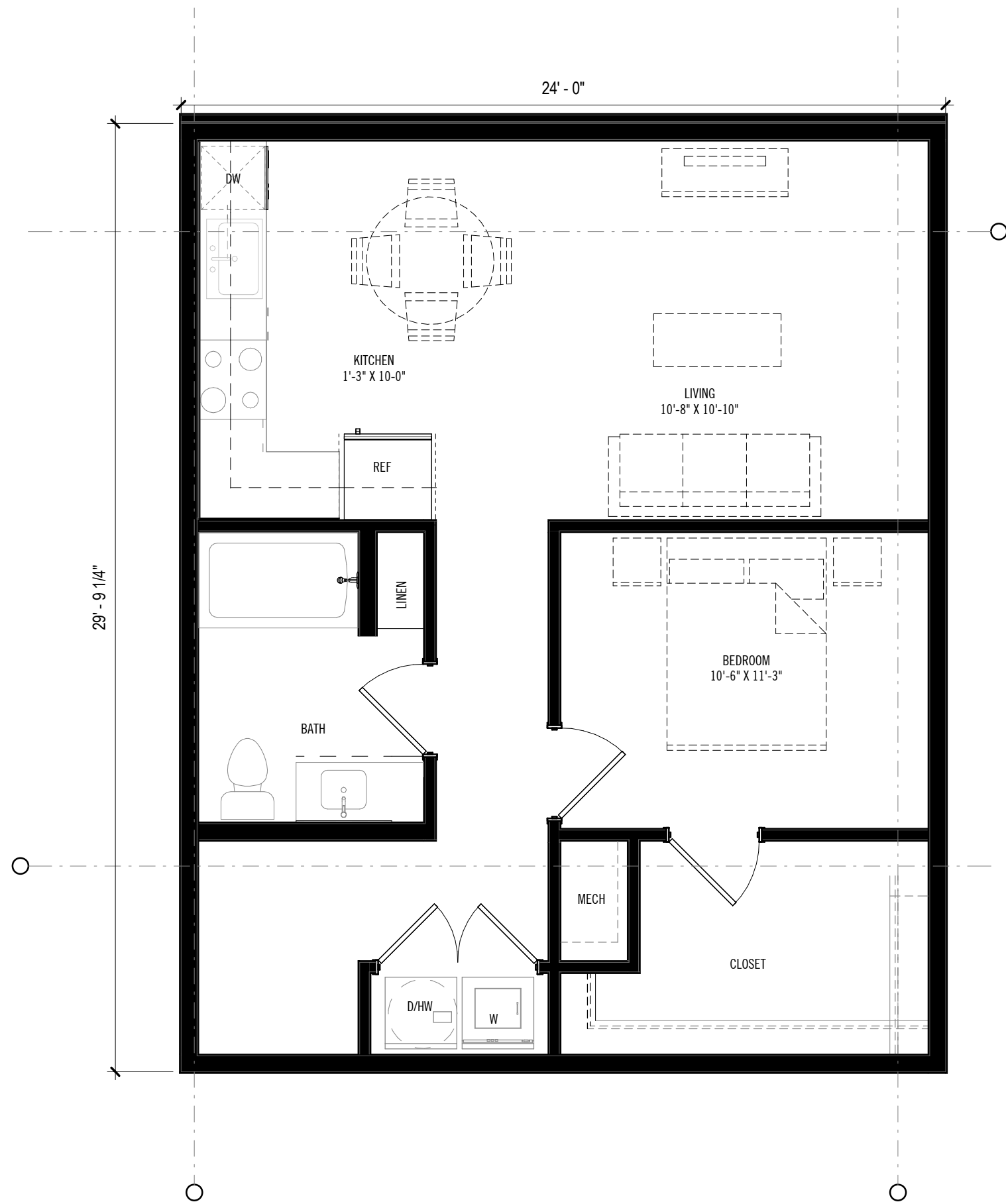
EXTERIOR
ELEVATIONS

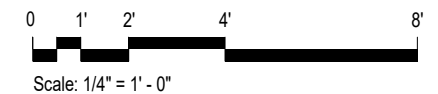
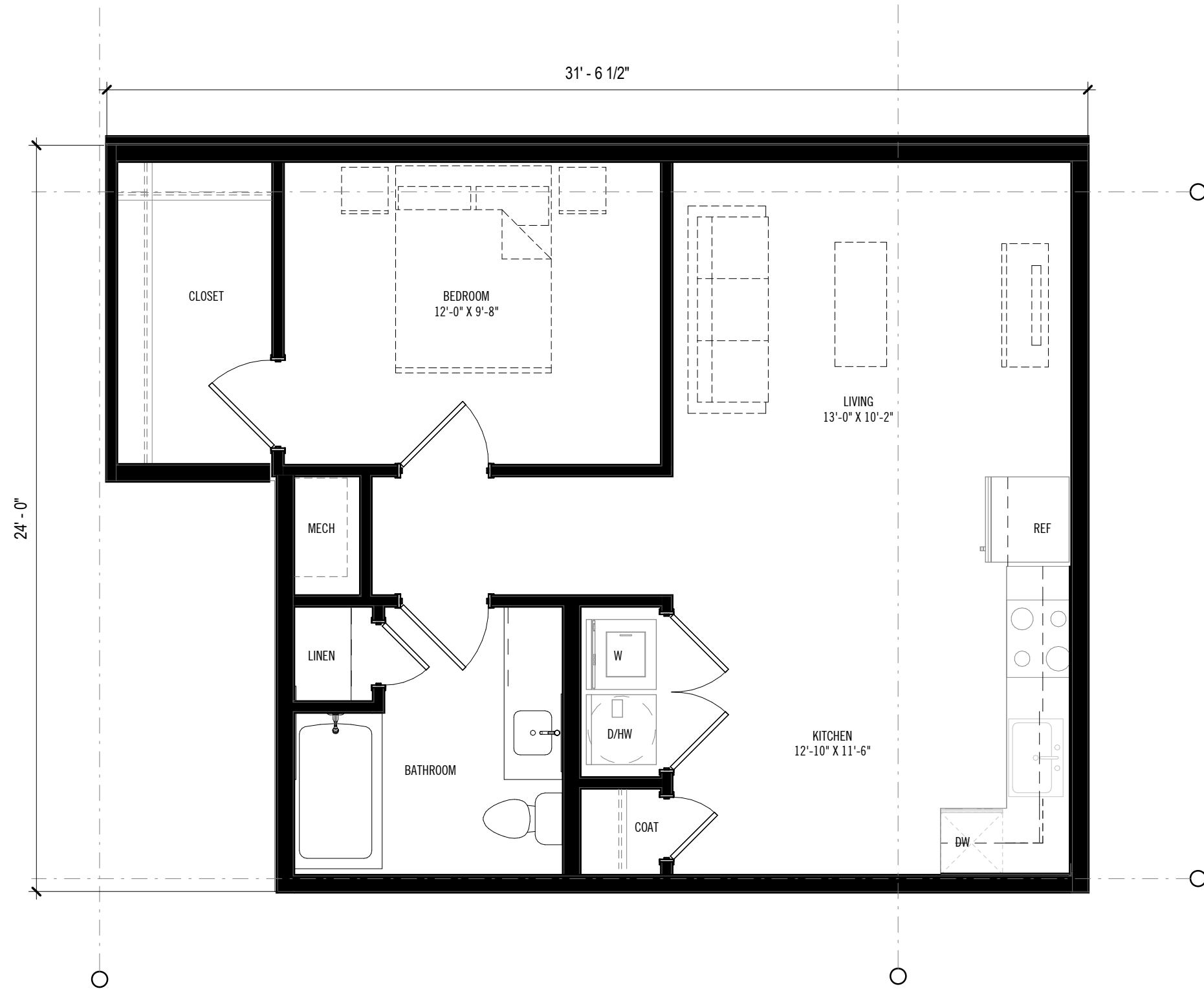
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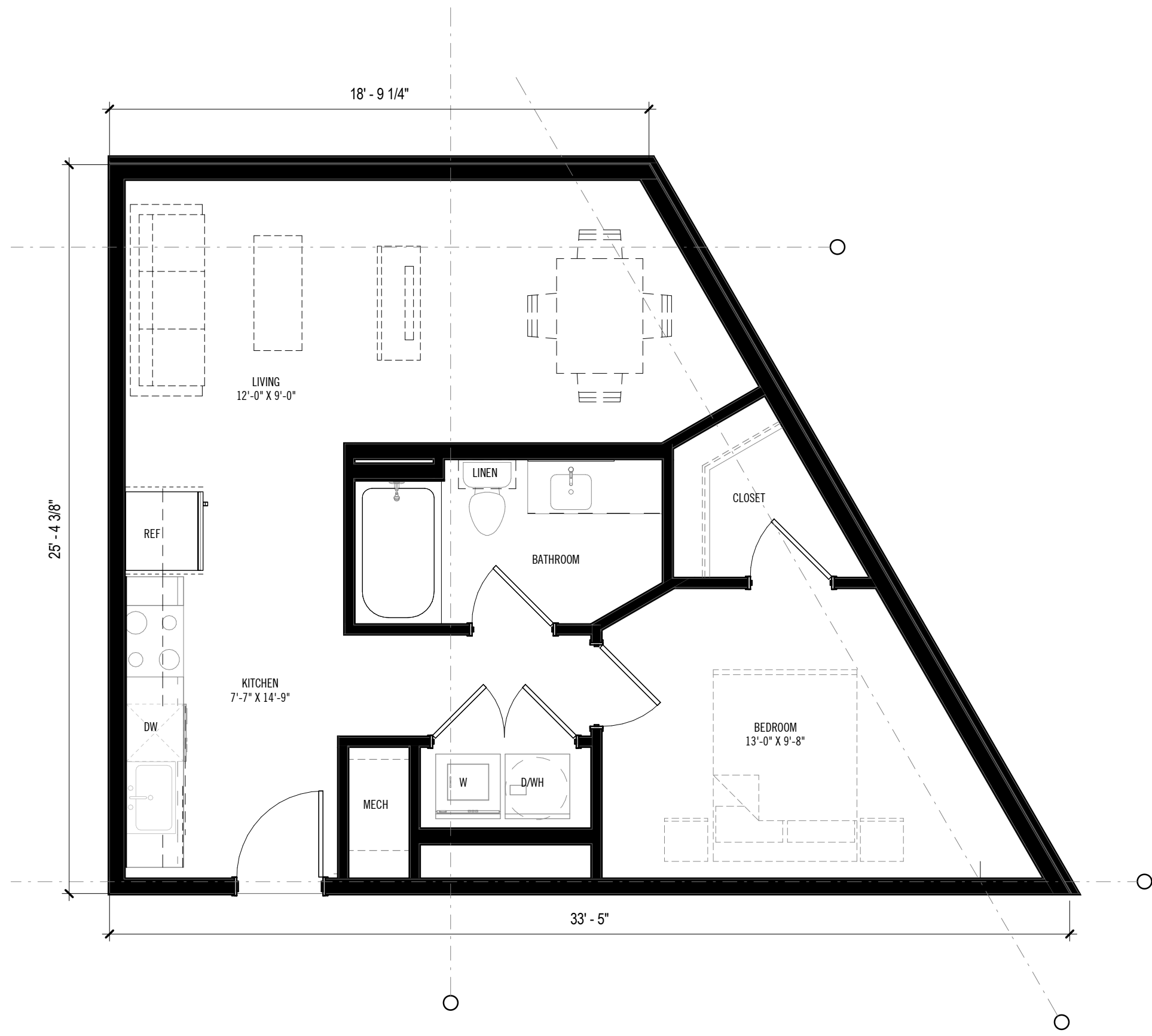
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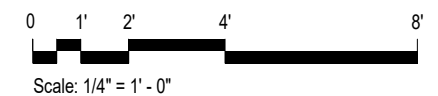
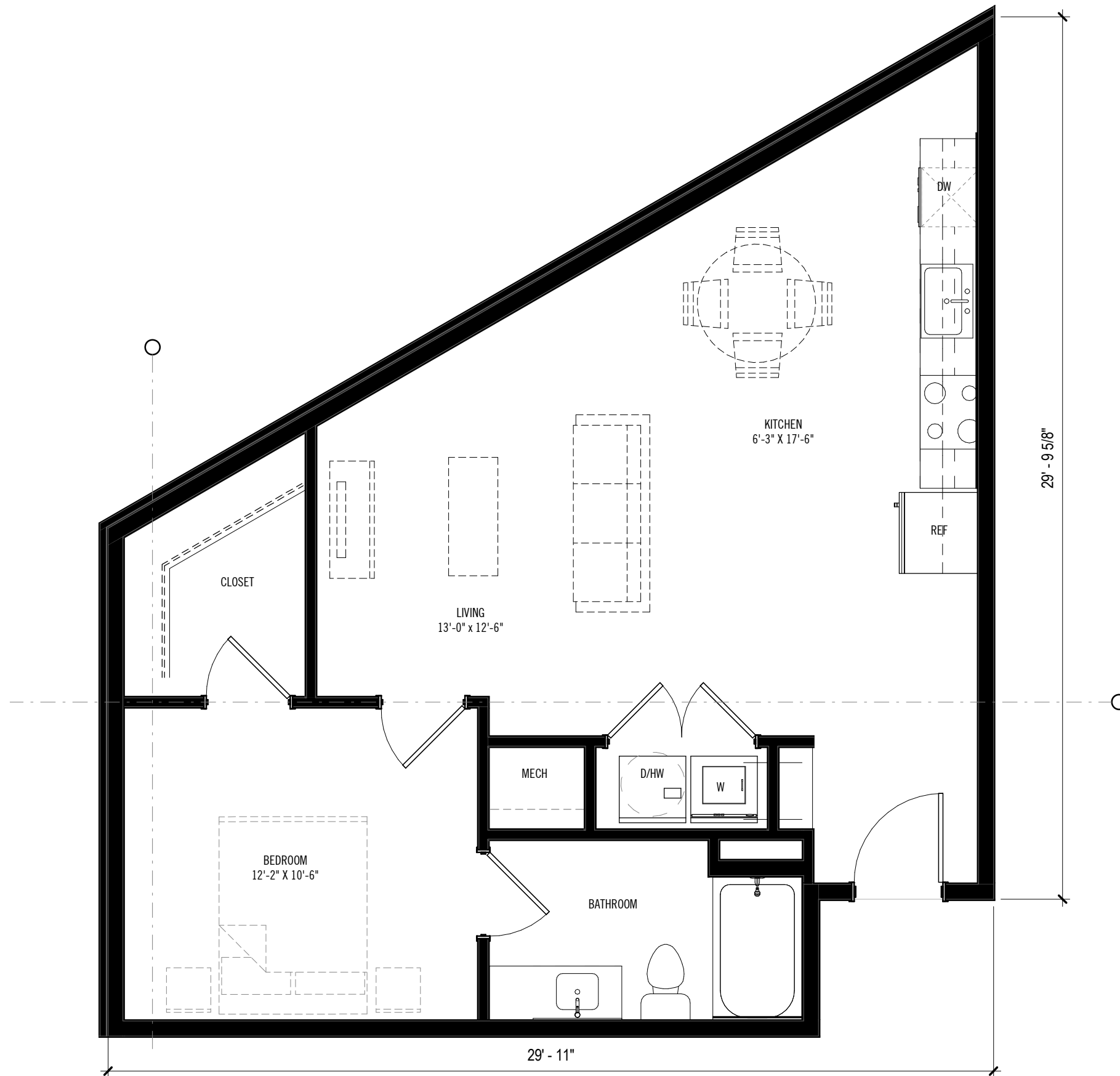


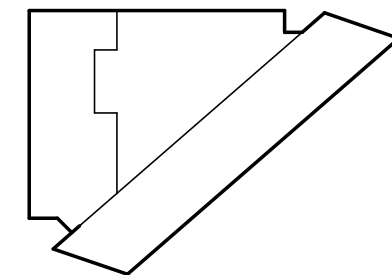
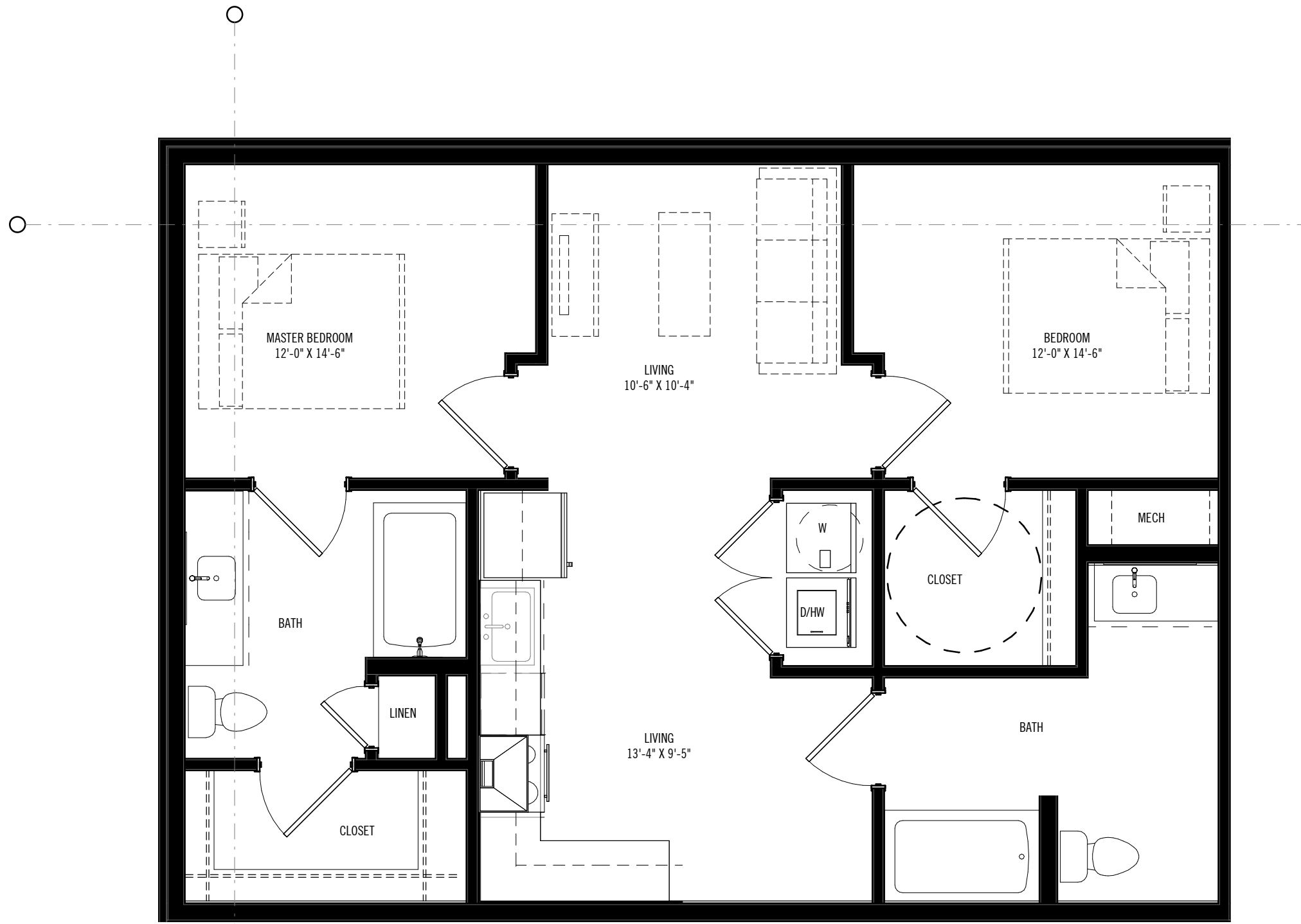


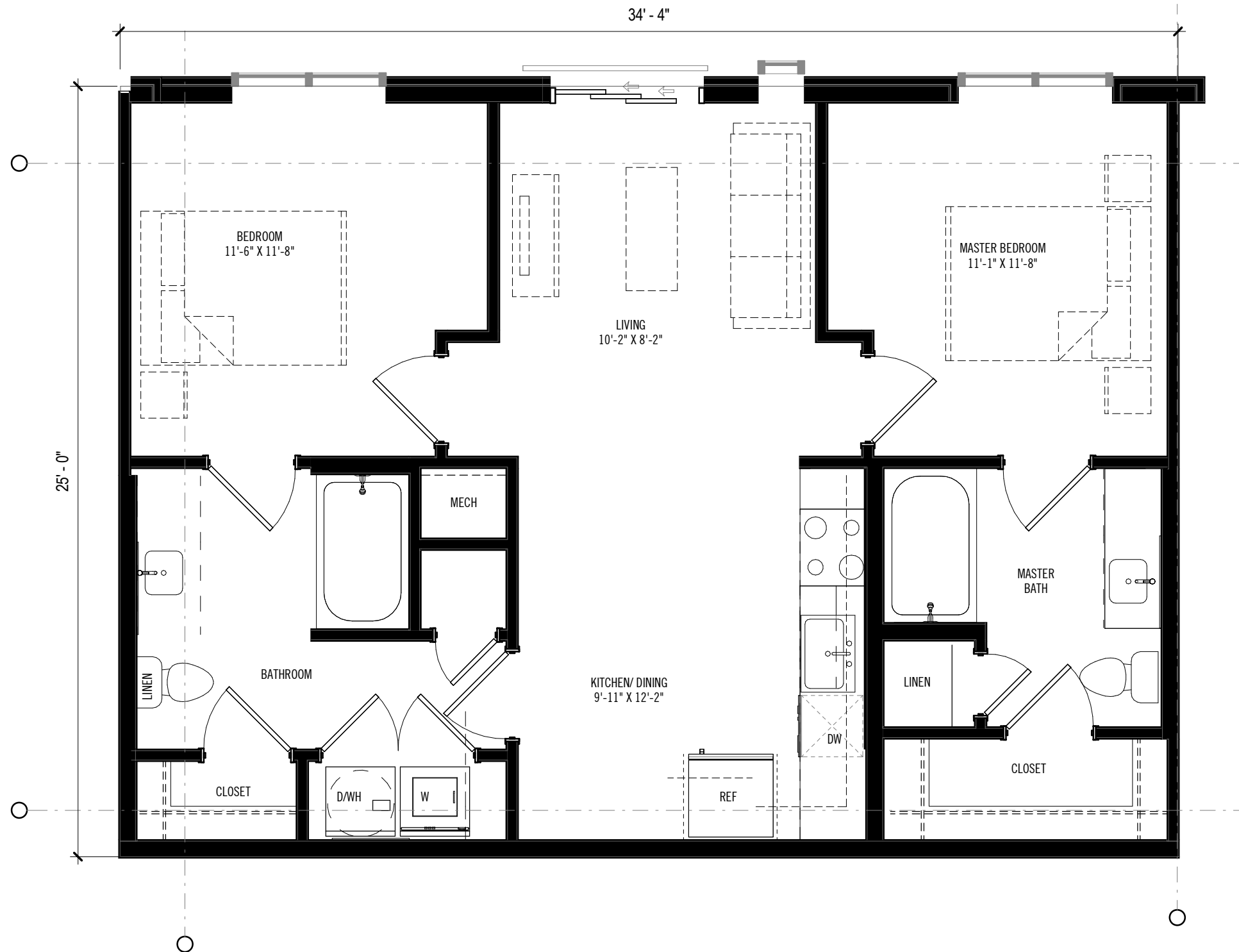
BRYAN STREET RESIDENTIAL TOWER
 MATTHEWS SOUTHWEST

A4 UNIT PLAN - 655 SF

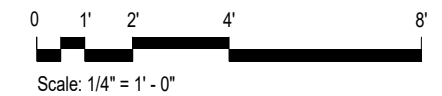
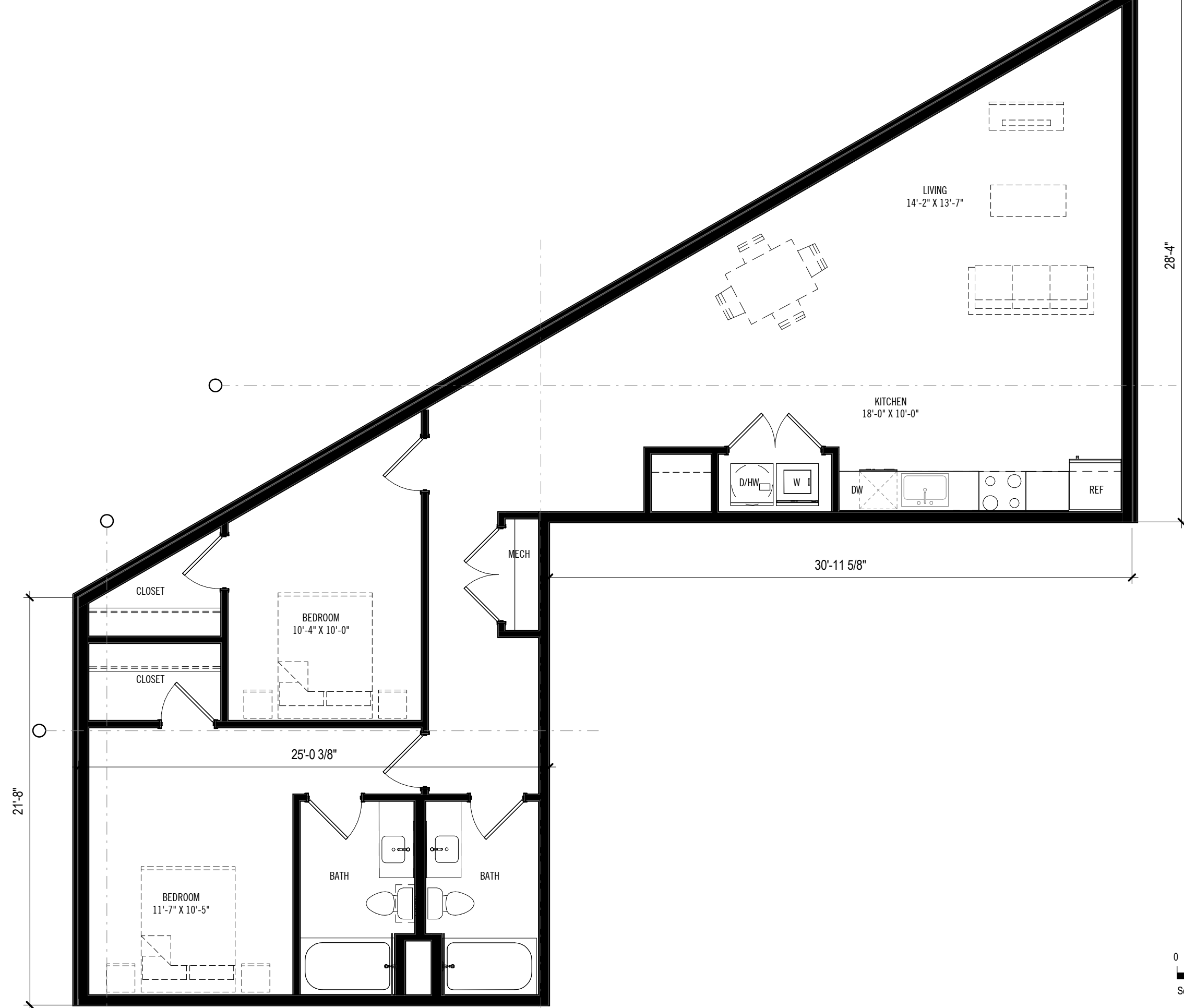
PERKINS+WILL
 FOUNDATION-ONLY PERMIT DOCUMENTS







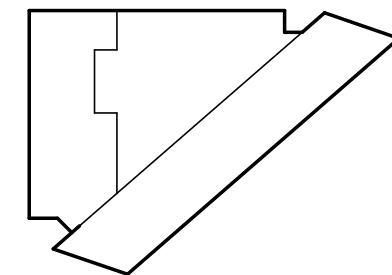
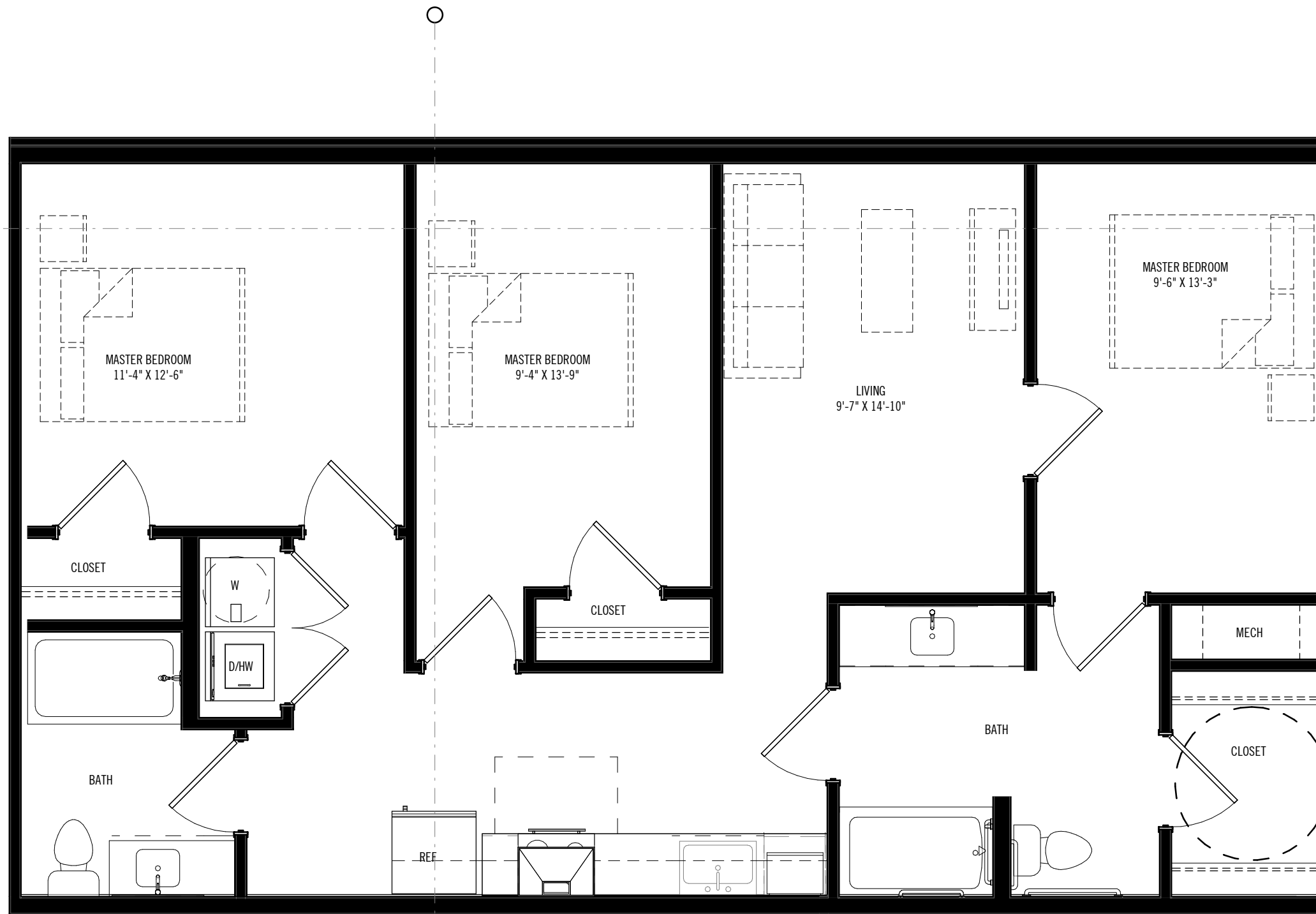


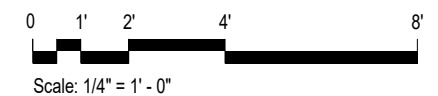
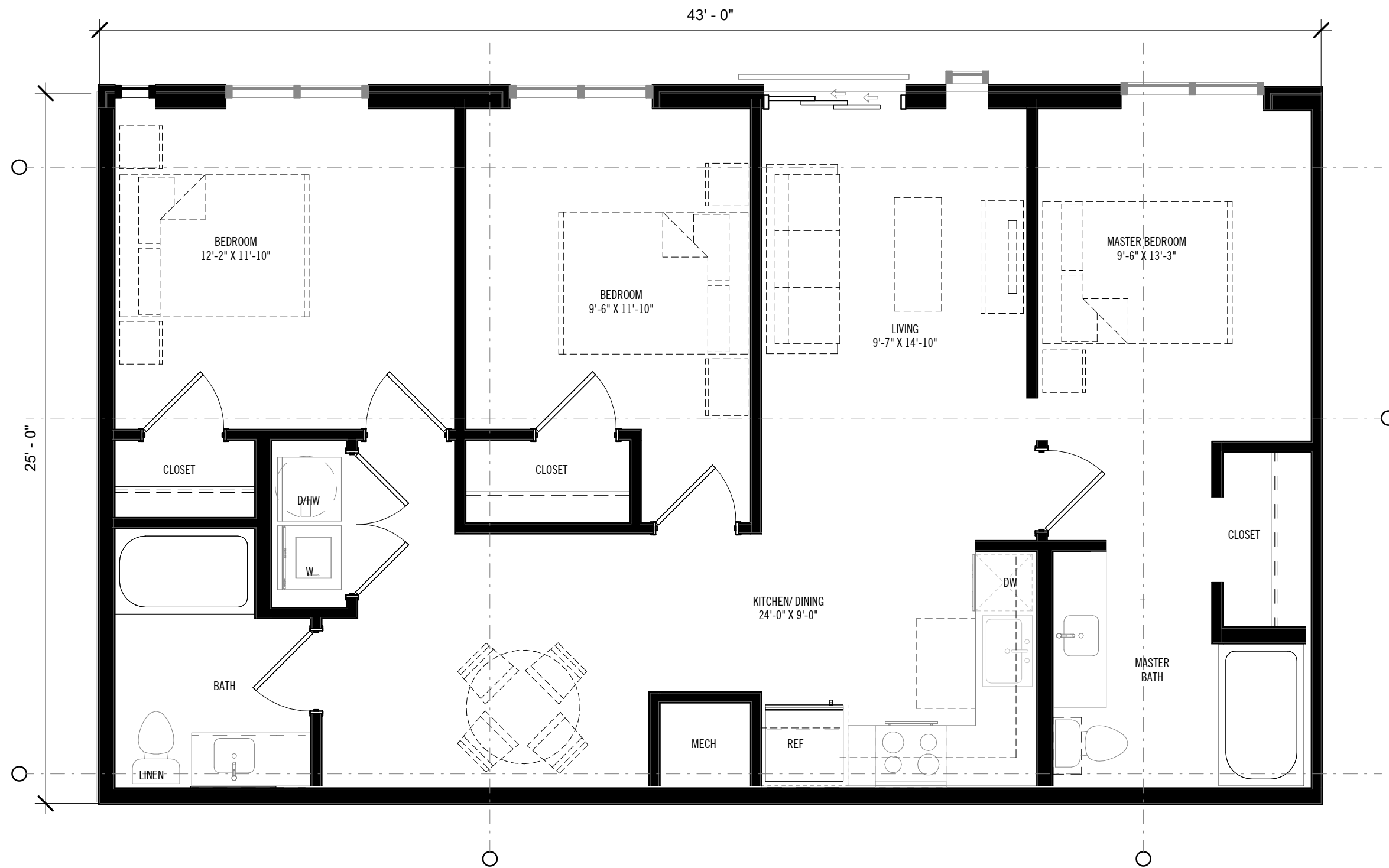


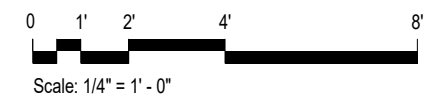
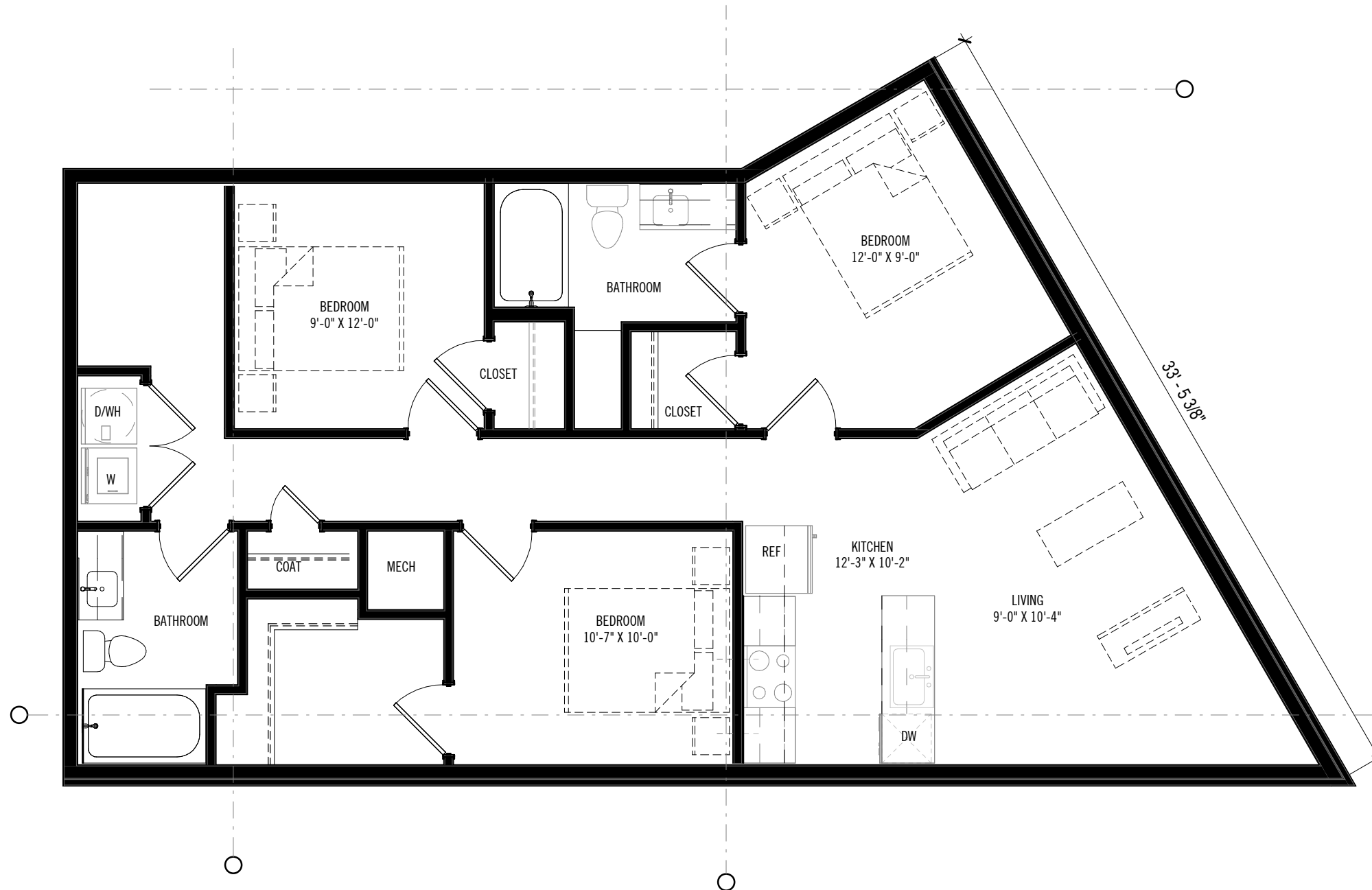
BRYAN STREET RESIDENTIAL TOWER
 MATTHEWS SOUTHWEST

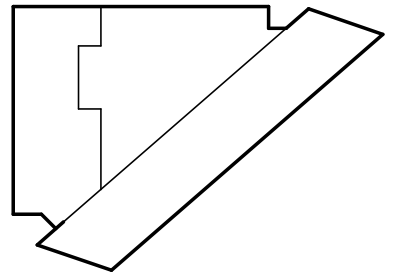
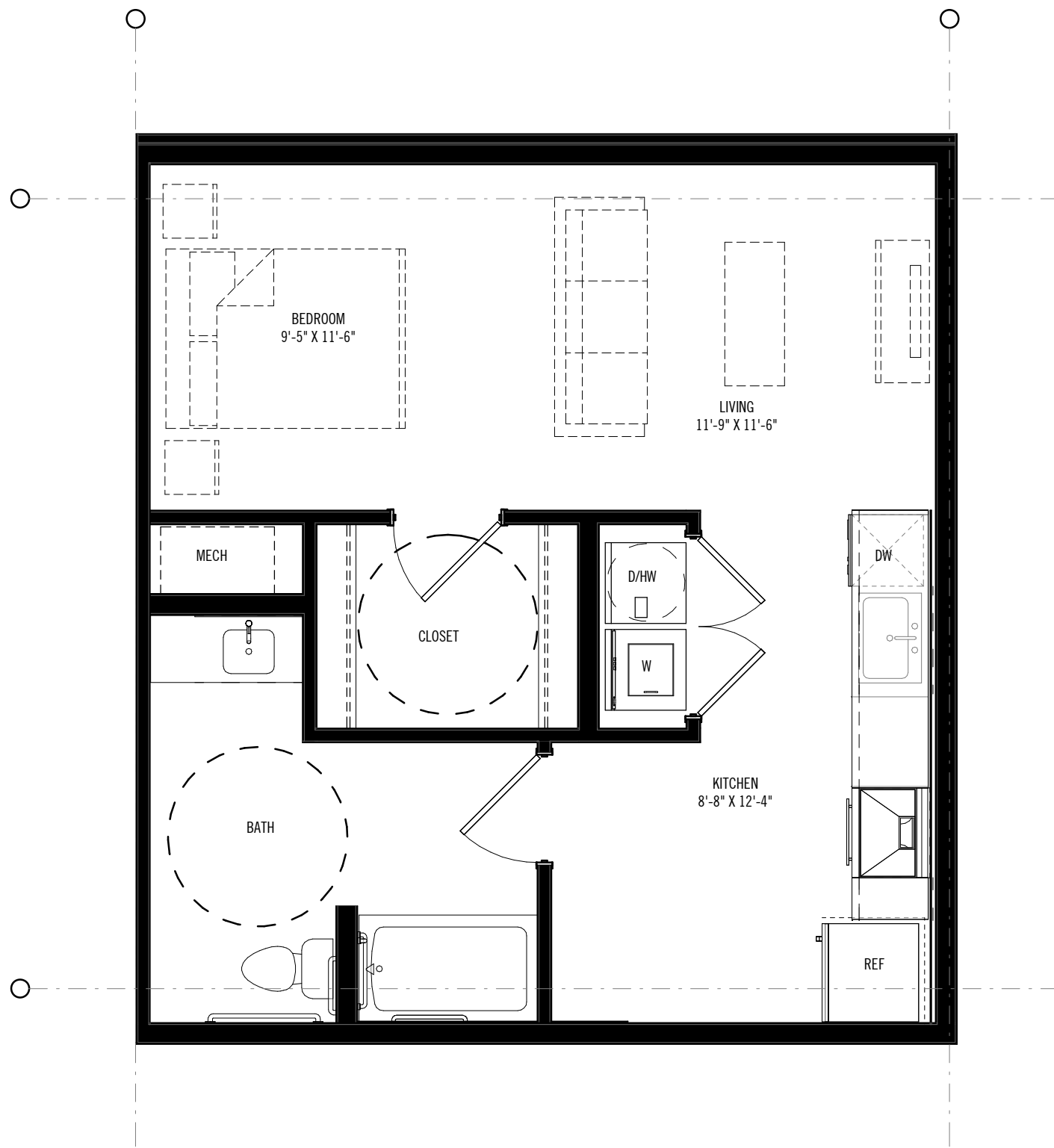
B3 UNIT PLAN - 1330 SF

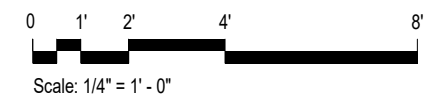
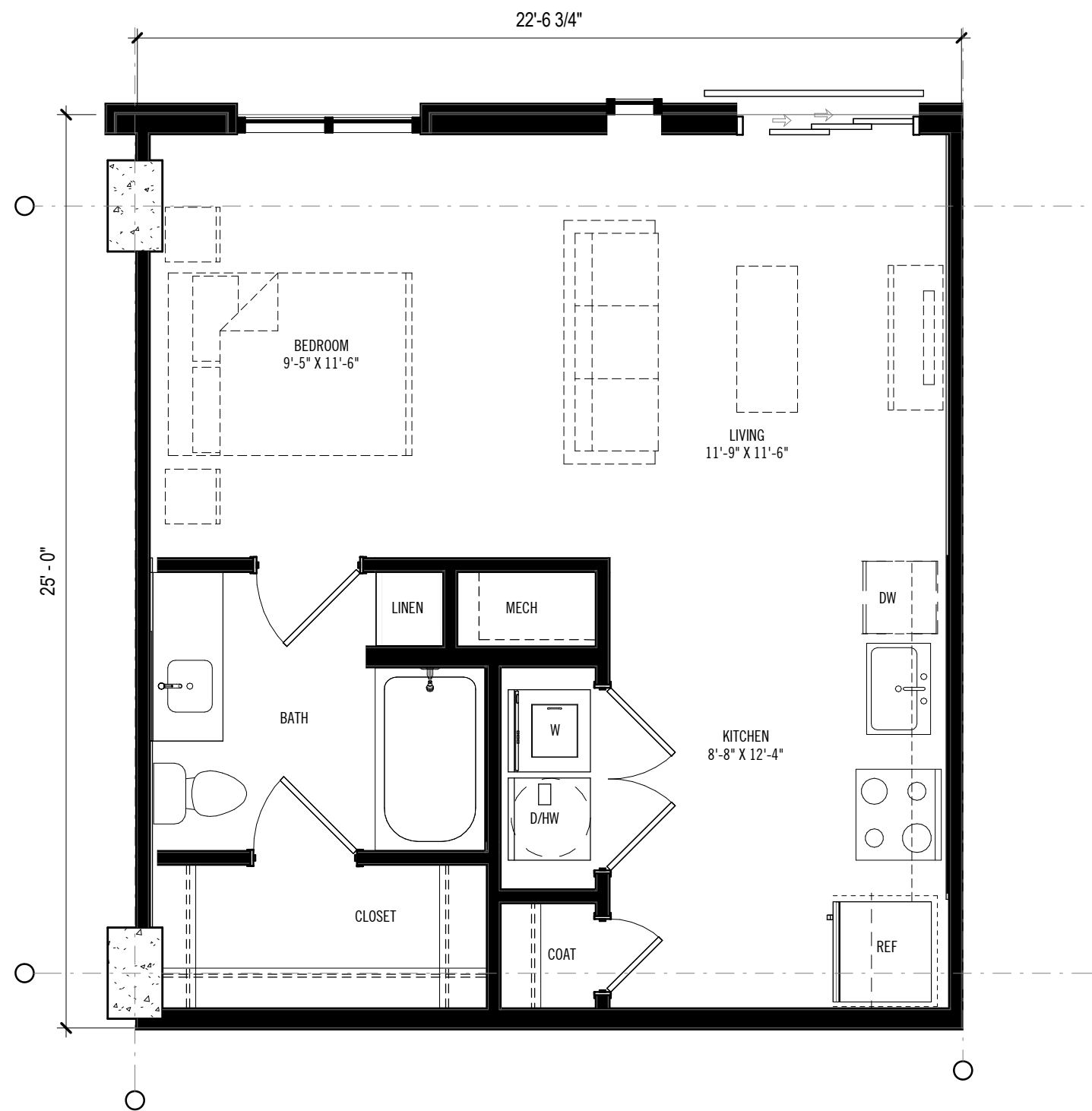
PERKINS+WILL
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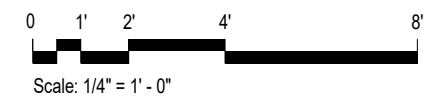
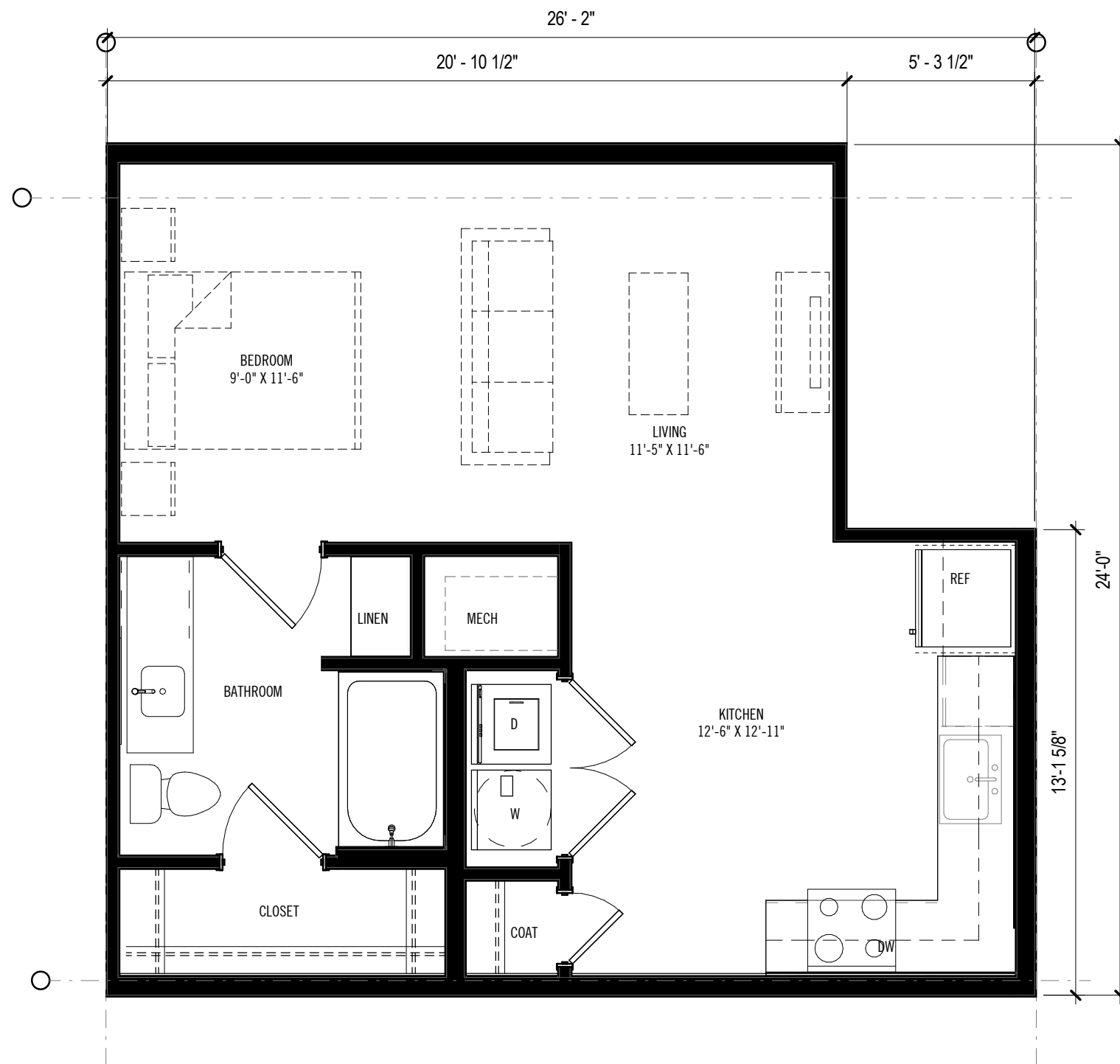


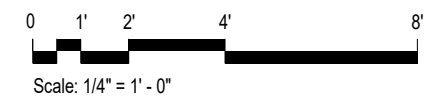
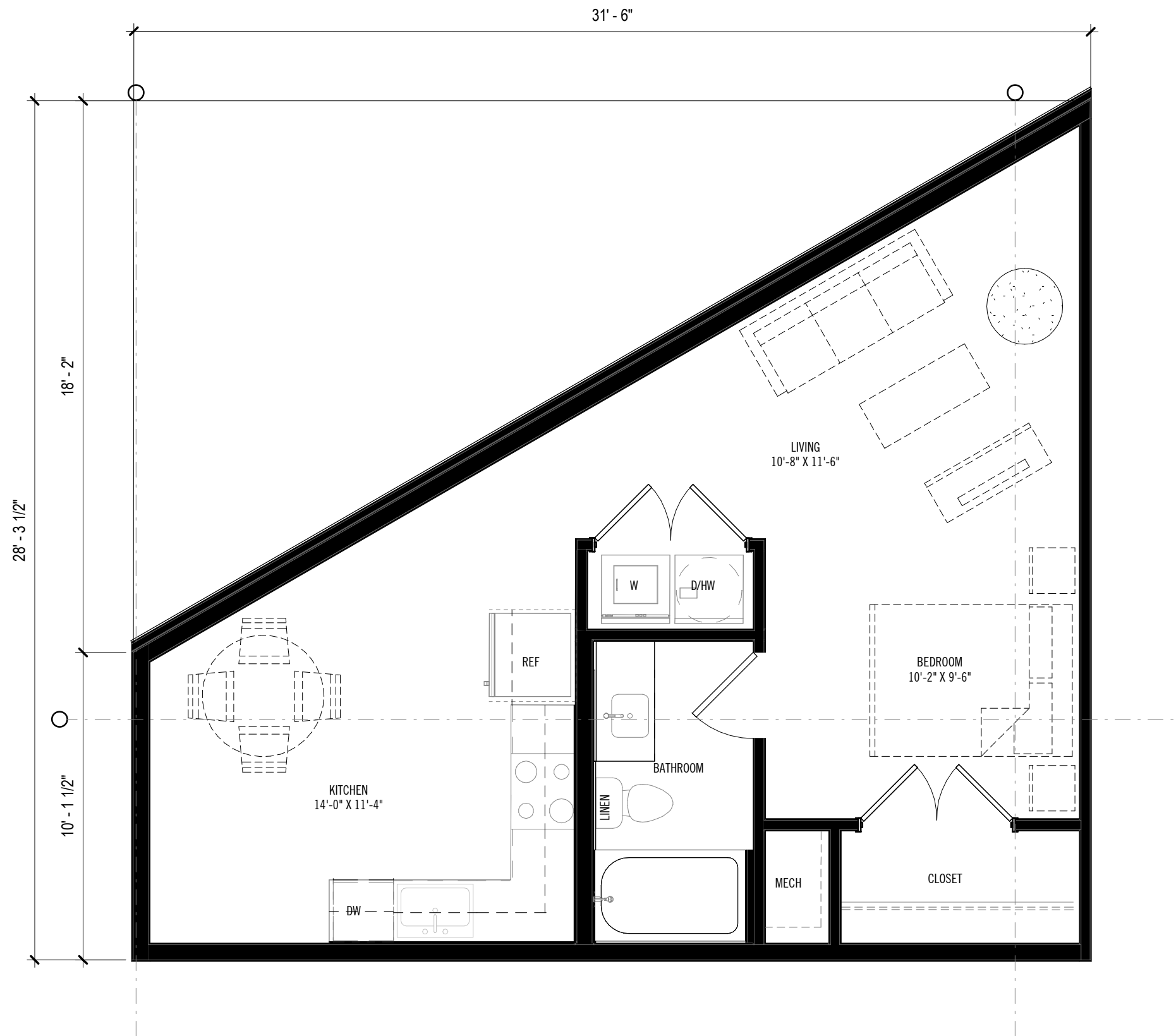


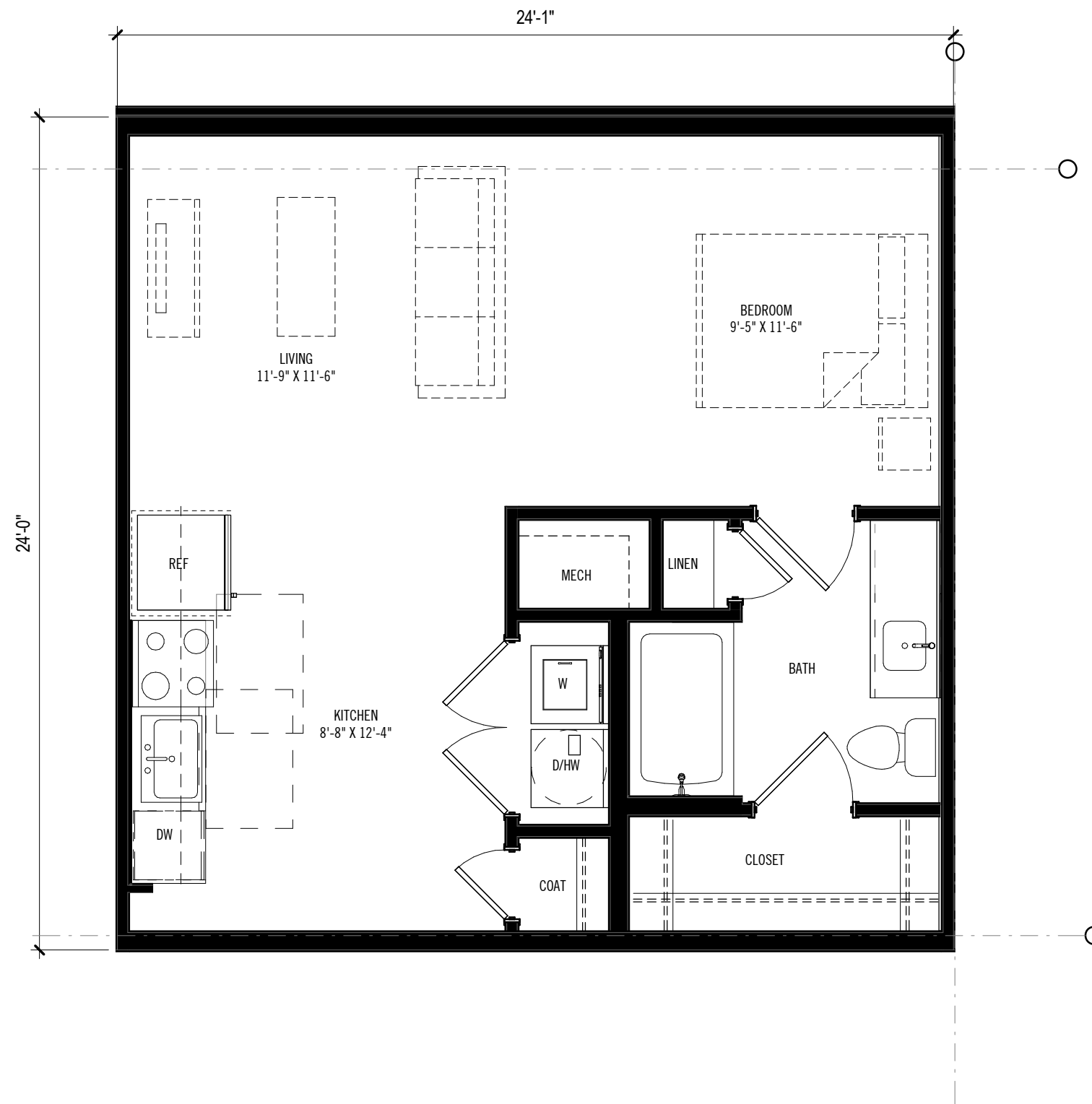












UNIT TYPE	0-BEDROOM					1-BEDROOM UNITS					2-BEDROOM UNITS				3-BEDROOM UNITS			
	E1	E1 UFAS	E2	E3	E4	A1	A1 UFAS	A2	A3	A4	A5	B1	B1 UFAS	B2	B3	C1	C1 UFAS	C2
NRA (SF)	565	565	570	580	605	655	655	655	685	715	745	860	860	860	1320	1075	1075	1100
LEVEL 1																		
LEVEL 2	1	1										3	1		1		1	
LEVEL 3	1					1						4			1	1		
LEVEL 4	1					1						3	1		1	1		
LEVEL 5	1											4	1		1	1		
PODIUM SUBTOTAL	4	1	0	0	0	2	0	0	0	0	0	14	3	0	4	3	1	0
TOTAL SF/TYPE	2260	565	0	0	0	1310	0	0	0	0	0	12040	2580	0	5280	3225	1075	0
LEVEL 6 (PODIUM)			3	1		2	2		3	2	1							
LEVEL 7	1				1	10	1	1				3		1				1
LEVEL 8	1				1	10	1	1				3		1				1
LEVEL 9	1				1	10	1	1				3		1				1
LEVEL 10	1				1	10	1	1				3		1				1
LEVEL 11	1				1	11		1				3		1				1
LEVEL 12	1				1	11		1				3		1				1
LEVEL 13	1				1	11		1				3		1				1
LEVEL 14	1				1	11		1				3		1				1
LEVEL 15	1				1	11		1				3		1				1
TOWER SUBTOTAL	9	0	3	1	9	97	6	9	3	2	1	27	0	9	0	0	0	9
TOTAL SF/TYPE	5085	0	1710	580	5445	63535	3930	5895	2055	1430	745	23220	0	7740	0	0	0	9900
PROJECT TOTAL	13	1	3	1	9	99	6	9	3	2	1	41	3	9	4	3	1	9
TOTAL SF/TYPE	7345	565	1710	580	5445	64845	3930	5895	2055	1430	745	35260	2580	7740	5280	3225	1075	9900

TOTALS													
TOTAL UNITS	Apartment (NRA)	Parking Garage	Retail 1	Retail 2	Storage	Leasing Office (Non-NRA)	MF Amenity (Non-NRA)	Uncond. Floor Area (Non-NRA)	Cond. Floor Area (Non-NRA)	Total Floor Area (Non-NRA)	Total GSF*	Total GSF	Apamt. Net Efficiency
		19,959	9,500	2,500		5,278		1,929	1,169	8,376	8,376	40,335	
8	6,965	25,860			3,308			130	2,712	2,842	9,807	38,975	71.97%
8	7,055	25,860			3,308			130	2,712	2,842	9,897	39,065	72.23%
8	7,055	25,860			3,308			130	2,712	2,842	9,897	39,065	72.23%
8	7,260	27,850			3,308			130	2,712	2,842	10,102	41,260	72.80%
32	28,335	125,389	9,500	2,500	13,233	5,278		2,449	12,017	19,744	48,079	198,701	72.31%
14	9,140						2,687	9,713	2,737	15,137	24,277	24,277	76.96%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
19	13,570								2,838	2,838	16,408	16,408	82.70%
185	131,270	0	0	0	0		2,687	9,713	28,279	40,679	171,949	171,949	82.13%
217	159,605	125,389	9,500	2,500	13,233	5,278	2,687	12,162	40,296	60,423	220,028	370,650	77.22%

*Excluding: Garage, Retail, Storage

UNIT TOTALS		
OVERALL	PODIUM	TOWER
OBR	5	22
1BR	2	118
2BR	21	36
3BR	4	9
TOTAL	32	185

UNIT TYPE DISTRIBUTION		
OVERALL	PODIUM	TOWER
OBR	16%	12%
1BR	6%	64%
2BR	66%	19%
3BR	13%	5%
TOTAL	100%	100%

2400 Bryan Street Parking

In the original application, it was incorrectly stated that one parking space per unit was required by Local Code. In fact, the applicable Code citation is 51a-4.124a which reads in pertinent part:

§ 51A-4.124. Central Area Districts

- Special off-street parking provisions.
 - (i) Except as provided in this section, for all uses except single-family and duplex, off-street parking is only required for a building built after June 26, 1967, or an addition to an existing building, at a ratio of **one parking space for each 2,000 square feet of floor area.**
 - (ii) Except as provided in this section, no parking is required for ground-floor retail and personal service uses except for the following:
 - (aa) Alcoholic beverage establishment operating as a bar, lounge, or tavern.
 - (bb) Commercial amusement (inside).
 - (iii) No parking is required for the first 5,000 square feet of ground-floor floor area for a restaurant without drive-in or drive-through service.
 - (iv) If there is a conflict, this paragraph controls over other off-street parking regulations in this chapter.

Based on this Ordinance, the City requires 90 total parking spaces. Because of the affordable units, that has been increased to 111, which is one free parking space for each affordable unit. There are 176 paid parking spaces in the structured parking and 25 free uncovered spaces for a total of 312.

Below is the explanation for Perkins & Will, the project architects:

Per Dallas Development Code 51A-4.124.a.5.B.i Off Street Parking Requirement - For all uses except single family, 1 parking space is required per 2000SF of floor area=220,028 SF/2,000 SF=111 spaces required. 312 total parking spaces are provided. 111 are provided at no cost to residents of the affordable housing units. 25 spaces are available for retail, short-term visitors and deliveries. The balance of 176 spaces are paid at the rate of \$125 per month.

In regard to Retail parking per DDC 51A-4.124.a.5.B:

- (ii) Except as provided in this section, no parking is required for ground-floor retail and personal service uses except for the following:
 - (aa) Alcoholic beverage establishment operating as a bar, lounge, or tavern.
 - (bb) Commercial amusement (inside).
- (iii) No parking is required for the first 5,000 square feet of ground-floor floor area for a restaurant without drive-in or drive-through service.

SPECIFICATIONS AND BUILDING/UNIT TYPE CONFIGURATION

Unit types should be entered from smallest to largest based on "# of Bedrooms" and "Sq. Ft. Per Unit." "Unit Label" should correspond to the unit label or name used on the unit floor plan. "Building Label" should conform to the building label or name on the building floor plan. The total number of units per unit type and totals for "Total # of Units" and "Total Sq Ft. for Unit Type" should match the rent schedule and site plan. If additional building types are needed, they are available by un-hiding columns Q through AA, and rows 51 through 79.

Specifications and Amenities (check all that apply)

Building Configuration (Check all that): Single Family Construction SRO Transitional (per §42(i)(3)(B)) Duplex
 Scattered Site Fourplex > 4 Units Per Building Townhome

Development will have: Fire Sprinklers Elevators # of Elevators: Wt. Capacity

Number of Parking Spaces (consistent with Architectural Drawings):
 Free Shed or Flat Roof Carport Spaces: Paid
 Free Detached Garage Spaces: Paid
 Attached Garage Spaces: Uncovered Spaces:
 Structured Parking Garage Spaces:

Floor Composition/Wall Height: % Carpet/Vinyl/Resilient Flooring Ceiling Height
 % Ceramic Tile Upper Floor(s) Ceiling Height (Townhome Only)
 % Other Describe: _____

Unit Type				Number of Buildings	Number of Units Per Building										Total # of Units	Total Sq Ft for Unit Type			
Unit Label	# of Bed-rooms	# of Baths	Sq. Ft. Per Unit																
Building Label				15											Total # of Residential Buildings	1			
E1	0	1	565	14													14	7,910	
E2	0	1	570	3													3	1,710	
E3	0	1	580	1													1	580	
E4	0	1	605	9													9	5,445	
A1	1	1	656	105													105	68,775	
A2	1	1	655	9													9	5,895	
A3	1	1	685	3													3	2,055	
A4	1	1	715	2													2	1,430	
A5	1	1	745	1													1	745	
B1	2	2	860	44													44	37,840	
B2	2	2	860	9													9	7,740	
B3	2	2	1,320	4													4	5,280	
C1	3	2	1,075	4													4	4,300	
C2	3	2	1,100	9													9	9,900	
Totals				217														217	159,605

Net Rentable Square Footage from Rent Schedule 159,605

Supportive Housing Applicants Only

Enter the total development common area from the architect's plans:
 Ensure that this number matches your architectural drawings.

The additional square footage allowed for Supportive Housing per 11.9(e)(2) is:

The lesser of these two numbers added to NRA:
 Use this number to figure points under 11.9(e)(2)

Accessible Mobility Units Calculation

Include this worksheet in the Application (or a signed and certified worksheet provided by your accessibility professional that shows the calculations).

To the maximum extent feasible and subject to reasonable health and safety requirements, accessible units must be:
 (1) Distributed throughout the Unit types **AND** the Development; and
 (2) Made available in a sufficient range of sizes and amenities so that the choice of living arrangements of qualified persons with Disabilities is, as a whole, comparable to that of other persons eligible for housing assistance under the same program.

Multifamily Housing Developments covered by 10 TAC 10.101(b)(8)(A) must have a minimum of 5% of all units in the development set aside for the mobility impaired **and an additional 2%** must be set aside for the hearing and/or visually impaired.

Mobility	Total Units	Required %	Calculated Units	Units Required	Units Proposed
Unit Description	217	5%	10.85	11	11
0/1	27	5%	1.35	1.35	1
one bed/1 bath	120	5%	6	6	6
2 bed/2 bath	57	5%	2.85	2.85	3
3 bed/2bath	13	5%	0.65	1	1
E		5%	0	0	
	217		10.85	11.2	11

*NOTE: If total is more than what is required, Applicant will select which Unit(s) not to include Under "Units Proposed"

EXAMPLE:

Unit Description	Total Units	Required %	Calculated Units	Units Required	Units Proposed
	68	5%	3.4	4	4
1/1 (874sqft & 806 sqft)	28	5%	1.4	1.4	1
2/2 (950 sqft & 1008 sqft)	36	5%	1.8	1.8	2
3/2 (1120 sqft & 1194 sqft)	4	5%	0.2	1	1
D		5%	0	0	
E		5%	0	0	
	68		3.4	4.2	4

*NOTE: Required is 4, but calculation yields 4.2. Applicant selected which to round down Under "Units Proposed"

By signing below, I (WE) certify that the information above meets the requirements in Section 504 of the Rehabilitation Act of 1973 and implemented at 24 C.F.R. Part 8 as described in 10 TAC Chapter 1, Subchapter B. At least five percent (5%) of all dwelling units will be designed and built to be accessible for persons with mobility impairments.

By: 
 Signature

Darden Beckham
 Printed Name

2/15/2019
 Date

Perkins+Will
 Firm Name (If applicable)

Accessible Hearing/Visual Units Calculation

Include this worksheet in the Application (or a signed and certified worksheet provided by your accessibility professional that shows the calculations).

To the maximum extent feasible and subject to reasonable health and safety requirements, accessible units must be:

- (1) Distributed throughout the Unit types AND the Development; and
- (2) Made available in a sufficient range of sizes and amenities so that the choice of living arrangements of qualified persons with Disabilities is, as a whole, comparable to that of other persons eligible for housing assistance under the same program.

Multifamily Housing Developments covered by 10 TAC 10.101(b)(8)(A) must have a minimum of 5% of all units in the development set aside for the mobility impaired and an additional 2% must be set aside for the hearing and/or visually impaired.

Hearing/Visual	Total Units	Required %	Calculated Units	Units Required (Rounded)	Units Proposed
Unit Description	217	2%	4.34	5	5
0/1	27	2%	0.54	1	1
1 bed/1 bath	120	2%	2.4	2.4	2
2 bed/2 bath	57	2%	1.14	1.14	1
3 bed/2 bath	13	2%	0.26	1	1
		2%	0	0	
	217		4.34	5.54	5

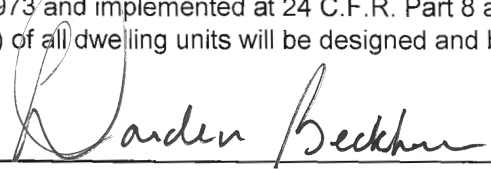
*NOTE: If total is more than what is required, Applicant will select which to include under "Units Proposed"

EXAMPLE

Hearing/Visual	Total Units	Required %	Calculated Units	Units Required (Rounded)	Units Proposed
Unit Description	68	2%	1.36	2	2
1/1	28	2%	0.56	1	1
2/2	36	2%	0.72	1	1
3/3	4	2%	0.08	1	
D		2%	0	0	
E		2%	0	0	
	68		1.36	3	2

*NOTE: Required is 2, but calculation yields 3. Applicant selected which Unit(s) to include under "Units Proposed"

By signing below, I (WE) certify that the information above meets the requirements in Section 504 of the Rehabilitation Act of 1973 and implemented at 24 C.F.R. Part 8 as described in 10 TAC Chapter 1, Subchapter B. At least two percent (2%) of all dwelling units will be designed and built to be accessible for persons with hearing and/or visual impairment.

By: 
Signature

Darden Beckham
Printed Name

2/15/2019
Date

Perkins+Will
Firm Name (If applicable)

Accessible Parking Calculation

Include this worksheet in the Application (or a signed and certified worksheet provided by your accessibility professional that shows the calculations).

Parking requirements based on:

–<https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf>

–<https://www.huduser.gov/publications/pdf/fairhousing/fairct>

There must be one accessible space per accessible Unit located on the closest route to the Unit (ADA).

When parking is provided for leasing office and amenities, use ADA Table 208.2 to calculate.

When calculating additional spaces needed, use whichever yields the larger number of spaces.

If you have different kinds of parking, e.g. lot, carport, and garages, each has to meet the standards individually.

If there is a separate amenity (e.g. a pavilion in the back corner of property) that provides non-accessible spaces, at least one space would need to be an accessible.

Use this chart to indicate number of parking spaces provided.

enter the total number of parking spaces

enter the parking type and the number of spaces in each, starting with the surface lot (*see the example)

make sure the totals match!

EXAMPLE*

Total # of Spaces:	312	Percentage of Total
Surface lot	25	0.080128205
garage	287	0.919871795
		0
		0
		0
	312	100

Total # of Spaces:	450	Percentage of Total
Surface lot	300	0.666666667
Carports	100	0.222222222
Garages	50	0.111111111
Facility 4		
Facility 5		0
	450	100

Use this chart to figure out accessible parking requirements.

chart above must be completed first

In C32, enter the total number of accessible spaces required

(see Application Webinar, Part 3, from 0:00 - 14:20, or webinar slides starting at slide 136)

In D33, enter the number of units required per accessible Unit in the surface lot

In column F, distribute required van spaces among the different parking facilities

# Accessible Spaces:	11	Distribution	Van Spaces
Surface lot	0.8814103		
garage	10.11859	11	3
	0	0	
	0	0	
	0	0	
Total	11	11	3

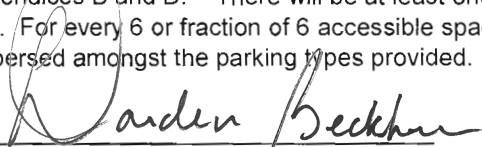
EXAMPLE*

# Accessible Spaces:	16	Distribution	Van Spaces
Surface lot	10.666667	10	1
Carports	3.5555556	4	1
Garages	1.7777778	2	1
Facility 4	0	0	0
Facility 5	0	0	0
Total	16	16	3

By signing below, I (WE) certify that the information above meets the requirements in the 2010 ADA Standards for Accessible Design Title III regulations at 28 CFR part 36, subpart D, and the 2004 ADA Accessibility Guidelines at 36 CFR part 1191, appendices B and D. There will be at least one accessible spot per accessible unit located on the closest route to the accessible unit. For every 6 or fraction of 6 accessible spaces required, at least one will be van accessible. Accessible spaces will be dispersed amongst the parking types provided.

By:

Signature



Darden Beckham

Printed Name

2/15/2019

Date

Perkins+Will

Firm Name (If applicable)

Final Corrected with HOME units designated.
03/20/2019
Claire Palmer

Rent Schedule

Self Score Total: **121**

Bedrooms" and "Unit Size", then within the same "# of Bedrooms" and "Unit Size" from lowest to highest

"Rent Collected/Unit".

Private Activity Bond Priority (For Tax-Exempt Bond Developments ONLY):

Rent Designations (select from Drop down menu)					# of Units	# of Bedrooms	# of Baths	Unit Size (Net Rentable Sq. Ft.)	Total Net Rentable Sq. Ft.	Program Rent Limit	Tenant Paid Utility Allow.	Rent Collected /Unit	Total Monthly Rent
HTC Units	MF Direct Loan Units (HOME Rent/Inc)	National HTF Units	TDHCA MRB Units	Other/ Subsidy									
					(A)			(B)	(A) x (B)			(E)	(A) x (E)
				WTV/LH	1	0	1.0	565	565	405	47	1,203	1,203
				WTV	1	0	1.0	605	605	405	47	1,203	1,203
				WTV	3	0	1.0	570	1,710	676	47	1,203	3,609
				WTV	1	0	1.0	605	605	676	47	1,203	1,203
				HH	1	0	1.0	565	565	811	47	764	764
					6	0	1.0	605	3,630	811	47	764	4,584
					4	0	1.0	565	2,260	811	47	764	3,056
					8	0	1.0	565	4,520			1,180	9,440
									0				-
					1	0	1.0	580	580			1,180	1,180
					1	0	1.0	605	605			1,180	1,180
				WTV/LH	2	1	1.0	655	1,310	434	57	1,423	2,846
				WTV	1	1	1.0	685	685	434	57	1,423	1,423
				WTV	29	1	1.0	655	18,995	724	57	1,423	41,267
				WTV	1	1	1.0	685	685	724	57	1,423	1,423
				WTV/HH	2	1	1.0	715	1,430	869	57	1,423	2,846
				WTV/HH	1	1	1.0	685	685	869	57	1,423	1,423
					15	1	1.0	655	9,825	869	57	812	12,180
				WTV/HH	5	1	1.0	655	3,275	869	57	1,423	7,115
					1	1	1.0	745	745	869	57	812	812
					59	1	1.0	655	38,645			1,300	76,700
				HH	3	1	1.0	655	1,965	869	57	812	2,436
					1	1	1.0	655	655	724	57	667	667
				WTV/LH	1	2	2.0	860	860	521	73	1,729	1,729
				WTV/LH	1	2	2.0	860	860	521	73	1,729	1,729
				WTV	1	2	2.0	860	860	521	73	1,729	1,729
				WTV	1	2	2.0	860	860	521	73	1,729	1,729
				WTV	2	2	2.0	860	1,720	868	73	1,729	3,458
				WTV	2	2	2.0	860	1,720	868	73	1,729	3,458
				WTV	2	2	2.0	860	1,720	868	73	1,729	3,458
				WTV	2	2	2.0	860	1,720	868	73	1,729	3,458
				WTV/HH	4	2	2.0	860	3,440	868	73	1,729	6,916
				WTV	1	2	2.0	860	860	868	73	1,729	1,729
				WTV	1	2	2.0	1320	1,320	1,042	73	1,729	1,729
					1	2	2.0	860	860	868	73	795	795
					8	2	2.0	860	6,880	1,042	73	969	7,752
									0				-
					21	2	2.0	860	18,060			1,650	34,650
					3	2	2.0	1320	3,960			1,650	4,950
					4	2	2.0	860	3,440			1,650	6,600
					2	2	2.0	860	1,720			1,650	3,300
									0				-
				WTV	2	3	2.0	1075	2,150	602	88	2,312	4,624
				WTV	1	3	2.0	1100	1,100	1,003	88	2,312	2,312
				WTV	2	3	2.0	1075	2,150	1,204	88	2,312	4,624
				HH	1	3	2.0	1100	1,100	1,204	88	1,116	1,116
					7	3	2.0	1100	7,700			1,975	13,825
TOTAL					217				159,605				294,230
Non Rental Income							\$67.78	per unit/month for:		<i>commercial space rent</i>			14,708
Non Rental Income							139.78	per unit/month for:		<i>parking and storage</i>			30,332
Non Rental Income							24.88	per unit/month for:		<i>application fees, pet/latefees, damage fees</i>			5,400
+ TOTAL NONRENTAL INCOME							\$232.44	per unit/month					50,440
= POTENTIAL GROSS MONTHLY INCOME													344,670
- Provision for Vacancy & Collection Loss										% of Potential Gross Income:		7.50%	(25,850)
- Rental Concessions (enter as a negative number)										Enter as a negative value			
= EFFECTIVE GROSS MONTHLY INCOME													318,820
x 12 = EFFECTIVE GROSS ANNUAL INCOME													3,825,837

If a revised form is submitted, date of submission: _____

Rent Schedule (Continued)

		% of LI	% of Total	
HOUSING TAX CREDITS	TC30%	10%	5%	11
	TC40%			0
	TC50%	41%	21%	45
	TC60%	50%	25%	55
	HTC LI Total			111
	EO			0
	MR			106
	MR Total			106
Total Units				217
MORTGAGE REVENUE BOND	MRB30%			0
	MRB40%			0
	MRB50%			0
	MRB60%			0
	MRB LI Total			0
	MRBMR			0
	MRBMR Total			0
	MRB Total			0

		% of LI	% of Total	
NATIONAL HOUSING TRUST FUND	HTF30%			0
	HTF40%			0
	HTF50%			0
	HTF60%			0
	HTF80%			0
	HTF LI Total			0
	MR			0
	MR Total			0
HTF Total				0
DIRECT LOAN	30%			0
	LH/50%			0
	HH/60%			0
	HH/80%			0
	Direct Loan LI Total			0
	EO			0
	MR			0
	MR Total			0
Direct Loan Total				0
OTHER	Total OT Units			70

BEDROOMS	0			27
	1			120
	2			57
	3			13
	4			0
	5			0

ACQUISITION + HARD		DO NOT USE THIS CALCULATION TO SCORE POINTS UNDER 11.9(e)(2). At the end of the Development Cost
Cost Per Sq Ft	\$ 293.86	
HARD		Schedule, you will have the ability to adjust your eligible costs to qualify. Points will be entered there.
Cost Per Sq Ft	\$ 293.86	
BUILDING		
Cost Per Sq Ft	\$ 241.98	



Via Electronic Mail

March 12, 2019

Claire Palmer
The Law Offices of Claire G. Palmer, PLLC
7707 Brookview Court
Irving, TX 75063

Re: ***2400 Bryan Street***

Dear Claire:

I remain confident in my projection of the 3-bedroom rents at ***2400 Bryan Street*** as included in my proposed operating budget. The comparison market study was completed over 1-year ago. The property will most likely not open until the fall of 2020. Rents in the downtown area have been increasing at a rate of **3-5%** over the past several years, and this trend is not expected to abate as demand for downtown housing continues to grow.

I used the current rents at ***Lone Star Gas Lofts II***, an affordable and market rate community similar to ***2400 Bryan Street*** as my primary comparison. There, the three-bedroom market-rate apartments are primarily occupied by “roommates” not families, affording the young, less affluent downtown employees to enjoy a high-end apartment experience at a price that is affordable. I also used the Walker Trust Fund rental rates and these are comparable to rents included in the budget.

Respectfully yours,


Michael V. Clark, CPM®
Partner

The correct number of Walker Trust vouchers is 70. That has been corrected in Number 4.



March 1, 2019

Mr. Kristian Teleki
2400 Bryan Street, LLC
320 West Main Street
Lewisville, TX 75057

Re: 2400 Bryan Street Walker Project-Based Voucher Award

Dear Mr. Teleki,

I am pleased to announce that your proposal for seventy (70) Project-Based Voucher units at 2400 Bryan Street, submitted in response to the DHA – Housing Solutions for North Texas Project-Based Voucher (PBV) Request for Proposals under the Walker Settlement Program, has been selected for approval.

You are not authorized to begin the Walker PBV program until a duly authorized contract has been executed by DHA’s President and CEO. This letter is not to be construed to mean that the award of such contract is assured, as the availability of funds and an executed Housing Agreement Payment (HAP) Contract are required.

If you need further assistance or clarification regarding the award notification, please contact Jaclyn Baker, Walker Housing Coordinator at 214.640.6846 or via email Jaclyn.Baker@dhantx.com. She will be your main point of contact throughout the duration of your PBV contract award. A letter from her detailing the upcoming timeline of events will follow.

Sincerely,

Troy Broussard
President and CEO
DHA – Housing Solutions for North Texas



Unchanged from original application

Utility Allowances [§10.614]

Applicant must attach to this form as documentation to support the "Utility Allowance" estimate used in completing the Rent Schedule provided in the Application. Where the Applicant uses any method that requires Department review, such review must have been requested prior to submission of the Application. Please see 10 TAC §10.614. This exhibit must clearly indicate which utility costs are included in the estimate.

If tenants will be required to pay any other mandatory fees (e.g. renter's insurance) please provide an estimate, description and documentation of those as well.

Utility	Who Pays	Energy Source	0BR	1BR	2BR	3BR	4BR	Source of Utility Allowance & Effective Date
Heating								Not Changed
Cooking								
Other Electric								
Air Conditioning								
Water Heater								
Water								
Sewer								
Trash								
Flat Fee								
Other								
Total Paid by Tenant			\$ -	\$ -	\$ -	\$ -	\$ -	



Other (Describe)

If a revised form is submitted, date of submission: _____

ANNUAL OPERATING EXPENSES

General & Administrative Expenses			
Accounting	\$		
Advertising	\$		
Legal fees	\$		
Leased equipment	\$		
Postage & office supplies	\$		
Telephone	\$		
Other	\$	<i>marketing and leasing</i>	12,900
Other	\$	<i>copies, telephone, legal; supplies,</i>	39,584
Total General & Administrative Expenses:			\$ 52,484
Management Fee:	Percent of Effective Gross Income:	2.99%	\$ 114,831
Payroll, Payroll Tax & Employee Benefits			
Management	\$	100,000	
Maintenance	\$	100,000	
Other	\$	<i>taxes and benefits</i>	70,000
Other	\$		
Total Payroll, Payroll Tax & Employee Benefits:			\$ 270,000
Repairs & Maintenance			
Elevator	\$		
Exterminating	\$		
Grounds	\$		
Make-ready	\$	26,700	
Repairs	\$	40,600	
Pool	\$		
Other	\$	<i>contract services</i>	85,000
Other	\$		
Total Repairs & Maintenance:			\$ 152,300
Utilities (Enter Only Property Paid Expense)			
Electric	\$	<i>management company</i>	122,400
Natural gas	\$		
Trash	\$		
Water/Sewer	\$		
Other	\$	<i>describe</i>	
Other	\$	<i>describe</i>	
Total Utilities:			\$ 122,400
Annual Property Insurance:	Rate per net rentable square foot:	\$ 0.41	\$ 65,100
Property Taxes:			
Published Capitalization Rate:	na	Source:	na
Annual Property Taxes	\$		
Payments in Lieu of Taxes	\$		
Total Property Taxes:			\$ -
Reserve for Replacements:	Annual reserves per unit:	\$ 250	\$ 54,250
Other Expenses			
Cable TV	\$		
Supportive Services (Staffing/Contracted Services)	\$	18,000	
TDHCA Compliance fees	\$		
TDHCA Bond Administration Fees (TDHCA as Bond Issuer Only)	\$		
Security	\$		
Other	\$	<i>compliance fees-all</i>	17,700
Other	\$	<i>describe</i>	
Total Other Expenses:			\$ 35,700
TOTAL ANNUAL EXPENSES			
		Expense per unit:	\$ 3996
		Expense to Income Ratio:	22.61%
NET OPERATING INCOME (before debt service)			\$ 2,967,441
Annual Debt Service			
	\$	<i>Freddie Mae</i>	2,586,013
	\$		
	\$		
	\$		
TOTAL ANNUAL DEBT SERVICE			\$ 2,586,013
		Debt Coverage Ratio:	1.15
NET CASH FLOW			\$ 381,428

If a revised form is submitted, date of submission 2/14/2019


15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

INCOME	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
POTENTIAL GROSS ANNUAL RENTAL INCOME	\$3,534,156	\$3,604,839	\$3,676,936	\$3,750,475	\$3,825,484	\$4,223,644	\$4,663,244
Secondary Income	\$ 605,652	\$ 617,765	\$ 630,120	\$ 642,723	\$ 655,577	\$ 723,810	\$ 799,145
POTENTIAL GROSS ANNUAL INCOME	\$4,139,808	\$4,222,604	\$4,307,056	\$4,393,197	\$4,481,061	\$4,947,454	\$5,462,389
Provision for Vacancy & Collection Loss	(\$310,486)	(\$316,695)	(\$323,029)	(\$329,490)	(\$336,080)	(\$371,059)	(\$409,679)
Rental Concessions	\$0						
EFFECTIVE GROSS ANNUAL INCOME	\$3,829,322	\$3,905,909	\$3,984,027	\$4,063,708	\$4,144,982	\$4,576,395	\$5,052,710
EXPENSES							
General & Administrative Expenses	\$52,484	\$54,059	\$55,680	\$57,351	\$59,071	\$68,480	\$79,387
Management Fee	\$ 114,831	\$ 117,128	\$ 119,470	\$ 121,860	\$ 124,297	\$ 137,234	\$ 151,517
Payroll, Payroll Tax & Employee Benefits	\$ 256,506	\$ 264,201	\$ 272,127	\$ 280,291	\$ 288,700	\$ 334,682	\$ 387,988
Repairs & Maintenance	\$ 152,300	\$ 156,869	\$ 161,575	\$ 166,422	\$ 171,415	\$ 198,717	\$ 230,367
Electric & Gas Utilities	\$ 122,400	\$ 126,072	\$ 129,854	\$ 133,750	\$ 137,762	\$ 159,704	\$ 185,141
Water, Sewer & Trash Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Property Insurance Premiums	\$ 65,100	\$ 67,053	\$ 69,065	\$ 71,137	\$ 73,271	\$ 84,941	\$ 98,470
Property Tax	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Reserve for Replacements	\$ 54,250	\$ 55,878	\$ 57,554	\$ 59,280	\$ 61,059	\$ 70,784	\$ 82,058
Other Expenses	\$ 35,700	\$ 36,771	\$ 37,874	\$ 39,010	\$ 40,181	\$ 46,580	\$ 53,999
TOTAL ANNUAL EXPENSES	\$853,571	\$878,030	\$903,199	\$929,101	\$955,755	\$1,101,122	\$1,268,928
NET OPERATING INCOME	\$2,975,751	\$3,027,879	\$3,080,828	\$3,134,607	\$3,189,227	\$3,475,273	\$3,783,782
DEBT SERVICE							
First Deed of Trust Annual Loan Payment	\$2,586,013	\$2,586,013	\$2,586,013	\$2,586,013	\$2,586,013	\$2,586,013	\$2,586,013
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$389,738	\$441,866	\$494,815	\$548,594	\$603,214	\$889,260	\$1,197,769
CUMULATIVE NET CASH FLOW	\$389,738	\$831,604	\$1,326,419	\$1,875,013	\$2,478,226	\$6,209,410	\$11,426,982
Debt Coverage Ratio	1.15	1.17	1.19	1.21	1.23	1.34	1.46
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature only required if using this pro forma for points under \$11.9(e)(1) relating to Financial Feasibility)


 Signature, Authorized Representative, Construction or
 Permanent Lender

 Phone: 713 966 3303
 Printed Name
 Email: Ken.Duvall@llva.com
3/8/19
 Date

 Signature, Authorized Representative, Syndicator

 Printed Name

 Date

If a revised form is submitted, date of submission: _____

SOFT COSTS³

Architectural - Design fees	980,000		980,000
Architectural - Supervision fees	400,000		400,000
Engineering fees	649,000		649,000
Real estate attorney/other legal fees	150,000		150,000
Accounting fees	25,000		25,000
Impact Fees			
Building permits & related costs	106,254		106,254
Appraisal	15,000		15,000
Market analysis	15,000		15,000
Environmental assessment	15,000		15,000
Soils report	15,000		15,000
Survey	34,500		34,500
Marketing	96,000		
Hazard & liability insurance	474,192		474,192
Real property taxes	0		
Personal property taxes			
FF&E	250,000		250,000
Soft Cost Contingency	98,100		98,100
Other (specify) - see footnote 1			
Subtotal Soft Cost	\$3,323,046	\$0	\$3,227,046

100% Tax exemption

FINANCING:

CONSTRUCTION LOAN(S)³

Interest	5,000,000		5,000,000
Loan origination fees	500,000		500,000
Title & recording fees	110,000		110,000
Closing costs & legal fees	100,000		100,000
Inspection fees	25,000		25,000
Credit Report			
Discount Points			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

PERMANENT LOAN(S)

Loan origination fees	461,502		
Title & recording fees	125,000		
Closing costs & legal			
Bond premium			
Credit report			
Discount points			
Credit enhancement fees			
Prepaid MIP			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

BRIDGE LOAN(S)

Interest			
Loan origination fees			
Title & recording fees			
Closing costs & legal fees			
Other (specify) - see footnote 1			
Other (specify) - see footnote 1			

OTHER FINANCING COSTS³

Tax credit fees	71,490		
Tax and/or bond counsel			
Payment bonds			
Performance bonds			
Credit enhancement fees			
Mortgage insurance premiums			
Cost of underwriting & issuance			
Syndication organizational cost			
Tax opinion			
DHFC Legal Fees	85,000		85,000
DHFC Financial Advisor	30,000		30,000
Subtotal Financing Cost	\$6,507,992	\$0	\$5,850,000

DEVELOPER FEES³

Housing consultant fees ⁴			
General & administrative			
Profit or fee	8,500,000		8,500,000
Subtotal Developer Fees 14.96%	\$8,500,000	\$0	\$8,500,000

RESERVES

Rent-up	250,000		
Operating	1,725,000		
Replacement			
Escrows			
Subtotal Reserves	\$1,975,000	\$0	\$0

TOTAL HOUSING DEVELOPMENT COSTS⁵

\$77,711,303	\$0	\$34,192,046
--------------	-----	--------------

The following calculations are for HTC Applications only.

Deduct From Basis:

Federal grants used to finance costs in Eligible Basis			
Non-qualified non-recourse financing			
Non-qualified portion of higher quality units §42(d)(5)			
Historic Credits (residential portion only)			
Total Eligible Basis		\$0	\$34,192,046
**High Cost Area Adjustment (100% or 130%)			130%
Total Adjusted Basis		\$0	\$44,449,660
Applicable Fraction			51%
Total Qualified Basis	\$22,669,327	\$0	\$22,669,327
Applicable Percentage ⁶			9.00%
Credits Supported by Eligible Basis	\$2,040,239	\$0	\$2,040,239

Requested the max of \$1,500,000

(May be greater than actual request)

*11.9(c)(2) Cost Per Square Foot: DO NOT ROUND! Applicants are advised to ensure that figure is not rounding down to the maximum dollar figure to support the elected points.

Requested Score for 11.9(e)(2)

12

Name of contact for Cost Estimate: Claire Palmer

Phone Number for Contact: (972) 948-3166

If a revised form is submitted, date of submission: 2/25/2019



March 27, 2019

Via email only to Laura Debellas, Rosalio Benuelos, Brent Stewart, Jeanna Rolsing
Texas Department of Housing and Community Affairs
21 E 11th Street
Austin, TX 78701

Re; TDHCA Application #18269, 2400 Bryan Street

Pursuant to your request, this opinion letter ("Opinion Letter") is being furnished to you in connection with the request for property tax exemption currently pending with the Dallas Central Appraisal District ("DCAD") for the property located at 2400 Bryan Street, located in Dallas County, Texas

The subject Property is part of a larger parcel currently owned by Bryan Street Land Holdings, LLC. There is a Purchase Agreement for RMGM Developers, LLC, or its assigns, to purchase the Property and develop a 217 unit multi-family, multi-use high rise upon the Property (the "Project"). Of those 217 units, 111 will be designated for lease by tenants at incomes between 30% and 60% of Area Median Income and the Project has received an award of 9% Low income housing tax credits from the Texas Department of Housing and Community Affairs ("TDHCA"). At financial closing, the Purchase Agreement will be assigned to Dallas Housing Finance Corporation ("DHFC"), a 501(c)(3) non-profit corporation and a 509(a)(3) Public Charity, as shown on the attached IRS Determination Letter. In turn, DHFC will ground lease the Property to the Project Owner, 2400 Bryan Street, LLC, a Texas limited liability company (the "Owner"). Also at financial closing, DHFC will become the sole member of 2400 Bryan Street GP, LLC, a Texas limited liability company, 2400 Bryan Street GP, LLC (the "MM") is the Managing Member of the Owner.

Based solely on the foregoing, and subject to the qualifications, assumptions and exceptions herein stated I am of the opinion that:

Under the current laws of the state of Texas, a limited partnership, of which an organization that meets the requirements set forth above controls 100 percent of the general partner interest, is entitled to receive an exemption from *ad valorem* taxation. DHFC must control 100 percent of the general partner interest of in order for the Property to receive an exemption from *ad valorem* taxes. This assumes that the ownership structure of DHFC is treated as a limited partnership by the Appraisal District. While this Project is owned by an LLC rather than an LP, as required by statute, it is settled law that the above described structure meets the requirements so long as the LLC is taxed as a partnership.

The Code provides that the exemption from *ad valorem* taxation will be effective as of the date that the housing project is under active construction or other physical preparation. The Code further provides that a housing project is under physical preparation if the owner has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the project or has constructed an environmental or land use study relating to the construction of the project. While the Code provides for the *ad valorem* exemption while the Property is under active construction or other physical preparation, no *ad valorem* exemption will be requested until the requirements set forth in Sections (C) and (D) above are met. To date, a request has been made for a Preliminary Determination. That request is pending at DCAD.

I express no opinion as to any matter other than as expressly set forth above and no other opinion is intended to be implied nor may be inferred herefrom. This opinion is solely for the benefit of TDHCA in underwriting the material amendment to TDHCA Application #18269.

Very truly yours,

The Law Offices of Claire G. Palmer, PLLC


Claire Palmer

From: [Claire Palmer](#)
To: [Jeanna Rolsing](#)
Cc: [Brent Stewart](#); [Laura DeBellis](#); "[Victor Smeltz - Volunteers of America SELA](#)"; [Audrey Schmeltz](#); "[Kristian Teleki](#)"; "[Adam Miller](#)"; "[Craig Boeglin](#)"
Subject: RE: #18269 2400 Bryan RFI #2
Date: Monday, March 25, 2019 11:26:07 AM

And here is the rest (other than the tax exemption letter). Could you please confirm receipt.

Please provide specific product changes from original bid to current bid for plumbing and hvac. What actual product specs changed to cause the large price increase?

The original application showed HVAC/Plumbing at \$3,865,000. The current application shows it as \$8,549,041, which was taken from your Deep Dive 2/5 numbers combining Mechanical, Plumbing and Fire Protection.

We have reviewed the budgets in detail, and believe that the original application indicated the line item estimate for HVAC only, while the current application has added HVAC, plumbing and fire protection together in that line item, which accounts for the significant increase.

7. *Have the contractor provide an overall estimated cost of the window/glazing. Was this the same estimate at application or has it changed? Please provide both costs and any changes in the actual specs of the window/glazing.*

The current cost for glazing has increased by approximately 12%, which is the result of an approximate increase in total glazing of over 20% compared to previous versions of the building design.

Josh Unger | Project Manager - Commercial | Jordan Foster Construction

Claire Palmer
972-948-3166
clairepalmer@sbcglobal.net
or clairepalmerpllc@sbcglobal.net

From: Claire Palmer [mailto:clairepalmer@sbcglobal.net]
Sent: Monday, March 25, 2019 10:39 AM
To: 'Jeanna Rolsing'
Cc: 'Brent Stewart'; 'Laura DeBellis'; 'Victor Smeltz - Volunteers of America SELA'; Audrey Schmeltz; 'Kristian Teleki'; 'Adam Miller'; 'Craig Boeglin'
Subject: RE: #18269 2400 Bryan RFI #2

Jeanna:

I have gotten the responses from various sources. I am going to try to add them in beside each

question and give the source. If you need additional back-up I can send the emails. I just hate to clutter your email box! I am still waiting on the Contractor to get back to me on the Mechanical, HVAC and window glazing but thought I would provide what I can now.

Please let me know if you have additional questions.

Claire

Claire Palmer

972-948-3166

clairepalmer@sbcglobal.net

or clairepalmerpllc@sbcglobal.net

From: Jeanna Rolsing [mailto:jeanna.rolsing@tdhca.state.tx.us]

Sent: Thursday, March 21, 2019 1:33 PM

To: Claire Palmer

Cc: Brent Stewart; Laura DeBellas

Subject: #18269 2400 Bryan RFI #2

Hi Claire,

Below is the RFI we discussed at length this morning I have not included the RFI template as some of these questions will have much more narrative. Please have the response back by close of business Monday March 25th. In order to make the April board I must have my report reviewed and finalized by April 2nd.

1. How much is the security expense? My stabilized budget is **\$54,000** for security. I can get resident services done for **\$60.00 per tc/unit**. Michael V. Clark, CPM® Partner **DAHMC,LLC—Management consultant for the Project**
2. As we discussed, please provide the DCAD preliminary determination of 100% tax exemption if available, or a legal opinion that the 49% market units and retail space will also achieve 100% property tax exemption. The underwriting will be conditioned on 100% property tax exemption for the whole property including market units and retail space. **I have not received this yet from DCAD**
3. As we discussed, eligible construction interest is limited to 1 year for 9% properties; the rule is shown below.
4. The developer fee included in eligible basis is limited to the amount calculated off the eligible costs you used to score points with at application (\$ 16,001,357). **Okay—I have talked to so many people and no one was aware of this!!**
5. Please confirm if there are still balconies at the property. The plans show a small balcony on the point of the tower and several large balconies on the amenity deck floor, as well as several balconies on the podium units. If the balconies are still being built, please provide the current total square footage of balconies and also their composition: metal, wood, concrete, etc. so I may cost

appropriately. **“Our balconies are not actually balconies as they do not project beyond the face of building. They are “Juliette style”. The projection you see is simply a decorative attachment to the window system and cannot actually be occupied.” Darden C. Beckham, AIA, NCARB, LEED AP BD+C Project Manager, Associate Perkins & Will –Project Architect**

6. Please provide specific product changes from original bid to current bid for plumbing and hvac. What actual product specs changed to cause the large price increase.
7. Have the contractor provided an overall estimated cost of the window/glazing. Was this the same estimate at application or has it changed? Please provide both costs and any changes in the actual specs of the window/glazing.
8. As we discussed, we will not assume the NOI during construction as a source.

Even with the developer fee and construction interest over-assumption, there is still enough basis to support your \$1.5M annual credit.

(8) Financing Costs. All fees required by the construction lender, permanent lender and equity partner must be indicated in the term sheets. Eligible construction period interest is limited to the lesser of actual eligible construction period interest, or the interest on one (1) year's fully drawn construction period loan funds at the construction period interest rate indicated in the term sheet(s). For tax-exempt bond transactions up to twenty four (24) months of interest may be included. Any excess over this amount will not be included in Eligible Basis. Construction period interest on Related Party construction loans is only included in Eligible Basis with documentation satisfactory to the Underwriter that the loan will be at a market interest rate, fees and loan terms and the Related Party lender can demonstrate that it is routinely engaged in construction financing to unrelated parties.

Thank you,

Jeanna Rolsing

Senior Underwriter

Real Estate Analysis Division

Texas Department of Housing and Community Affairs

221 E. 11th Street | Austin, TX 78701

512.936.7820

Financing Narrative and Summary of Sources and Uses

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
Debt										
TDHCA	MF Direct Loan Const. to Perm. (Repayable)	\$0	0.00%		\$ -	0.00%	30	0		
TDHCA	MF Direct Loan Const. Only (Repayable)	\$0	0.00%							
TDHCA	Multifamily Direct Loan (Soft Repayable)	\$0	0.00%		\$ -	0.00%		0		
TDHCA	Mortgage Revenue Bond	\$0	0.00%		\$ -	0.00%	0	0		
BBVA Compass/Freddie Mac	Conventional Loan	\$50,031,303	5.25%	1	\$ 42,000,000	5.14%	35	15		
City of Dallas	CDBG	\$3,421,373		4	\$ 3,421,373					
City of Dallas	Local Government Loan	\$4,654,412		2	\$ 4,654,412					
City of Dallas	Federal Loan	\$3,605,570		3	\$ 3,605,570					
Third Party Equity										
Hunt Capital	HTC	\$ 1,500,000	\$ 7,455,000		\$ 14,850,000				0.99	
Grant										
City of Dallas	Local Government Grant	\$ 973,057			\$ 973,057					
Deferred Developer Fee										
RMGM Developers, LLC		\$ 5,500,000			\$ 5,500,000					
Other										
	Direct Loan Match Loan									
City of Dallas	Program Income	\$ 1,345,587		5	\$ 1,345,587					
noi during construction		\$ 1,486,957			\$ 1,486,957					
Total Sources of Funds		\$ 78,473,259			\$ 77,836,956					
Total Uses of Funds					\$ 77,711,303					

MMAM Received 03.12.19 LD

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).


See attached

Describe the replacement reserves:

As required by Freddie Mac, Hunt Capital Partners and the City of Dallas, the replacement reserve will be \$250.00 per unit, escalating 3% per year. The Operating Reserve will be \$1,725,000 (or 6 months of debt service, operating expense and replacement reserves).

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments:

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.


Signature, Authorized Representative, Construction or Permanent Lender

Karl Oveshie
Printed Name

3/8/19
Date

Telephone: 713 968 2308

Email address: kar.oveshie@bbva.com

If a revised form is submitted, date of submission: 2/14/2019

Finance Narrative for Sources and Uses

City of Dallas Participation

The proposed development is located in the East Downtown Redevelopment target area, one of the 15 approved Reinvestment Strategy Areas of the City of Dallas, and the proposed development is a mixed use, mixed-income multifamily residential development with 10,000 square feet of retail space providing 49% of the total units at market rate and 51% of the total units to households earning 60% or below of Area Median Income and provides future residents with access to opportunities such as transit, retail and jobs. Because of the demographics, the City of Dallas has agreed to invest a significant amount of their funds. These funds are detailed as follows:

- (1) a development loan agreement in an amount not to exceed \$13,026,943.00 (comprised of \$3,605,570.00 in HOME Investment Partnerships Program (HOME) funds,
- (2) \$6,000,000.00 in City of Dallas Public/Private Partnership (P/PP) funds,
- (3) \$3,421,373.00 of Community Development Block Grant (CDBG) funds; and
- (4) a conditional grant agreement in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond (GO Bond) funds and (3) all other necessary documents, including, but not limited promissory note, deed of trust, and deed restrictions to effectuate the transaction with 2400 Bryan Street, LLC or affiliate thereof for the development of a mixed-use, mixed-income multifamily residential development located at 2400 Bryan Street.

The loans are for a term of 15 years, coterminous with the permanent debt. The loans will require interest only payments after conversion until the deferred developer fee has been paid in full.

The City of Dallas Housing Finance Corporation has agreed to purchase and own the land, enter into a long-term ground lease with 2400 Bryan Street, LLC, and take an ownership interest in 2400 Bryan Street, LLC. As a result there will be an annual cost saving of approximately \$500,000 per year in property tax savings.

Construction Loan

BBVA Compass bank has agreed to provide a construction loan not to exceed \$52,934,518 with a term of approximately 30 months, with one six month extension, all as more particularly set forth in the term sheet attached.

Equity

Hunt Capital Partners will purchase the tax credits, which total \$15,000,000. The price is \$.99, with Hunt taking a 99.99% ownership as the Investor member of the owner. The total tax credit equity will be \$14,850,000.

Permanent Loan

Freddie Mac has agreed to provide the permanent loan based on the attached term sheet. Generally, the terms are for a total loan of \$42,000,000, at an interest rate of 5.14%, amortized over 35 years and a 15 year term.

With the above described financing the developer will defer approximately \$5,000,000 of developer fee which will be paid in full no later than year 11.

Finance Scoring (for Competitive HTC Applications ONLY)

Self Score Total: 123

1. Commitment of Development Funding by Local Political Subdivision (§11.9(d)(2))

Name of the Local Political Subdivision providing the funding:

City of Dallas

- A letter from an official of the political subdivision stating that the political subdivision will provide a loan, grant, reduced fees or contribution of other value type, and the terms under which it will be provided is in the application.
- The dollar value of the contribution must be in the letter and must equal \$500 or more if Urban and \$250 or more if Rural or USDA.
- The commitment of development funding is reflected in the Application as a financial benefit to the Development, i.e. reported as a source of funds on the Sources and Uses Form and/or reflected in a lower cost in the Development Cost Schedule, such as notation of a reduction in building permits and related costs.

Total Points Claimed: 1

2. Financial Feasibility (§11.9(e)(1))

- Eligible Pro-Forma and letter stating the Development is financially feasible. 16
- Eligible Pro-Forma and letter stating Development **and** Principals are acceptable. 18

Total Points Claimed: 18

3. Leveraging of Private, State, and Federal Resources (§2306.6725(a)(3); §11.9(e)(4))

Percent of Units restricted to serve households at or below 30% of AMGI 10.14%

HTC funding request as a percent of Total Housing Development Cost 1.93%

Eligibility for points:

Development Leverages CDBG Disaster Recovery, HOPE VI, RAD or Choice Neighborhood Funding 0

Housing Tax Credit Request 3

Housing Tax Credit Request 2

Housing Tax Credit Request 1

** Be sure no more than 50% of Developer fees are deferred.*

Total Points Claimed: 3

March 7, 2019

2400 Bryan Street, LLC
Attn: Kristian Teleki
320 Main Street West
Lewisville, TX 75057

Re: 2400 Bryan, Dallas, Texas

Dear Kristian,

I have received and reviewed the 15 year pro forma for 2400 Bryan Street. The attached 15 year pro forma was prepared by 2400 Bryan Street, LLC, the applicant, and indicates that the development would maintain no less than a 1.15 debt coverage ratio throughout the initial fifteen years of operation following stabilization. The proforma is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the current underwriting parameters of BBVA Compass and consistent with the loan terms indicated in the term sheet. These projections, which indicate that the Development is expected to be feasible for fifteen years, are made based upon the preliminary information provided by the borrower, and are subject to further due diligence review and revision by BBVA Compass.

Additionally, BBVA Compass has performed a preliminary review of the credit worthiness of 2400 Bryan Street, LLC, and its proposed principal, Dallas Housing Finance Corporation and the guarantor and developer principal, Jack Matthews. At this time, BBVA Compass has no reservations with 2400 Bryan Street, LLC, or any of the principals or guarantors of the borrower. We anticipate no additional guarantors or financial strength will be needed to facilitate a loan to this borrower, other than those requirements disclosed herein.

Please be advised that this letter does not represent a commitment by BBVA Compass to provide financing for the Development, nor an offer to commit. Any such commitment would be subject to receipt and satisfactory review of all then-current due diligence materials required by BBVA Compass.

If you should have any questions, please feel free to contact me at 713-966-2303.

Sincerely,



Ken L. Overshiner
Senior Vice President
Community Development Capital



CITY OF DALLAS

On consent agenda for 2/27/2019
Dallas City Council. Passed on
Consent Agenda-- Final Resolution to
be provided when available.

Exhibit B

TERM SHEET
2400 Bryan Street
February 27, 2019

**PROPOSED DEVELOPMENT LOAN AGREEMENT AND
CONDITIONAL GRANT AGREEMENT**

This Term Sheet is being issued to outline the City of Dallas' ("City") general intent to provide project financing for a development proposal known as 2400 Bryan Street. It is based on the City's initial review of the application submitted to the City in October 2018.

For proposed (1) one or more development loan agreements with the City in a total amount not to exceed **\$13,026,943.00** (Comprised of **\$3,605,570.00** in HOME Investment Partnerships Program ("HOME") funds, **\$6,000,000.00** in City of Dallas Public/Private Partnership funds, and **\$3,421,373.00** of Community Development Block Grant ("CDBG") funds, secured by one or more subordinate liens and (2) a conditional grant agreement in a total amount not to exceed **\$973,057.00** in 2012 General Obligation Bond funds ("GO Bond") in the form of a conditional grant to 2400 Bryan Street, LLC, a Texas limited liability company, for the development of the 2400 Bryan Street a mixed use, mixed income development in East Downtown Dallas. The final terms and conditions of these funding amounts and sources are subject to final underwriting completed by the City and nothing herein should be construed as a final commitment of funds.

<u>LENDER/GRANTEE</u>	City of Dallas ("City").
<u>BORROWER/GRANTOR</u>	2400 Bryan Street, LLC, a Texas limited liability company ("2400 Bryan").
<u>DEVELOPER</u>	RMGM Bryan Street, LLC or RMGM Developers, LLC, both affiliates of Matthews Southwest, Inc. ("RMGM").
<u>GUARANTOR</u>	All underlying principals affiliated to RMGM to provide guarantees for the Development Loan and Conditional Grant Agreements. Completion Guaranty: RMGM shall provide full, unconditional guarantees of completion and repayment for 2400 Bryan. Operating Deficit Guaranty: RMGM guarantees to fund operating deficits by making loans to 2400 Bryan in accordance with terms as provided by the Project's senior permanent lender and its Limited Partner.
<u>USE/PROJECT DESCRIPTION</u>	Certain acquisition and construction costs for the development of 2400 Bryan Street, a new mixed-use and mixed-income project consisting of approximately 217-units of residential and 10,000 sq. ft. of commercial space including amenities and structured parking, as shown on the attached Exhibit "A" - Site Location (the "Development").
<u>LOAN(S) AND CONDITIONAL GRANT</u>	Amount not to exceed \$3,605,570.00 in HOME funds, \$6,000,000.00 in City Public/Private Partnership funds, and \$3,421,373.00 in CBDG funds, (the "Loan") for eligible expenses to be more particularly described in the Development Loan Agreement(s) (the "Loan Agreement") and the Loan Documents as defined below. Amount not to exceed \$973,057.00 GO Bond funds (the "Grant") for eligible expenses to be more particularly described in the Conditional Grant Agreement (the "Grant Agreement") and the Grant Documents as defined below.



	The total maximum amount of the City's Loan and Grant is \$14,000,000.00 . Final amount of each source and the final terms of each agreement is subject to final underwriting.
<u>INTEREST RATE (LOANS)</u>	1% simple annual interest
<u>TERMS OF DEVELOPMENT LOANS AND CONDITIONAL GRANT AGREEMENTS</u>	<ul style="list-style-type: none"> i. The term of the Loan Agreements and Grant Agreement is 15 years beginning from the effective date. ii. The term of the Loan and Grant will be coterminous with the senior lender which is 15 years beginning on the date of the Loan Documents and ends on the maturity date defined in the Loan and Grant Documents. iii. The Grant Documents securing performance will be released once all terms and conditions of the Grant Agreement and Documents are met. iv. The Loan will be fully repayable, as set forth below.
<u>PAYMENT/REPAYMENT</u>	<ul style="list-style-type: none"> i. Principal payments will be deferred until the anticipated deferred developer fee is retired, and when sufficient surplus cash will be available for distribution to the DHFC. At such time, 2400 Bryan shall commence repayment of the City's Loan with accrued interest based an amortization schedule that is coterminous with the senior lender which is 35 years. ii. Interest only payments will be made from available cash flow and begin 30 days after conversion from construction financing to permanent financing as defined in the Loan Agreement. iii. Equal annual installments of principal and accrued interest begin 30 days after repayment of the deferred developer fee as defined in the Loan Agreement. Payments will thereafter be due annually on the anniversary date of the first payment. All unpaid principal and interest will be due on the Final Payment Date in the Loan Documents. iv. After repayment of the Loans, all Deed Restrictions and Deeds of Trust will continue to secure the Borrower's performance of the requirements described in the Loan Agreement, Grant Agreement and, Loan Documents until termination of the 20-year Affordability Period with the exception of the Deed Restriction for the 15-year Voucher Period as defined below. v. The Loans may be prepaid, in whole or in part at any time and from time to time, without penalty; provided however, the performance of the Loan requirements will continue throughout the Affordability Period and Voucher Period as defined in the Loan Agreements. vi. The remaining balance of the Loans plus interest based on current applicable interest rates is immediately due and payable upon sale, refinancing, or transfer of the Development or upon maturity.
<u>COMPLETION DEADLINE</u>	The Development must be complete, and units placed in service by January 31, 2021 .
<u>PENALTY AND DEFAULT PROVISION</u>	Borrower shall comply with all the terms and provisions of the Loan Documents. If the Borrower does not comply or if the Borrower defaults under the terms of Loan



	<p>Documents and does not cure said defaults during the cure period provided in the Loan Documents, interest on the unpaid principal Loan amount will thereafter accrue at a rate of 500 basis points (5%) over the interest rate in the Promissory Note and be immediately payable in addition to the entire outstanding principal Loan amount.</p>
<p><u>COLLATERAL AND LOAN/GRANT DOCUMENTS</u></p>	<p>The Loan Agreements, Grant Agreement, Promissory Note for the Loans, Deeds of Trust to secure payment and performance, and Deed Restrictions collectively the ("Loan Documents" and/or "Grant Documents").</p> <p>Deed Restrictions shall be senior to all other project financing and will be recorded to secure the 20-year Affordability Period for the Affordable Units and 15-year Voucher Period for the Voucher Units, as defined below, regardless of any prepayment of the Loans. The Loans and Grant will be subordinate to the construction/permanent financing for the Development only.</p> <p>In order to secure payment and performance of the City's Loans and Grant, one or more Deeds of Trust will be filed against the property, including the leasehold and all improvements. The City's lien or liens may only be subordinate to a financial institution's superior lien for a loan in a greater amount. In the event, subordination agreements are required, the City agrees to provide in a form acceptable to the City and agrees not to unreasonably withhold them.</p>
<p><u>DRAW PERIOD AND ELIGIBLE EXPENSES</u></p>	<p>Borrower will be entitled to make draw requests, on a reimbursable basis, during the Loan and Grant Agreements term. Draws will only be approved for eligible costs in accordance with the following regulations:</p> <ul style="list-style-type: none"> i. For HOME, 24 CFR Part 92.206 ii. For CDBG, 24 CFR Part 570.201 iii. For City of Dallas GO Bond funds, capitalized costs only, applicable bond propositions, Chapter 380 Texas Local Government Code iv. For Public/Private Partnership funds, City of Dallas Public/Private Partnership Program, Chapter 380 Local Government Code <p>Draws will occur as scheduled in the Loan and Grant Agreements. City will disburse funds upon receipt of satisfactory documentation and due diligence review and approvals which approval shall not be unreasonably withheld, delayed or conditioned. The City must be provided with copies of all contractor invoices and provided reasonable notice of monthly draw inspections during the construction period. City staff will participate in all draw reviews whether or not the specific draw is being funded with City funds or other project funds and conduct inspections to ensure that the project is progressing and that work completed is consistent with all applicable Loan and Grant requirements.</p> <p>Acquisition and hard construction costs as specified in the Loan and Grant Agreements and in accordance with U.S. Department of Housing and Urban Development ("HUD") Regulations.</p>



<p><u>RESERVES REQUIREMENT</u></p>	<p>City requires capitalized operating reserves equal to at least 3 months of underwritten operating expenses, replacement reserve deposits, and amortizing debt service must be included in the development budget.</p> <p>City requires a lease-up reserve to cover operating deficits following the completion of construction based on project's lease-up and cash flow modeling.</p> <p>The 2400 Bryan will maintain a replacement reserve, and make contributions on an annual basis equal to the greater of (i) \$250 per unit, (ii) the amount required by the equity investor, or (iii) the amount as required by the permanent lender. Pro-rata annual contributions will commence with construction completion.</p>
<p><u>AFFORDABILITY/AFFORDABILITY PERIOD</u></p>	<p>The Development is to provide 51% of the 217 units or ("Affordable Units") to households earning at or below 80% of Area Median Income ("AMI") as defined by HUD or ("Eligible Tenants"). Borrower must recertify household income of Eligible Tenants annually as described in the Loan and Grant Agreements.</p> <p>The Affordable Units must remain affordable to Eligible Tenants for a minimum of 20 years from the date the project status is changed to "complete" in HUD's IDIS project reporting system ("Affordability Period"). The remaining 49% of the 217 units will be market rate.</p> <p>In conformance with Dallas City Code, Borrower shall set aside at least 10% of the total units, which for this Development is 22 units ("Voucher Units"), and solely lease those units to holders of housing vouchers ("Voucher Holders"), including vouchers directly or indirectly funded by the federal government.</p> <p>The Voucher Units must be set aside to Voucher Holders for a minimum of 15 years from the date of initial leases-up of all Voucher Units to Voucher Holders ("Voucher Period")</p> <p>If the Affordable Units do not remain affordable for the 20-year Affordability Period and the Voucher Units set aside for the 15-year Voucher Period, then the CDBG, HOME, and Public/Private Partnership funds must be repaid to City or City will exercise all of its remedies under the Loan Documents and Grant Documents including, but not limited to foreclosure of the Development.</p>
<p><u>TENANT SOCIAL SERVICES/SUPPORTIVE SERVICES</u></p>	<p>Borrower will provide on-site tenant social services to the Development tenants as defined in the application for the tax credits. A supportive services fee will be assessed in an amount to be approved by the DHFC, which approval will not be unreasonably conditioned or delayed.</p>
<p><u>TENANT REQUIREMENTS AND RENTAL RATES</u></p>	<p>Borrower shall rent to Eligible Tenants and Voucher Holders. Additionally, in conformance with Chapter 20A of the City Code, Borrower shall not discriminate against holders of any housing vouchers, including vouchers directly or indirectly funded by the federal government or on the basis of race, religion, or national origin. Borrower shall rent in accordance with affirmative marketing standards and the current HUD Section 8 rental income guidelines.</p> <p>Borrower must use the maximum allowable rents for Affordable Units, including utility allowance, as set annually by HUD at: https://www.hudexchange.info/resource/reportmanagement/published/HOME_RentLimits_State_TX_2018.pdf</p> <p>Borrower must use maximum allowable rents for Voucher Units pursuant to the Walker settlement.</p>



	<p>Rental rates shall be less the utility allowances as required by written policy established by the City's Housing and Neighborhood Revitalization Department.</p> <p>The City shall approve the final rental rates and publish in accordance with CDBG regulations.</p>																				
<u>PROPOSED HOME UNIT MIX</u>	<p>The Development will include 17 High HOME Units and 5 Low HOME Units, which count toward the Affordable Units as follows:</p> <table border="1" style="margin-left: 20px;"> <thead> <tr> <th colspan="5" style="text-align: center;">PRELIMINARY UNIT MIX</th> </tr> <tr> <th style="text-align: center;">Proposed Units (217 total)</th> <th style="text-align: center;">23 – Studio</th> <th style="text-align: center;">123 – 1 BR</th> <th style="text-align: center;">58 – 2 BR</th> <th style="text-align: center;">13 – 3 BR</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">High HOME Units (17 out of the 217)*</td> <td style="text-align: center;">1</td> <td style="text-align: center;">11</td> <td style="text-align: center;">4</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Low HOME Units (5 out of the 217)*</td> <td style="text-align: center;">1</td> <td style="text-align: center;">2</td> <td style="text-align: center;">2</td> <td></td> </tr> </tbody> </table> <p>*Final designation of HOME units and mix subject to final underwriting and cost certification upon completion.</p> <p>Affordable Units and Voucher Units must be dispersed throughout the residential floor area of each building, but may not be fixed to specific units and must float within each unit type. Affordable Units must be of identical finish-out and material as the market rate units. Tenants of Affordable Units or Voucher Units may not be restricted from common areas and amenities, unless the restriction applies to all tenants.</p>	PRELIMINARY UNIT MIX					Proposed Units (217 total)	23 – Studio	123 – 1 BR	58 – 2 BR	13 – 3 BR	High HOME Units (17 out of the 217)*	1	11	4	1	Low HOME Units (5 out of the 217)*	1	2	2	
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<u>TITLE INSURANCE</u>	<p>Borrower will pay the cost of a lender's title policy insuring the total amount of the Loans and Grant.</p>																				
<u>GUARANTEES, PAYMENT AND PERFORMANCE BONDS</u>	<p>Borrower must provide payment and performance bonds or guarantees, or acceptable equivalent methods of guarantees to the City in the total amount of the construction of the Development as required by the federal regulations and the Comprehensive Housing Policy adopted by City Council, by Resolution Number 180704 and 181680, as amended ("CHP").</p> <p>If Borrower elects to provide a completion guaranty, Borrower shall execute a guaranty in favor of the City.</p> <p>City will accept being an additional obligee on payment and performance bonds furnished by Borrower to its construction lender.</p>																				
<u>CLOSING COSTS</u>	<p>The Loans and the Grant are to be closed at no cost to City. Borrower shall pay all costs associated with the Loan and Grant Documents including attorney's fees, filing fees, title company fees and other closing costs.</p>																				
<u>COMPLIANCE WITH FEDERAL, STATE, AND LOCAL LAWS</u>	<p>If it is determined by the City, HUD or other local, state or federal audit that use of all or any part of the HOME, CDBG, Public/Private Partnership, or GO Bond funds does not meet federal, state or local guidelines, Borrower will reimburse City for the costs determined to be ineligible and/or disallowed under the said audit.</p> <p>Development will meet the property standards in 24 CFR Part 92.251 and lead-based paint standards in 24 CFR Part 92.355 and 24 CFR Part 570.608, as well as City building codes and standards.</p>																				



	<p>Borrower must comply with Section 504 of the Rehabilitation Act of 1973. Section 504 requires 5% of the total dwelling units, or a minimum of 1 unit, whichever is greater, to be accessible for persons with mobility disabilities ("Mobility Disabled Units"). An additional 2% of the total dwelling units must be accessible for persons with hearing or visual disabilities ("Sensory Impaired Units"). The Mobility Disabled Units and Sensory Impaired Units may be comprised of the Affordable Units, Voucher Units, or market rate units. The Section 504 requirements for the Development are as follows:</p> <table border="1" data-bbox="376 636 1206 711"> <thead> <tr> <th data-bbox="376 636 794 674">Mobility Disabled Unit(s)</th> <th data-bbox="794 636 1206 674">Sensory Impaired Unit(s)</th> </tr> </thead> <tbody> <tr> <td data-bbox="376 674 794 711">11</td> <td data-bbox="794 674 1206 711">4</td> </tr> </tbody> </table> <p>Borrower must comply with displacement and relocation requirements at 24 CFR Part 92.353, 24 CFR Part 570.606, and 24 CFR Part 42.</p> <p>Borrower must certify that it is not currently listed on the Federal Excluded Parties List System for Award Management, www.sam.gov, ("SAM"). Borrower will comply with 2 CFR Part 200 which forbids the hiring or continuing to employ any contractor, subcontractor or vendor in the construction of the Development that is listed on SAM.</p> <p>Borrower must comply with and will ensure that its contractors comply with Section 3 of 24 CFR 135.38.</p> <p>Borrower must comply with all prescribed procedures regarding nondiscrimination and equal opportunity, affirmative marketing, displacement and relocation, labor relations, and conflict of interest provisions described in 24 CFR 92 subpart H, 24 CFR Part 92.504, 24 CFR Part 570 subpart K, 24 CFR Part 570.611, and all other applicable federal, state, and local laws and regulations.</p> <p>If applicable, Borrower must comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a-7) as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.) and all other applicable federal, state and local laws and regulations pertaining to labor standards.</p> <p>Borrowers must comply with all applicable federal, state and local laws and regulations.</p>	Mobility Disabled Unit(s)	Sensory Impaired Unit(s)	11	4
Mobility Disabled Unit(s)	Sensory Impaired Unit(s)				
11	4				
<p>AUDITS/INSPECTIONS</p>	<p>City will conduct annual audits during the Affordability Period to ensure Affordability requirements. City will inspect Affordable Units every 2 years unless the City deems it necessary to inspect more frequently. Borrower shall allow City, HUD, State of Texas, the Comptroller General of the United States ("GAO"), and all other pertinent federal or state agencies or their designated representative the right to inspect records and property. Borrowers will maintain records according to the recordkeeping requirements outlined below.</p>				
<p>INSURANCE REQUIREMENTS</p>	<p>Borrower must maintain insurance and provide coverages the City's Risk Management Department requires after it completes review of the full Development scope. If applicable insurance policies and required coverages are provided and the City's Risk Management Department approves, Borrower can, as applicable, name the City as an additional insured or loss payee on the insurance policies required by the equity investor and the permanent lender.</p>				
<p>RECORDKEEPING</p>	<p>Borrower must maintain records that will provide accurate, current, separate, and complete disclosure of the status of the funds received from the Loan and Grant pursuant to any other applicable federal, state, and/or local regulations establishing standards for financial management.</p> <p>At any reasonable time and as often as City may deem necessary, Borrower will make</p>				



	<p>available to City all of its respective records that are applicable and will permit City to conduct audits of all contracts, invoices, materials, payrolls, records of personnel, conditions or employment, annual Eligible Tenant income verification, and all other data relating to the stated Use/Project Description.</p> <p>Borrower will provide monthly financial and beneficiary reports that will contain such records, data and information as City may request pertinent to matters covered by the Loan and Grant. Reports will be due to the Housing and Neighborhood Revitalization Department within 45 days of the end of the quarter. Borrower will provide any additional information as requested by the City within 10 days of date of request.</p> <p>At the City's option, Borrower may be required to obtain and submit an audit of project costs (i.e. cost certification) prepared by an independent Certified Public Account. The cost certification required by the Texas Department of Housing and Community Affairs may satisfy this requirement.</p>
<p><u>CONDITIONS TO LOAN AND GRANT FUNDING</u></p>	<p>This Term Sheet does not constitute a commitment of funds or site approval, and any commitment of funds or approval of the Loans or Grant may occur only upon satisfactory completion of the following items:</p> <ol style="list-style-type: none">i. An environmental review conducted by City and completion of an Environmental Review Record and receipt by the City of an Authorization to use Grant Funds from HUD under 24 CFR Part 58. The environmental review may result in a decision by City to proceed with, modify or cancel the City's participation in the Development. If the Development is modified by Borrowers after receiving environmental approval, all work on the Development must stop until receiving authorization to proceed from City. Modifications to the Development that would require further environmental review include but are not limited to changes in location, elevations, site plans, or any other aspect of the project scope originally submitted for environmental approval.ii. Borrower is prohibited from undertaking or committing any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the completion of environmental review and receipt of the Authorization to Use Grant Funds from HUD. Violation of this provision will result in the denial of HOME and CDBG funds. A Notice to Proceed from the City to Borrower will be issued when environmental clearance has been received. Any change in any aspect of the Development that was originally submitted for environmental review will result in the City determining in its sole discretion whether to make the HOME or CDBG Loan for the Development.iii. HUD Approval of Site and Neighborhood Standards per 24 CFR Parts 92.202 and 983.6(b). Borrowers must provide any relevant information required by HUD if a Neighborhood and Site Standards Study is required by HUD.iv. City determination that the Development is not over-subsidized with HOME funds as required by 24 CFR Part 92.250(b).v. City determination that the costs are reasonable as required by 2 CFR 200 subpart E.vi. Borrower must agree to all conditions to City Loans and Grant as required for



	<p>Developer Programs under the CHP.</p> <p>vii. Submission of equity, construction and permanent financing for the Development in a form satisfactory to City.</p> <p>viii. Closing on equity and all other financing for the Development.</p>
<p><u>OTHER REQUIREMENTS</u></p>	<p>i. Construction must begin within 1 month of closing on all financing unless delayed by a force majeure event as defined in the Loan Documents and Grant Documents.</p> <p>ii. Borrower will be liable for and will promptly pay all fees it incurs, including expenses and charges incurred in connection with the negotiation and preparation of the documents governing or securing the Loans and Grant, and other expenses incurred in connection with the Development including appraisal and Texas Commission on Environmental Quality environmental fees, whether or not the Loans or Grant close.</p> <p>iii. Documentation must be acceptable in all respects to the City.</p> <p>iv. Credit Reports on all the principals of the Borrower with a 15% or greater ownership interest.</p> <p>v. Borrower agrees to provide all items as required for loan closing as outlined under Developer Programs under the CHP.</p> <p>vi. All construction contracts, plans, specifications, surveys, etc. must be acceptable to City and assigned as additional collateral. Approval is subject to review of plans, specifications and cost estimates.</p> <p>vii. Borrowers must agree to any reasonable terms and conditions in the Loan Documents and Grant Documents that are necessary to ensure that City and Borrowers remain in compliance with all federal, state and local laws, regulations and ordinances regarding or applicable to the Development.</p> <p>viii. Funds expended prior to the date of the resolution of City Council approving the Loans and Grant are not eligible for reimbursement.</p> <p>ix. Local Hiring. Borrower shall use and document best efforts to recruit and hire city of Dallas residents for any jobs created by the Development. Best efforts shall include a written plan to advertise locally and to participate in local job fairs/recruitment events. The plan shall be prepared, coordinated with, and approved by the Director of Housing and Neighborhood Revitalization to ensure broad publication to Dallas residents from all areas of the City of the employment opportunities available with the construction and operation of the Development.</p> <p>x. M/WBE. Borrower shall make a good faith effort to comply with the City's Business Inclusion and Development ("BID") goal of 25% participation by certified Minority/Women-owned Business Enterprises ("M/WBE") for all hard construction expenditures of the Development (i.e. public and private improvements) and meet all reporting requirements of the City of Dallas Office of Business Diversity.</p>



xi. **Urban Design.** Borrower shall construct the Development (i.e. public and private improvements) in substantial conformance with the conceptual site plan and renderings provided to the City's Planning and Urban Design Department as shown in **Exhibit "B" – Site Plan and Renderings** or to any modification thereof subsequently approved by the Planning and Urban Design Department. The Urban Design Peer Review Panel ("**UDPRP**") is an independent group of professional designers selected by the City Manager with expertise in architecture, landscape architecture, engineering, and urban planning. Review by the UDPRP is required for all projects requesting City funding assistance. Following a formal review on January 19, 2018, the UDPRP provided advice for the Development, and on January 24, 2019, Developer/Borrower provided a response to the UDPRP's advice (see **Exhibit "D"**), thereby satisfying the initial requirement for urban design peer review related to Developer/Borrower's application for funding assistance. Prior to permit submittal to the City's Sustainable Development and Construction Department, Developer shall submit a set of permit drawings to the Planning and Urban Design Department for a staff review to ensure substantial conformance with the spirit and intent of the UDPRP advice in **Exhibit "C"** and the follow-up comment in **Exhibit "E"** made by the Planning and Urban Design Department on February 1, 2019. Allowable minor modifications may include those required for compliance with development regulations administered by the City's Sustainable Development and Construction Department. The Planning and Urban Design Department shall complete the staff review of permit drawings within **10** business days of submission.

Any funds disbursed will be subject to the City's receipt of satisfactory documentation and due diligence review and approval. This Term Sheet is confidential and is intended solely for the use of the Borrowers. No other person or parties have any rights whatsoever with respect to the above terms and conditions. These terms can be modified or other terms negotiated between the parties only upon mutual agreement. All terms are subject to final underwriting, review by the City's Economic Development and Housing Committee, and subsequent approval by City Council.

Formatted: Justified

February 27, 2019

WHEREAS, on May 9, 2018, City Council adopted a Comprehensive Housing Policy Manual (Policy) by Resolution No. 18-0704 that set citywide production goals for homeownership and rental units for the next three years along with respective income bands that will be prioritized within the production goals and also set forth various programs, tools and strategies to be used to meet the production goals while also overcoming concentrations of poverty and racial segregation; and

WHEREAS, on November 28, 2018, City Council adopted certain amendments to the Policy in order to correct inconsistencies and to facilitate effective implementation; and

WHEREAS, on January 24, 2018, the City Council supported the 2018 Texas Department of Housing and Community Affairs' (TDHCA) 9% low-income housing tax credit application for the development at 2400 Bryan Street and authorized a line of credit agreement in the amount of \$500.00 for a commitment of development funding by Resolution No.18-0219; and

WHEREAS, on August 30, 2018, the City issued a Notice of Funding Availability in accordance with the Policy and 2400 Bryan Street, LLC submitted an application for gap financing and received a fundable score; and

WHEREAS, on January 25, 2019, the City of Dallas Housing Finance Corporation Board of Directors at its Board meeting approved entering into an agreement to purchase and own the land; enter into a long-term ground lease, and taking an ownership interest in 2400 Bryan Street, LLC; and

WHEREAS, the proposed development is located in the East Downtown Redevelopment target area, one of the 15 approved Reinvestment Strategy Areas in the Policy, and the proposed development is a mixed use, mixed-income multifamily residential development with 10,000 square feet of retail space providing 49% of the total units at market rate and 51% of the total units to households earning 60% or below of Area Median Income and provides future residents with access to opportunities such as transit, retail and jobs.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That following approval as to form by the City Attorney, the City Manager is authorized to execute (1) a development loan agreement in an amount not to exceed \$13,026,943.00 (comprised of \$3,605,570.00 in HOME Investment Partnerships Program (HOME) funds, \$6,000,000.00 in City of Dallas Public/Private Partnership (P/PP) funds, and \$3,421,373.00 of Community Development Block Grant (CDBG) funds; (2) a conditional grant agreement in an amount not to exceed \$973,057.00 in 2012 General Obligation Bond (GO Bond) funds and (3) all other necessary documents,

including, but not limited to promissory note, deed of trust, and deed restrictions to effectuate the transaction with 2400 Bryan Street, LLC or affiliate thereof for the development of a mixed-use, mixed-income multifamily residential development located at 2400 Bryan Street.

Section 2. The City of Dallas Housing Finance Corporation is authorized to purchase and own the land, enter into a long-term ground lease with 2400 Bryan Street, LLC, and take an ownership interest in 2400 Bryan Street, LLC.

Section 3. That the conditional grant agreement, loan agreement, and all related documents will include the terms and conditions listed in the development term sheet, attached hereto as **Exhibit B**.

Section 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute each of the agreements described herein including any financing and associated documents related to the conditional grant agreement and loan agreement, subordinations to the senior lender for a loan in a greater amount, and release of liens and termination of deed restrictions on the property upon satisfaction of all applicable conditions. The Director of Housing and Neighborhood Revitalization and the Director of the Office of Economic Development may extend deadlines by up to one year.

Section 5. That the Chief Financial Officer is hereby authorized to encumber funds and disburse funds to 2400 Bryan Street, LLC #VC18122 as the City receives and reviews reimbursement requests and related supporting documentation submitted by 2400 Bryan Street, LLC for eligible expenditures and accepts supporting evidence as defined in the agreements for the total amount not to exceed \$14,000,000.00 from funding sources listed and described below:

FUND	UNIT	OBJECT	PROGRAM NUMBER	AMOUNT
CD18	810C	3015	NOFA18 2400 BRYAN	\$ 2,156,044
CD18	801C	3015	NOFA18 2400 BRYAN	\$ 1,265,329
HM17	275B	3015	NOFA18 2400 BRYAN	\$ 3,605,570
3U53	NEW	3016	NOFA18 2400 BRYAN	\$ 580,627
2U53	NEW	3016	NOFA18 2400 BRYAN	\$ 392,430

P/PP Fund \$6,000,000.00

Section 6. That this resolution does not constitute a binding agreement upon the City or subject to the City to any liability or obligation until such time as the loan and conditional grant documents are duly approved by all parties and executed.

Section 7. That these contracts are designated as Contract No. HOU-2019-00009571.

Section 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

This has been approved by DHFC. Just needs Dallas City Council approval.

PROPOSED TERM SHEET:

CITY OF DALLAS HOUSING FINANCE CORPORATION and RMGM USA

2400 Bryan Street

January 30, 2019

FOR DISCUSSION PURPOSES ONLY

This proposed term sheet is to set forth the terms and conditions that would be presented to the City of Dallas Housing Finance Corporation (“DHFC”) Board of Directors for approval. All terms and conditions are subject to DHFC Board approval, which may be withheld for any reason whatsoever, the DHFC may participate in accordance with the terms and conditions set forth in this term sheet. However, in the event the DHFC’s Board of Directors does approve its participation under the terms and conditions of this term sheet, then this term sheet will remain in effect until a final agreement is negotiated and signed by both parties to be completed after approval of the terms and conditions by the DHFC Board of Directors. Unless agreed to by the DHFC, the final agreement shall confirm to the terms and conditions outlined below.

The terms and conditions are as follows:

<p><u>OWNERSHIP STRUCTURE AND PARTNERS</u></p>	<p>City of Dallas Housing Finance Corporation (“DHFC”) and RMGM Developers, LLC or its assigns (“RMGM”) will enter into a Master Agreement (“MA”) to develop, own and operate a mixed-income multifamily housing development to be located at 2400 Bryan Street in East Downtown Dallas.</p> <p>It is contemplated that 2400 Bryan Street, LLC a Texas LLC (“LLC.” or the “Company”) will admit the DHFC or an affiliate as a member (51%) into 2400 Bryan Street GP, LLC a formed entity with The Community Project (“TCP”), BETCO Consulting, LLC (“BETCO”) and RMGM Bryan Street, LLC (“RMGM Bryan Street”) also as members of the General Partner (“GP”), in the event Dallas County Appraisal District requires DHFC to own 100% of the GP, 2400 Bryan Street SLP, LLC a to be formed limited liability company with RMGM Bryan Street as 39%, TCP as 51%, and BETCO as 10% owner of the Special Limited Partner (“SLP”), and a to be named Investor Limited Partner (“ILP”) once financing has been identified. DHFC will enter into a ground lease with the Company, which will own the Improvements.</p>
<p><u>PROPERTY</u></p>	<p>TRACT II: Being a 1.4899 Acre (64,900 square feet) parcel of land situated in the John Grigsby Survey, Abstract 495, Dallas County, Texas and being out BLOCK 4/312 and BLOCK 264 of the City of Dallas, Also out of a tract of land, conveyed to MSW Bryan Street, LP, as recorded under Dallas County Clerk’s Instrument (D.C.C.I) No. 201500320339.</p>
<p><u>DEVELOPMENT</u></p>	<p>Construct and operate a new, mixed income approximately 217-unit of residential and 10,000 sq. ft. of commercial space on the Property including amenities and structured parking (“Improvements”).</p> <p>The Development includes pre-development activities, including but not limited to architectural, engineering, construction of all necessary infrastructure and construction of the Improvements after site preparation. The Development will have 49% market rate units and 51% Affordable Units.</p>
<p><u>PROPOSED FINANCING</u></p>	<p>RMGM will secure all financing, guarantees, and equity investor(s) on behalf of the Company.</p> <p>Construction Loan: \$47,580,845 Term: 3 years Interest: 5.00%</p> <p>Permanent Loan: \$40,436,408 Term/Amortization: 35 years Interest: 5.40%</p> <p>Tax Credits: \$1,500,000.00 Tax Credit Equity: \$14,850,000 @ \$.975/\$1.00. Local Government Funding: An amount not to exceed \$14,000,000.00 (\$8,000,000.00 CDBG/HOME and \$6,000,000.00 Economic Development) subject to City Council approval and final underwriting Sales Tax Rebate: \$1,200,000.00 NOI Credit During Lease-Up: \$1,480,102.00 Deferred Developer Fee: \$5,000,000.00</p>

<u>GUARANTEES</u>	RMGM shall provide all guarantees, including but not limited to, construction completion, operating expenses, tax credit delivery, those required by lenders, and any equity investor that are requested to be made.
<u>ESTIMATED FEES*</u> *DHFC reserves the right to alter the fee structure.	DHFC Counsel: \$85,000 payable in installments as follows: (i) 25% upon initial DHFC Board approval; (ii) 50% upon execution of the Agreement with RMGM Developers, LLC for the Development of 2400 Bryan Street a Multifamily Residential Development; and (iii) 25% at closing; DHFC Financial Advisor: \$30,000 payable at closing
<u>AFFORDABLE UNITS</u>	<ol style="list-style-type: none"> 1. At least 111 of the units will be Affordable Units to be rented to tenants who make 60% or less of area median income ("AMI"). The remaining 106 units will be market rate units. 2. 5% of the Project's units will be accessible to persons with disabilities and an additional 2% of the units will be accessible for persons with hearing or visual disabilities. 3. City of Dallas ("City") approval of rents and confirmation that rents conform to federal guidelines and requirements prior to execution of the MA. Such approval of rents shall be in accordance with the City Contract.
<u>DEVELOPER/DEVELOPER CONSULTANT</u>	RMGM Bryan Street, LLC will serve as Developer to assist with the completion of the Development.
<u>DEVELOPER FEE</u>	Developers will be paid a reasonable fee or fees for services subject to DHFC approval. Developer Fee is currently estimated to be \$8,000,000.
<u>GENERAL CONTRACTOR AND FEE</u>	DHFC can serve as General Contractor (GC) in order to save on sales tax for materials purchases and Jordan Foster as Master Subcontractor. GC shall receive a reasonable fee for participation subject to RMGM approval.
<u>MANAGEMENT COMPANY AND FEE</u>	UAH Property Management ("UAH"), or another Management Company approved by all Partners in the Partnership, will manage the property and will be compensated in an amount of two and half percent (2.5%) of effective gross income/revenue.
<u>ASSET MANAGEMENT AND FEE</u>	NONE
<u>SOCIAL SERVICES PROVIDER</u>	TBD
<u>SOCIAL SERVICES FEE</u>	Company to provide tenant supportive services for the Development in an amount agreed upon by the DHFC.
<u>CASH FLOW AND PRIORITY DISTRIBUTIONS*</u> *Start in Year 10 and through 15-Year TDHCA compliance period and not including refinance or sale.	Upon completion of the Development, cash flow, less operating expenses, deferred developer fee, required reserves, debt service, and any share of cash flow to equity investors, will be split 50-50 between the GP and SLP. There will need to be a side agreement regarding cash flow because of the 168(h)(6) election issue. Current estimate as of proforma dated 01/22/2019: SLP: \$3,054,577 GP: \$3,054,577
<u>DHFC COMMITMENTS</u>	DHFC will retain ownership of Property and lease it to the Company under the terms of a 99-year ground lease with an initial rental amount equal to the purchase price of the Property and an annual rent of \$100.00. The Company will own the Improvements.

<u>RMGM COMMITMENTS</u>	<p>RMGM will:</p> <ol style="list-style-type: none"> 1. Make commercially reasonable efforts to obtain a pre-determination letter from Dallas Central Appraisal District that the Property and the Improvements will be exempt from all ad valorem taxes. 2. Negotiate all pre-development, construction, and management contracts, and loan commitments. 3. Work diligently to obtain construction/permanent financing and any necessary equity investor to fully fund the Development no later than April 1, 2019. DHFC liaisons will make best efforts to assist with expediting permitting with the City. 4. Pay all pre-development costs. <p>Manage construction of the Development including demolition and any required environmental remediation.</p>
<u>SLP COMMITMENTS</u>	<p>SLP will:</p> <ol style="list-style-type: none"> 1. Control major decisions of the Company including but not limited those the affect the liability with respect to Guarantees. GP shall maintain control of the major decisions with respect to the Property. 2. Perform all duties and responsibilities on behalf of GP as enumerated in the Amended and Restated Company Agreement. 3. Handle all tax matters on behalf of Company. During and after completion of the Improvements, ensure that that all federal and state tax filings are completed and filed timely, including those of the GP.
<u>COMPANY COMMITMENTS</u>	<p>Company will:</p> <ol style="list-style-type: none"> 1. Ensure Development is completed in a timely manner. 2. Maintain the Development's tax-exempt status. If for an unforeseen reason the DHFC should lose its tax-exempt status, then the property taxes the property taxes owed annually on the Development Site shall be paid by the Company. 3. Maintain the Improvements along with Asset Manager. 4. Comply with the terms of the Ground Lease and any City Contract. 5. Ensure compliance with all City, state, and federal laws and regulations that apply to the Development and the Improvements. 6. In conjunction with Property Manager, manage the Development and all related operations according to the approved annual budget, including but not limited to operating and replacement reserves, and related contracts. 7. Oversee property management company's performance. 8. Accept the assignment of any City Contract and assume the note.
<u>PURCHASE OPTIONS FOR PROPERTY AND IMPROVEMENTS</u>	<p>The DHFC shall have the right of first refusal for the Improvements and control of major decisions with regard to the Property. DHFC and TCP shall also have the option to purchase the ILP's interest after the 15-year TDHCA compliance period. If at any time SLP elects to sell its interest in the Partnership, SLP will give DHFC the right to acquire such interest on terms mutually agreeable to the parties at that time and, if DHFC elects not to acquire such interest or the parties are unable to agree on the purchase price terms, then DHFC will have the right to approve the buyer of such interest, with such approval not to be unreasonably withheld or delayed.</p>
<u>SPECIAL CONDITIONS</u>	<p>Reimbursement: To the extent the DHFC or RMGM must incur costs to further the Development; the DHFC and/or RMGM shall be reimbursed for said costs by the Company at the time of closing on financing.</p> <p>Compliance Monitoring Fee: \$1500 per year payable to the DHFC to monitor Supportive Services Fee requirement.</p>

<p><u>AGENTS, CONSULTANTS, ATTORNEYS</u></p>	<p>Company Counsel: TBD, subject DHFC approval</p> <p>SLP Counsel: Claire Palmer, Claire Palmer PLLC</p> <p>DHFC Counsel: Joe Nathan Wright & Associates, P.C. and Camisha L. Simmons, Managing Member of Simmons Legal PLLC</p> <p>DHFC Board Counsel: Marichelle Sample, Senior Assistant City Attorney and Julianne Nguyen, Assistant City Attorney</p> <p>DHFC Financial Advisors: Hilltop Securities Inc. and Estrada Hinojosa & Company, Inc.</p> <p>Title Company for Property Closing: Patti Windle, Republic Title</p> <p>Title Company for Development Closing: Patti Windle, Republic Title</p> <p>Architect: Perkins + Will</p> <p>Engineer: Stantec (Civil)</p> <p>Consultant: Claire Palmer and Victor Smeltz, Executive Director of Renaissance Neighborhood Development Corporation</p>
<p><u>BINDING EFFECT AND ENFORCEABILITY</u></p>	<p>This term sheet includes all the essential/material terms of the proposed deal, including the parties' relationship. Notwithstanding anything else contained in this term sheet (agreement), including the fact that further documents evidencing and effectuating the deal will be drafted, the parties intend to be bound by the terms of this fully executed agreement once the DHFC Board has approved it. The parties further agree that this agreement is not subject to revocation. Additionally, the validity, binding effect and enforceability of the yet to be drafted definitive documents are contingent upon and subject to final approval of the DHFC Board.</p>



THE LAW OFFICES OF
CLAIRE G. PALMER, PLLC

7707 Brookview Court
Irving, Texas 75063

972-948-3166

clairepalmerpllc@sbcglobal.net

March 27, 2019

Via email only to Laura Debellas, Rosalio Benuelos, Brent Stewart, Jeanna Rolsing
Texas Department of Housing and Community Affairs
21 E 11th Street
Austin, TX 78701

Re; TDHCA Application #18269, 2400 Bryan Street

Pursuant to your request, this opinion letter ("Opinion Letter") is being furnished to you in connection with the request for property tax exemption currently pending with the Dallas Central Appraisal District ("DCAD") for the property located at 2400 Bryan Street, located in Dallas County, Texas

The subject Property is part of a larger parcel currently owned by Bryan Street Land Holdings, LLC. There is a Purchase Agreement for RMGM Developers, LLC, or its assigns, to purchase the Property and develop a 217 unit multi-family, multi-use high rise upon the Property (the "Project"). Of those 217 units, 111 will be designated for lease by tenants at incomes between 30% and 60% of Area Median Income and the Project has received an award of 9% Low income housing tax credits from the Texas Department of Housing and Community Affairs ("TDHCA"). At financial closing, the Purchase Agreement will be assigned to Dallas Housing Finance Corporation ("DHFC"), a 501(c)(3) non-profit corporation and a 509(a)(3) Public Charity, as shown on the attached IRS Determination Letter. In turn, DHFC will ground lease the Property to the Project Owner, 2400 Bryan Street, LLC, a Texas limited liability company (the "Owner"). Also at financial closing, DHFC will become the sole member of 2400 Bryan Street GP, LLC, a Texas limited liability company, 2400 Bryan Street GP, LLC (the "MM") is the Managing Member of the Owner.

Based solely on the foregoing, and subject to the qualifications, assumptions and exceptions herein stated I am of the opinion that:

Under the current laws of the state of Texas, a limited partnership, of which an organization that meets the requirements set forth above controls 100 percent of the general partner interest, is entitled to receive an exemption from *ad valorem* taxation. DHFC must control 100 percent of the general partner interest of in order for the Property to receive an exemption from *ad valorem* taxes. This assumes that the ownership structure of DHFC is treated as a limited partnership by the Appraisal District. While this Project is owned by an LLC rather than an LP, as required by statute, it is settled law that the above described structure meets the requirements so long as the LLC is taxed as a partnership.

The Code provides that the exemption from *ad valorem* taxation will be effective as of the date that the housing project is under active construction or other physical preparation. The Code further provides that a housing project is under physical preparation if the owner has engaged in architectural or engineering work, soil testing, land clearing activities, or site improvement work necessary for the construction of the project or has constructed an environmental or land use study relating to the construction of the project. While the Code provides for the *ad valorem* exemption while the Property is under active construction or other physical preparation, no *ad valorem* exemption will be requested until the requirements set forth in Sections (C) and (D) above are met. To date, a request has been made for a Preliminary Determination. That request is pending at DCAD.

I express no opinion as to any matter other than as expressly set forth above and no other opinion is intended to be implied nor may be inferred herefrom. This opinion is solely for the benefit of TDHCA in underwriting the material amendment to TDHCA Application #18269.

Very truly yours,

The Law Offices of Claire G. Palmer, PLLC


Claire Palmer

Sponsor Characteristics (Competitive HTC Only)

Self Score Total:

Pursuant to §11.9(b)(2) of the Qualified Allocation Plan, an Application may qualify to receive up to two (2) points provided the ownership structure meets one of the following requirements in parts 1 OR 2 below;

1. Application is attempting to score as a Qualified Nonprofit or certified HUB with ownership interest and material participation and meets the criteria below:

No If attempting to score as a Qualified Nonprofit, Application is applying under the Nonprofit Set-Aside

No If attempting to score as a certified HUB, evidence of the HUB's existence from the Texas Comptroller of Accounts is provided behind this Tab

No The Qualified Nonprofit or certified HUB has some combination of ownership interest, cash flow from operations, and developer fee which taken together equal at least 50% and no less than 5% for any category.

Ownership Interest: **CANNOT BE LESS THAN 5%**

Cash flow from operations: **CANNOT BE LESS THAN 5%**

Developer Fee: **CANNOT BE LESS THAN 5%**

Total:

The Applicant is forfeiting the HUB points because of property tax exemption requirements.

The Qualified Nonprofit or certified HUB will materially participate in the Development and the operation of the Development throughout the Compliance Period. A detailed narrative describing how that material participation will be achieved is included.

The Qualified Nonprofit or certified HUB has experience directly related to the housing industry. Mark all that apply and provide a detailed narrative describing experience in each category:

Property Management Construction Development Financing Compliance

No Principals of the Qualified Nonprofit or HUB are related Parties to any other Principals of the Applicant or Developer.

Evidence of experience in the housing industry and a statement regarding material participation are provided behind this tab.

Points Claimed:

2. Application is attempting to score as a participating Nonprofit or certified HUB and meets the criteria below:

A certified HUB will participate in Development Services or provide onsite tenant services, and evidence of the HUB's existence from the Texas Comptroller of Accounts is provided behind this Tab.

A Nonprofit will participate in Development Services or provide onsite tenant services, and evidence from a state or federal source of the organization's nonprofit status is provided behind this Tab.

No Principals of the HUB or Nonprofit are related Parties to any other Principal of the Applicant or Developer.

Evidence of experience in the provision of Development Services or in the provision of on-site tenant services as well as a detailed narrative describing how the HUB or Nonprofit will provide such services must be included behind this tab.

Points Claimed:

Total Points Claimed:

Owner and Developer Organization Charts

Applicants should note that subsequent changes to the Development Ownership structure presented in this section will require the written consent of the Department.

Pursuant to §10.204(13)(A) of the Uniform Multifamily Rules, submit three separate charts. One showing the complete organizational structure of each of the following entities: Development Owner, Developer, and Guarantor.

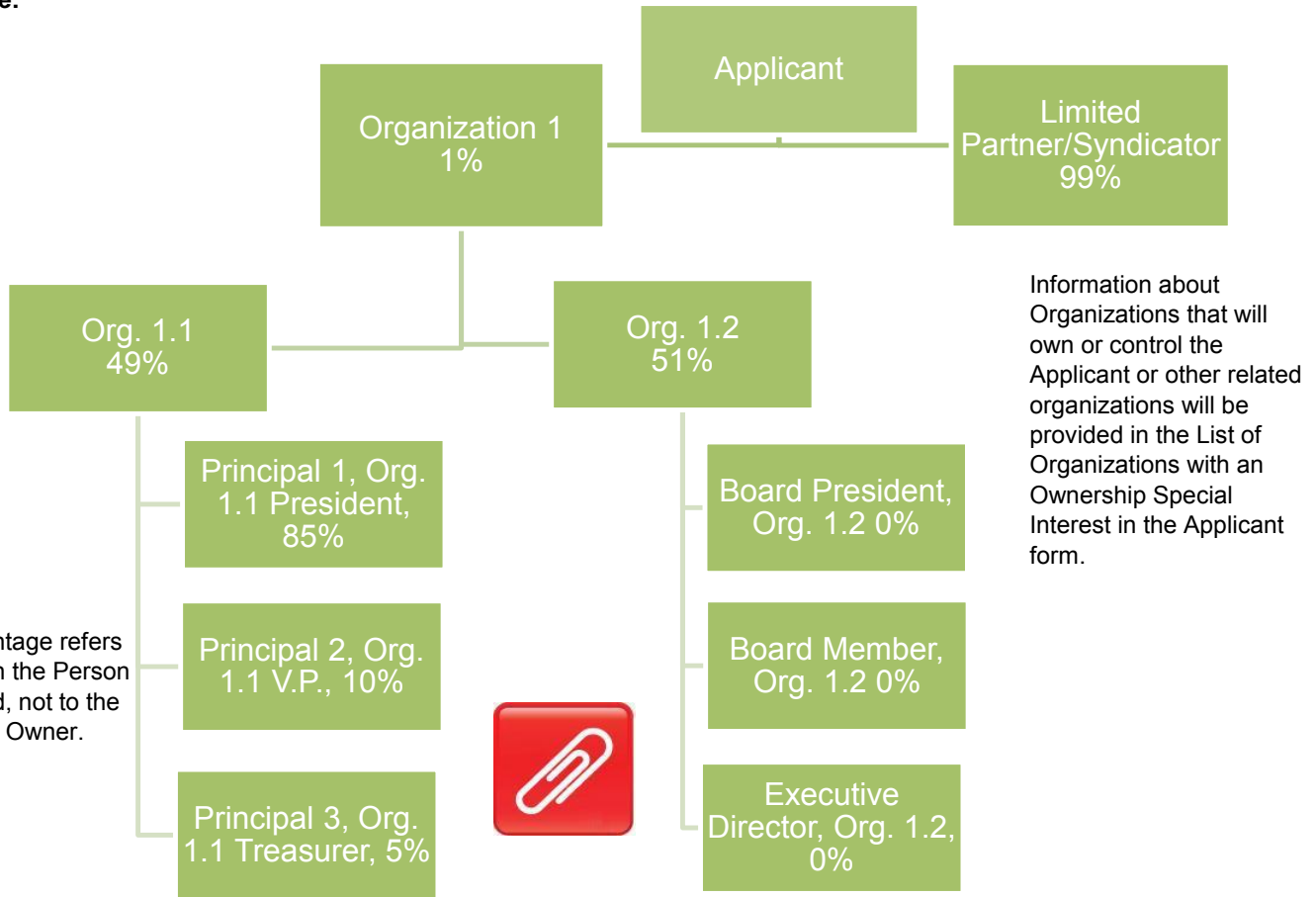
The organization charts must include:

- The names and ownership percentages of all Persons having an ownership interest in the Development Owner, Developer, and/or Guarantor.
- Nonprofit entities, public housing authorities, publicly traded corporations, individual board members and executive directors must be included in Organization charts.
- Any and all trusts must list all beneficiaries that have the legal ability to control or direct activities of the trust and are not just financial beneficiaries.

In the case of:

- (A) Partnerships - Principals include all general Partners and Special LPs (any LP that is not the Syndicator is a "Special LP");
- (B) Corporations - Principals include the executive director and all members of the board (shown with "0%" ownership as applicable). For to-be formed instrumentalities of PHAs, where the executive director and board remain to be determined, include the PHA, itself, and its members;
- (C) Limited liability companies - Principals include all the managing members and all other members.

Org. Chart Example:

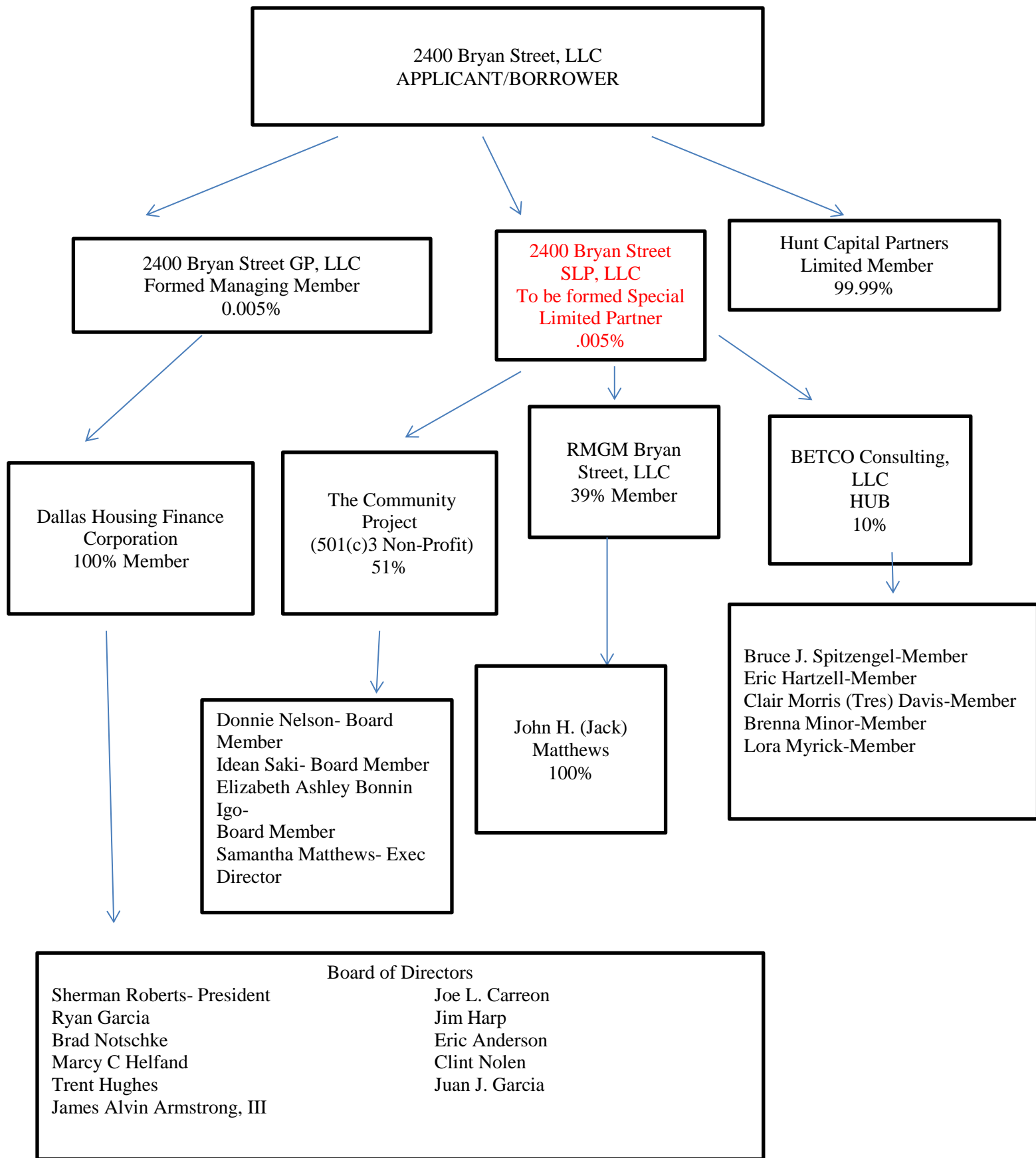


Note that the percentage refers to the entity to which the Person is directly connected, not to the whole Development Owner.



If a revised chart is submitted, include date of submission!

2400 Bryan Street, LLC- Org Chart
Development Owner



From: [Claire Palmer](#)
To: [Laura DeBellis](#); [Rosalio Banuelos](#)
Cc: "[Omar Chaudhry](#)"; "[Victor Smeltz - Volunteers of America SELA](#)"
Subject: FW: 2400 Bryan Street Partnership Control and Party Commitments
Date: Thursday, March 21, 2019 11:36:24 AM
Attachments: [2400 Bryan Street Partnership Control and Party Commitments.docx](#)

Laura:

As we discussed, attached is the control language proposed by the attorneys for Dallas Housing Finance Corporation. It is subject to review and comment by the Matthews team as well as Hunt Capital Partners. We are still waiting on the Owner Operating Agreement which is being drafted by the Hunt attorneys. As soon as I have it, I will send it to you. Please let me know if you have additional questions.

Thanks,
Claire

Claire Palmer
972-948-3166
clairepalmer@sbcglobal.net
or clairepalmerpllc@sbcglobal.net

From: Camisha Simmons [mailto:camisha@simmonslegal.solutions]
Sent: Thursday, March 14, 2019 5:49 PM
To: Claire Palmer
Cc: Joe Nathan Wright
Subject: 2400 Bryan Street Partnership Control and Party Commitments

Claire,

As a follow up to our earlier discussion, attached are the provisions that I am including in the Master Agreement regarding control and party commitments. These provisions are in line with what was presented to the DHFC Board for approval. I look forward to receiving RMGM's proposed control language. Please note that if the proposed language goes beyond the scope of the control approved by the Board, we may not be able to accept RMGM's proposed terms. Let's discuss tomorrow. Thanks.

Camisha L. Simmons | Managing Member
Simmons Legal PLLC
camisha@simmonslegal.solutions
www.simmonslegal.solutions

3131 McKinney Ave., Suite 600, Dallas, Texas 75204
Tel. +1 214-643-6192 | Fax +1 800-698-9913 | Mobile +1 917-721-3833

1330 Avenue of the Americas, Suite 23A, New York, New York 10019
Tel. +1 212-653-0667 | Fax +1 800-698-9913 | Mobile +1 917-721-3833

This electronic message and all contents (including attachments) may be confidential, privileged and protected from disclosure. If you are not, or believe you may not be, the intended recipient of this attorney communication, please advise the sender immediately by return e-mail, delete this e-mail and destroy any copies of this correspondence.

1. Control of Partnership Decisions and Operations. Subject to the limitations set forth herein, Limited Partner shall have the right to control major decisions of the Partnership (including, but not limited to, those which could affect the obligations of RMGM under the Guaranty Agreements). Except as set forth in this Section 4, Limited Partner shall manage all operations of the Partnership on behalf of General Partner including handling all tax matters on behalf of the Partnership and General Partner, including state and federal tax filings, all duties and responsibilities as enumerated in the Partnership Agreement. Notwithstanding the foregoing, the General Partner shall retain the right to control major decisions regarding the Property, including, but not limited to, the ownership of the Property. Further, notwithstanding the right to control Partnership granted to Limited Partner herein, Limited Partner will not do any of the following without the prior written consent of DHFC and, if it retains any liability for guaranties under the Financing Documentation, RMGM, for which consent shall not be unreasonably withheld, delayed or conditioned:

(a) institute proceedings on behalf of Partnership to be adjudicated bankrupt or insolvent;

(b) consent to the institution of bankruptcy or insolvency proceedings against Partnership or General Partner;

(c) file a petition seeking, or consent to, reorganization or relief under any applicable federal or state law related to bankruptcy on behalf of Partnership or its General Partner;

(d) choose, select and/or consent to any future lender or limited partner of Partnership;

(e) fail to approve all necessary or appropriate actions on behalf of Partnership to maintain the allocation of HTCs;

(f) approve the terms and provisions pursuant to which limited partners are admitted into Partnership;

(g) seek or consent to the appointment of a receiver, liquidator, conservator, assignee, trustee, sequestrator, custodian or other similar official of General Partner or a substantial part of its property;

(h) make any assignment for the benefit of creditors on behalf of Partnership;

(i) admit in writing Partnership's inability to pay its debts generally as they become due;

(j) otherwise seek relief on behalf of Partnership under any laws relating to the relief from debts or the protection of debtors generally;

- (k) permit or authorize Partnership to dissolve or liquidate, or become a party to any merger or consolidation;
- (l) approve any amendments to the Partnership Agreement;
- (m) approve the replacement, removal, appointment or withdrawal of General Partner of Partnership, except as may be permitted under the Partnership Agreement or under this Agreement;
- (n) approve the sale, mortgage, pledge, assignment or other transfer of all or any interest in General Partner of Partnership;
- (o) negotiate, approve and consent to the terms and provisions of all loans made by or to Partnership, including, but not limited to, those to be secured by a lien on the Project;
- (p) approve and consent to all amendments, modifications, extensions, renewals, assumptions and refinancing of the Financing;
- (q) approve the use and disposition of any insurance or condemnation proceeds payable to Partnership or the Project;
- (r) approve the sale of, the purchase price or the terms of sale of the Project and/or interests in Partnership;
- (s) approve the construction of all improvements, amenities, structures and buildings on the Property;
- (t) approve the terms and provisions of all easements affecting the fee estate of the Property; or
- (u) take any action in furtherance of any of the preceding actions.

Notwithstanding anything herein to the contrary, it is expressly acknowledged and agreed that the authority granted to the Limited Partner herein is intended to facilitate the provision by RMGM and/or its Affiliates of guaranties pursuant to the Guaranty Agreements. Such authority is granted with the understanding that the Limited Partner will exercise such authority and undertake actions in furtherance thereof in a manner consistent with the purposes of the Partnership set forth in the Partnership Agreement, including specifically the public purposes of DHFC (it being understood that the public purposes of DHFC are met so long as the Project is rented to qualified tenants in accordance with the terms of Section 42 of the Code and the Project is otherwise in material compliance with the Financing Documentation). To the extent that DHFC or the General Partner reasonably determines that the Limited Partner's exercise of its authority as set forth herein would violate the foregoing purposes, the General Partner shall provide the Limited Partner with notice regarding such violation and the Limited Partner shall have the right to cure such violation in a period equal to the lesser of (i) thirty (30) days or (ii) the applicable time period as set forth in the applicable Financing Documentation with respect to such violation. If not so cured within such

timeframe, the General Partner shall be entitled to exercise its authority. as the General Partner of the Partnership and take such action as it deems reasonably necessary to cure such violation, subject to any required consent of the lender(s) or the Investor under the Financing Documentation.

2. RMGM Commitments. RMGM will exercise best efforts to obtain an pre-determination letter from Dallas Central Appraisal District that the Property and Project will be exempt from all ad valorem taxes; (ii) negotiate all pre-development, construction, and management contracts, and loan commitments; (iii) work diligently to obtain construction financing, permanent financing and any necessary equity investor to fully fund the Project no later than April 1, 2019; (iv) pay all pre-development costs; and (v) and manage all construction of the Project, including demolition and any required environmental remediation.

3. RMGM Commitments. DHFC designated liaisons will exercise best efforts to assist with expediting required permitting with the City of Dallas.

4. Partnership Commitments. The Partnership will (i) ensure development and construction is completed in a timely matter; (ii) maintain the Project's tax-exempt status; (iii) pay the property taxes owed on the Project and Property should the Project and/or Property lose its tax-exempt status; (iv) comply with the terms of the Ground Lease and any City Contract; (v) ensure compliance with all City, state, and federal laws and regulations that apply to the Project and Property; (vi) in conjunction with the property manager, UAH Property Management or another property manager retained to manage the Project, manage the Project and all related operations according to an approved annual budget, including compliance with operating and replacement reserves, and related agreements; (vii) oversee the retained property management company's performance; and (viii) accept assignment of any City Contract and assume the applicable note.

Number 10 Developer/Guarantor

No Changes

Owner Certification & Agreement to Comply with the LURA

Development Name: 2400 Bryan

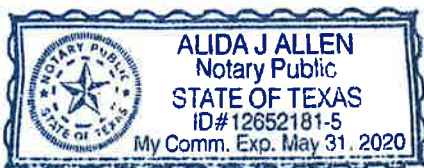
As a Principal or authorized officer of the Development Owner, acting on behalf of the Development Owner, the undersigned hereby requests approval from the Texas Department of Housing and Community Affairs (TDHCA) for the sale, transfer, or exchange of the Development or any portion of or controlling interest for the Development listed above. The undersigned certifies that all new and existing Principals or authorized officers have read, understand, and agree to abide by TDHCA's Uniform Multifamily Rules (Title 10, Texas Administrative Code, Chapter 10) and all provisions under which the application and allocation of Department funds were made, including but not limited to the Qualified Allocation Plan, applicable Federal program rules and guidance (such as Internal Revenue Code Section 42, the HOME Final Rule, etc.) and the Declaration of Land Use Restrictive Covenants/Agreements (LURA) to which the Development is or will be subject. The undersigned certifies that all new and existing Principals or authorized officers understand and agree to abide by tenant protection provisions and rent restrictions as required by the Declaration and State and Federal program rules as amended, including but not limited to Section 42 provisions for Housing Tax Credit properties that entitle tenants of any low income unit, upon termination of the Declaration, to occupy such unit in accordance with the provisions of the Declaration for a period of three years following such termination unless tenancy is terminated upon a showing of good cause or eviction. The undersigned certifies that all statements and representations made in this certification and application for ownership transfer, including all supporting materials and statements concerning organizational structures and financial capacity for all entities, are true and correct under penalty of law, including Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification, and are subject to criminal penalties as defined by the State of Texas. The undersigned certifies that none of the criteria in subparagraphs (A)-(M) of 10 TAC §10.202(1) of the Uniform Multifamily Rules, related to ineligible applicants, applies to any current or proposed applicant entity or Principal of the proposed Ownership Transfer.

The undersigned further certifies that he/she has the authority to execute this certification.

2400 Bryan Street, LLC
Proposed Development Owner Entity Name

By: [Signature]
Signature of Authorized Representative
David Noguera
Printed Name
General Manager-DHFC
Title
3/15/2019
Date

Sworn to and subscribed before me on the 15 day of March, 2019
by David Noguera
(Personalized Seal)



[Signature]
Notary Public Signature
Texas
Notary Public, State of
Dallas
County of
May 31, 2020
My Commission Expires:

March 11, 2019

Via Email and upload only

Laura DeBelles
Texas Department of Housing and Community Affairs
21 E 11th Street
Austin, Texas 78701

RE: CONDITIONAL TRANSFER OF MEMBERSHIP- 2400 Bryan Street GP, LLC

Dear Ms. Debelles:

Please consider this letter as my acknowledgement that a transfer application has been filed with the Texas Department of Housing and Community Affairs (“TDHCA”) to allow the Dallas Housing Finance Corporation (“DHFC”) to become the sole member of 2400 Bryan Street GP, LLC. Upon approval by TDHCA, our entity will transfer its membership interest to DHFC. This transfer will occur simultaneously with financial closing for the tax credit transaction involving 2400 Bryan Street, LLC—TDHCA #18269.

RMGM Bryan Street, LLC

By: 

Name: Kristian Teleki

Title: Authorized Representative

March 11, 2019

Via Email and upload only

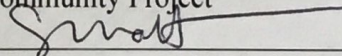
Laura DeBelles
Texas Department of Housing and Community Affairs
21 E 11th Street
Austin, Texas 78701

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The Community Project

By: 
Name: SAMANTHA MATTHEWS
Title: EXECUTIVE DIRECTOR

March 11, 2019

Via Email and upload only

Laura DeBelles
Texas Department of Housing and Community Affairs
21 E 11th Street
Austin, Texas 78701

RE: CONDITIONAL TRANSFER OF MEMBERSHIP- 2400 Bryan Street GP, LLC

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BETCO Consulting, LLC
By: *Lora Myrick*
Name: *Lora Myrick*
Title: *Member*

List of Organizations and Principals

Provide the requested information for all partnerships, corporations, limited liability companies, trusts, or any other public or private entity and their Affiliates identified on the Owner and Developer Organization Charts. Organizations that own or control other organizations should also be identified until the only remaining sub-entity would be natural persons. Organizations that are Developers and/or Guarantors must also be listed on this form as must any organization (and natural person whose ownership interest in an applicable entity is direct instead of via membership in an organization) that will receive more than 10% of the developer fee. (Note - Entity Names, Principals, and ownership percentage should coincide with the Owner and Developer Organization Charts)

Applicant Legal Name: <u>2400 Bryan Street, LLC</u>			
Address: <u>same as prior application</u>		City: _____	State: _____ Zip: _____
Name(s) of Entities the Organization Owns or Controls: _____			
Organization legally formed? <input type="checkbox"/>	Date formed: _____	Legal Org is or will be: _____	
Previous TDHCA Experience? <input type="checkbox"/>	Phone: _____	Email: _____	

Org. 1

Organization Legal Name: <u>2400 Btyan Street GP, LLC</u>			Role/Title _____
Address: <u>unchanged</u>		City: _____	State: _____ Zip: _____
Name(s) of Entities the Organization Owns or Controls: <u>2400 Bryan Street, LLC</u>			
Organization legally formed? <input type="checkbox"/>	Date formed: _____	Legal Org is or will be: _____	
Previous TDHCA Experience? <input type="checkbox"/>	Phone: _____	Email: _____	
Organization is identified on Org. Chart: <input type="checkbox"/>	Ability to exercise Control over the Development? <input type="checkbox"/>		
List of Sub-Entities or Principals:			
1. _____	2. _____	3. _____	
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____	
4. _____	5. _____	6. _____	
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____	

Org. 2

Organization Legal Name: <u>Dallas Housing Finance Corporation</u>			Role/Title _____
Address: <u>1500 Marilla Street</u>		City: <u>Dallas</u>	State: <u>TX</u> Zip: <u>75021</u>
Name(s) of Entities the Organization Owns or Controls: <u>2400 Bryan Street GP, LLC</u>			
Organization legally formed? <input checked="" type="checkbox"/>	Date formed: <u>1984</u>	Legal Org is or will be: <u>Corporation</u>	
Previous TDHCA Experience? <u>Yes</u>	Phone: _____	Email: <u>avis.chaisson@dallascityhall.com</u>	
Organization is identified on Org. Chart: <input checked="" type="checkbox"/>	Ability to exercise Control over the Development? <input checked="" type="checkbox"/>		
List of Sub-Entities or Principals:			
1. <u>Eric Anderson</u>	2. <u>James Alvin Armstrong, III</u>	3. <u>Brad Nitschke</u>	
TDHCA Experience: <u>Yes</u>	TDHCA Experience: <u>Yes</u>	TDHCA Experience: <u>Yes</u>	
4. <u>Joe L Carreon</u>	5. <u>Jim Harp</u>	6. <u>Marcy C Hefland</u>	
TDHCA Experience: <u>No</u>	TDHCA Experience: <u>Yes</u>	TDHCA Experience: <u>Yes</u>	

Org. 3

Organization Legal Name: <u>Continued List of Principals from above</u>			Role/Title _____
Address: _____		City: _____	State: _____ Zip: _____
Name(s) of Entities the Organization Owns or Controls: _____			
Organization legally formed? <input type="checkbox"/>	Date formed: _____	Legal Org is or will be: _____	
Previous TDHCA Experience? <input type="checkbox"/>	Phone: _____	Email: _____	
Organization is identified on Org. Chart: <input type="checkbox"/>	Ability to exercise Control over the Development? <input type="checkbox"/>		
List of Sub-Entities or Principals:			
1. <u>Trent Hughes</u>	2. <u>Juan L Garcia</u>	3. <u>Clint Nolen</u>	
TDHCA Experience: <u>Yes</u>	TDHCA Experience: <u>No</u>	TDHCA Experience: <u>No</u>	
4. <u>Sherman L Roberts</u>	5. <u>Ryan Garcia</u>	6. _____	
TDHCA Experience: <u>Yes</u>	TDHCA Experience: <u>No</u>	TDHCA Experience: _____	

Org.
3

Organization Legal Name: 2400 Bryan Street SLP, LLC Role/Title _____

Address: 320 Main Street West City: Lewisville State: tx Zip: 75057

Name(s) of Entities the Organization Owns or Controls: 2400 Bryan Street, LLC

Organization legally formed? No Date formed: NA Legal Org is or will be: Limited Liability Company

Previous TDHCA Experience? No Phone: _____ Email: kteleki@matthewssouthwest.com

Organization is identified on Org. Chart: Yes Ability to exercise Control over the Development? Yes

List of Sub-Entities or Principals:

1. <u>RMGM Brayn Street, LLC</u>	2. <u>The Community Project</u>	3. <u>BETCO Consulting, LLC</u>
TDHCA Experience: <u>No</u>	TDHCA Experience: <u>No</u>	TDHCA Experience: <u>Yes</u>
4. _____	5. _____	6. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____

Org.

Organization Legal Name: _____ Role/Title _____

Address: _____ City: _____ State: _____ Zip: _____

Name(s) of Entities the Organization Owns or Controls: _____

Organization legally formed? _____ Date formed: _____ Legal Org is or will be: _____

Previous TDHCA Experience? _____ Phone: _____ Email: _____

Organization is identified on Org. Chart: _____ Ability to exercise Control over the Development? _____

List of Sub-Entities or Principals:

1. _____	2. _____	3. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____
4. _____	5. _____	6. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____

Org.

Organization Legal Name: _____ Role/Title _____

Address: _____ City: _____ State: _____ Zip: _____

Name(s) of Entities the Organization Owns or Controls: _____

Organization legally formed? _____ Date formed: _____ Legal Org is or will be: _____

Previous TDHCA Experience? _____ Phone: _____ Email: _____

Organization is identified on Org. Chart: _____ Ability to exercise Control over the Development? _____

List of Sub-Entities or Principals:

1. _____	2. _____	3. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____
4. _____	5. _____	6. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____

Org.

Organization Legal Name: _____ Role/Title _____

Address: _____ City: _____ State: _____ Zip: _____

Name(s) of Entities the Organization Owns or Controls: _____

Organization legally formed? _____ Date formed: _____ Legal Org is or will be: _____

Previous TDHCA Experience? _____ Phone: _____ Email: _____

Organization is identified on Org. Chart: _____ Ability to exercise Control over the Development? _____

List of Sub-Entities or Principals:

1. _____	2. _____	3. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____
4. _____	5. _____	6. _____
TDHCA Experience: _____	TDHCA Experience: _____	TDHCA Experience: _____

Applicant Credit Limit Documentation and Certification (Competitive HTC Only)

Pursuant to §11.4(a) of the Qualified Allocation Plan, the Department shall not allocate more than \$3 million of Competitive Housing Tax Credits from the current Application Round to any Applicant, Developer, Affiliate or Guarantor (unless the Guarantor is also the General Contractor, and is not a Principal of the Applicant, Developer, or Affiliate of the Development Owner). All Applications must be identified herein to ensure that the Department is advised of all Applications, Applicants, Affiliates, Developers, General Partners or Guarantors involved to avoid any statutory violation of Texas Government Code, §2306.6711(b).

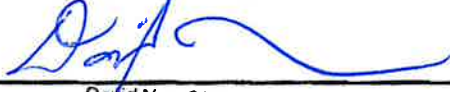
Instructions:

Complete Part I of this form. For each person or entity in Part I that answers "Yes" to Part I b., a Part II form must be submitted (i.e. if 4 persons/entities answer "Yes" to Part I b., then 4 separate Part II forms must be provided).

Part I. Applicant Credit Limit Documentation

a. Applicant, Developers, Affiliates, and Guarantors - List below all entities or Persons meeting the definition of Applicant, Affiliate, Developer or Guarantor.	b. Person/entity has at least one other application in the current Application Round.	
1. Dallas Housing Finance Corporation	No	
2. Ryan Garcia	No	
3. Brad Nitschke	No	
4. Marcy C Helfand	No	
5. Trent Hughes	No	
6. James Alvin Armstrong, III	No	
7. Joe L Carreon	No	
8. Jim Harp	No	
9. Eric Anderson	No	
10. Sherman L Roberts	No	
11. Clint Nolen	No	
12. Juan J Garcia	No	
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

Individually, or as the General Partner(s) of officer(s) of the Applicant entity, I (we) certify that we are submitting behind this tab one signed Credit Limit Certification form for each person and/or entity that answered "Yes" to Part b. above.

By:  3/8/2019 Its: Authorized Representative
David Noguera Date

Required Third Party Reports

Be advised that all third party reports will be posted on the Department's website along with the Application.

Complete the information below as applicable [§10.205].

1. Environmental Site Assessment (ESA) (All Multifamily Applications)

Prepared by: MSD provided for additional land and letter re: noise Date of Report: 2013

Report recommends further studies or establishes environmental hazards that currently exist on the Property or off-site with the potential to affect the Property.


If the above box is checked, a statement is provided behind this tab signed by the Development Owner, that certifies the Development Owner will comply with any and all recommendations made by the ESA preparer.


Development is funded by USDA and is not required to supply an ESA.


2. Environmental Clearance (Section 811 PRA and Direct Loan applications only)

All Applications selecting Points for Section 811 PRA Program participation under the Competitive Housing Tax Credit program or Direct Loans must review the Environmental Requirements and Environmental Assurance section of the Section 811 PRA Program Guidelines (§PRA.215) and provide adequate material to meet the tenets. A Phase I Environmental Site Assessment (ESA) will not satisfy the environmental clearance required for use of the Section 811 PRA Program.

All Applications for Direct Loans by the Department must complete an environmental clearance process in accordance with 24 CFR Parts 50 and 58 prior to engaging in choice limiting activities such as closing on land, loans, beginning demolition or construction activities, or entering into construction contracts. A Phase I Environmental Site Assessment (ESA) will not satisfy the environmental clearance required for use of Multifamily Direct Loan funds.

Application selected points for the Section 811 PRA Program and includes documentation for the project participating in the Section 811 PRA Program that the project meets the tenets of HUD environmental policy and the requirements of applicable statutes and authorities. 

Applicant has submitted an environmental packet to TDHCA and determination is pending. 

Applicant has reviewed the Environmental Requirements and Environmental Assurance section of the Section 811 PRA Program Guidelines (§PRA.215) and understands that a determination must be received prior to signing the Rental Assistance Contract. 

MFDL Development has already received Environmental Clearance from HUD under 24 CFR Parts 50 or 58.

Documentation of HUD Environmental Clearance is included behind this tab.

Applicant has submitted an environmental packet to TDHCA and clearance is pending. 

Applicant has reviewed the environmental clearance materials available on the Department's website and understands that clearance must be received prior to closing on the loan.

<http://www.tdhca.state.tx.us/program-services/environmental/index.htm>

A Third Party will aid in the completion of the environmental clearance process. If checked, complete the following:

Name of Firm: See attached and explanation

Contact Person: _____

Contact Telephone: _____

Email: _____

3. Primary Market Area Map

Primary Market Area (PMA) map with definition of PMA is included behind this tab.

Prepared by: 0

Date of Report: _____

4. Property Condition Assessment (PCA)

Prepared by: _____ 0 _____

Date of Report: _____

5. **Appraisal**

Prepared by: _____ 0 _____

Date of Report: _____

6. **Site Design and Development Feasibility Report**

Prepared by: _____ 0 _____

Date of Report: _____

May 1, 2018

Mr. Scott Galbraith
RMGM Developers, LLC
320 W. Main Street
Lewisville, Texas 75057
and
Texas Department of Housing and Community Affairs

Re: Addendum to Environmental Site Assessment
1.15 Acres (Site)
2400 Bryan Street & portion of 2214 Bryan Street
Dallas, Texas 75201
Green Star Project No. 17-1578.1a

Dear Mr. Galbraith:

On behalf of RMGM Developers, LLC and the Texas Department of Housing and Community Affairs, Green Star Environmental (Green Star) completed an Environmental Site Assessment for the above-referenced property on January 22, 2018.

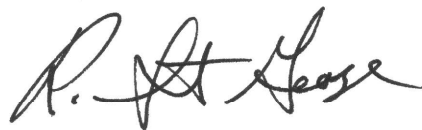
Based on the proximity to the highway and the airport, a noise study is recommended and will be conducted later in the process in accordance with current HUD guidelines and will identify its proximity to industrial zones, major highways, active rail lines, civil and military airfields, and other sources of excessive noise.

The noise study was not mentioned in the report due to the mitigating factors to noise already incorporated in the design of the development. These mitigating factors are further reflected in the budget confirming the consideration of noise to have no impact to the development and its residents. We are confident that the mitigating factors will address and resolve noise issues, if any, identified in the noise study.

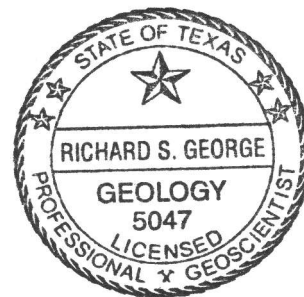
Should you have any questions or comments regarding this addendum, please do not hesitate to call me at (817) 461-9210.

Sincerely,

GREEN STAR ENVIRONMENTAL



R. Steven George, P.G.
Principal



10-23-13

ORDINANCE NO. 29184

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2218 Bryan (aka 2214 Bryan Street) and 538 Pearl Street and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

- (1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;
- (2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;
- (3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

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(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

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- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned Voluntary Cleanup Program No. 2517 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than October 23, 2015.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than October 23, 2015. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

29184

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

29184

131878

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

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SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

OCT 23 2013

Passed _____

Exhibit A

29184

Field Notes Describing a 419,178 Square Foot (9.623 Acre) Tract
 To Acquire a Municipal Setting Designation
 Situated in City Blocks 259, 264, 1/312 and 2/312
 Being Adjacent to City Blocks 253, 254, 255, 258 and 260
 And Adjacent to Lot 7A, Block 316, Americas Tower Addition
 And Lot 3, Block 263, Burk's Subdivision
 From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
 John Grigsby Survey, Abstract No. 495
 City of Dallas, Dallas County, Texas

GIS Approved

DESCRIPTION, of a 9.623 acre tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of unplatted property in Blocks 259, 264, 1/312 and 2/312, Official Numbers of the City of Dallas, Texas; said tract being all of that certain tract of land described in Special Warranty Deed to 2218 Bryan Street, Ltd. recorded in Volume 98003, Page 3812 of the Deed Records of Dallas County, Texas; part of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Volume 70206, Page 1648 of said Deed Records; part of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Volume 70217, Page 143 of said Deed Records and part of those certain tracts of land described as "Tract 1" and "Tract 2" in Confirmation Warranty Deed to the City of Dallas, Texas recorded in Volume 72034, Page 12 of said Deed Records; said tract also being part of Live Oak Street (a variable width public right-of-way), part of Pearl Street (a variable width public right-of-way) and part of Bryan Street (a variable width public right-of-way); said 9.623 acre tract being more particularly described as follows (bearing system for this survey is based on a bearing of North 45 degrees, 08 minutes, 48 seconds East for a southeast right-of-way line of Bryan Street according to the said Special Warranty Deed to 2218 Bryan Street, Ltd. recorded in said Volume 98003, Page 3812 of the said Deed Records):

COMMENCING, at a PK nail found at the intersection of the said southeast line of Bryan Street (at this point a 70-foot wide right-of-way) and the northeast right-of-way line of Olive Street (a variable width right-of-way); said point being the westernmost corner of that certain tract of unplatted land situated in Block 254 and described as "Tract IV" in Special Warranty Deed to W2007 MVP Dallas, LLC recorded in Instrument No. 20080044377 of the Official Public Records of Dallas County, Texas;

THENCE, North 44 degrees, 51 minutes, 03 seconds East, along the said southeast line of Bryan Street and the northwest line of said "Tract IV", a distance of 212.17 feet to the POINT OF BEGINNING; said point being at the intersection of the said southeast line of Bryan Street and the southwest right-of-way line of said Pearl Street; said point also being the northernmost corner of said "Tract IV";

THENCE, North 45 degrees, 02 minutes, 02 seconds West, departing the said southeast line of Bryan Street and into and across the said Bryan Street right-of-way, along the projected southwest line of Pearl Street, a distance of 70.00 feet to an angle point at the intersection of the northwest right-of-way line of said Bryan Street and the said southwest line of Pearl Street; said point being the easternmost corner of that certain tract of unplatted land situated in Block 253 and described in Special Warranty Deed to the City of Dallas, Texas recorded in Volume 80100, Page 231 of said Deed Records;

Exhibit A

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Field Notes Describing a 419,178 Square Foot (9.623 Acre) Tract
To Acquire a Municipal Setting Designation
Situated in City Blocks 259, 264, 1/312 and 2/312
Being Adjacent to City Blocks 253, 254, 255, 258 and 260
And Adjacent to Lot 7A, Block 316, Americas Tower Addition
And Lot 3, Block 263, Burk's Subdivision
From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

JIS Approved

THENCE, North 45 degrees, 31 minutes, 57 seconds West, along the said southwest line of Pearl Street and a northeast line of the last said City of Dallas tract, a distance of 19.50 feet to a point for corner;

THENCE, North 45 degrees, 19 minutes, 40 seconds East, departing the said southwest line of Pearl Street and into and across the said Pearl Street right-of-way along the projected northwest right-of-way line of Bryan Street, at a distance of 106.14 feet passing a "+" cut in concrete found at the east end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the northeast right-of-way line of said Pearl Street and the southeast corner of that certain tract of unplatted land situated in Block 258 and described in Special Warranty Deed to Trizec Plaza of the Americas Limited Partnership recorded in Volume 2004099, Page 6675 of said Official Public Records; continuing along the said northwest line of Bryan Street and the southeast line of said Trizec Plaza tract, at a distance of 461.65 feet passing a "+" cut in concrete found at the south end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the southwest right-of-way line of Crockett Street (a variable width right-of-way) and the southernmost east corner of said Trizec Plaza tract; continuing into and across the said Crockett Street right-of-way and along the said projected northwest line of Bryan Street, at a distance of 514.94 feet passing a "+" cut in concrete found at the east end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the northeast right-of-way line of said Crockett Street and the southernmost east corner of Lot 7A, Block 316, Americas Tower Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 83004, Page 891 of said Deed Records; continuing along the said northwest line of Bryan Street and the southeast line of said Lot 7A, at a distance of 652.78 feet passing a "+" cut in concrete found at the south end of a right-of-way corner clip at the intersection of the said northwest line of Bryan Street and the southwest right-of-way line of Leonard Street (a variable width right-of-way) and the southernmost east corner of said Lot 7A; then continuing into and across the said Leonard Street right-of-way and along the said projected northwest line of Bryan Street in all a total distance of 712.32 feet to a point for corner in the northeast right-of-way line of said Leonard Street and the southwest line of Lot 3, Block 263, Burk's Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume W, Page 800 of said Deed Records; said point being an angle point in the said northwest line of Bryan Street and South 44 degrees, 55 minutes, 32 seconds East, a distance of 21.20 feet from a "+" cut in concrete found at the southernmost corner of that certain tract of land described as DART Parcel No. CBD-4-XS1 in Special Warranty Deed to Spire Development Holdings, LLC recorded in Instrument No. 201100251898 of said Official Public Records;

THENCE, South 44 degrees, 55 minutes, 32 seconds East, along an offset in the said northwest line of Bryan Street and the southwest line of said Lot 3, a distance of 18.67 feet to a point for corner; said point being an angle point in the said northwest line of Bryan Street and the southernmost corner of said Lot 3;

Exhibit A

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 To Acquire a Municipal Setting Designation
 Situated in City Blocks 259, 264, 1/312 and 2/312
 Being Adjacent to City Blocks 253, 254, 255, 258 and 260
 And Adjacent to Lot 7A, Block 316, Americas Tower Addition
 And Lot 3, Block 263, Burk's Subdivision
 From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
 John Grigsby Survey, Abstract No. 495
 City of Dallas, Dallas County, Texas

GIS Approved

THENCE, North 45 degrees, 08 minutes, 48 seconds East, continuing along the said northwest line of Bryan Street and the southeast line of said Lot 3, a distance of 64.33 feet to a point for corner;

THENCE, South 44 degrees, 51 minutes, 12 seconds East, departing the said northwest line of Bryan Street and the said southeast line of Lot 3 and into and across the said Bryan Street right-of-way, a distance of 70.00 feet to a metal fence post found for corner in the southeast right-of-way line of said Bryan Street; said point being the northernmost corner of said 2218 Bryan Street, Ltd. tract and the westernmost corner of that certain tract of unplatted land in Block 264 described in Warranty Deed with Vendor's Lien to Eugene Quantan, Jr. and Peter W. Baldwin recorded in Volume 68189, Page 918 of said Deed Records;

THENCE, South 45 degrees, 18 minutes, 14 seconds East, departing the said southeast line of Bryan Street and along the northeast line of said 2218 Bryan Street, Ltd. tract and the southwest line of the said Quantan/Baldwin tract, a distance of 216.33 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being an east corner of said 2218 Bryan Street, Ltd. tract and a reentrant corner of the said Quantan/Baldwin tract;

THENCE, South 44 degrees, 51 minutes, 46 seconds West, along a southeast line of the said 2218 Bryan Street, Ltd. tract and a northwest line of the said Quantan/Baldwin tract, at a distance of 3.40 feet passing a west corner of said Quantan/Baldwin tract and a north corner of that certain tract of land described in Deed to the State of Texas dated February 15, 1967, then continuing along a northwest line of said State of Texas tract in all a total distance of 18.85 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being a reentrant corner of the said 2218 Bryan Street, Ltd. tract and a west corner of said State of Texas tract;

THENCE, South 45 degrees, 00 minutes, 14 seconds East, along a northeast line of said 2218 Bryan Street, Ltd. tract and a southwest line of said State of Texas tract, a distance of 65.51 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the easternmost corner of the said 2218 Bryan Street, Ltd. tract, the northernmost corner of that certain tract of land described in Controlled Access Highway Facility Deed to the State of Texas recorded in Volume 69239, Page 1729 of said Deed Records and the beginning of a non-tangent curve to the right;

THENCE, departing the said southwest line of the first referenced State of Texas tract and along the easterly and southeast line of the said 2218 Bryan Street, Ltd. tract and the westerly and northwest line of the second referenced State of Texas tract, the following three (3) calls:

Field Notes Describing a 419,178 Square Foot (9.623 Acre) Tract
 To Acquire a Municipal Setting Designation
 Situated in City Blocks 259, 264, 1/312 and 2/312
 Being Adjacent to City Blocks 253, 254, 255, 258 and 260
 And Adjacent to Lot 7A, Block 316, Americas Tower Addition
 And Lot 3, Block 263, Burk's Subdivision
 From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
 John Grigsby Survey, Abstract No. 495
 City of Dallas, Dallas County, Texas

318 Approved

In a southerly direction, along said curve to the right, having a central angle of 14 degrees, 02 minutes, 07 seconds, a radius of 933.93 feet, a chord bearing and distance of South 15 degrees, 23 minutes, 45 seconds West, 228.20 feet, an arc distance of 228.78 feet to a Texas Department of Transportation aluminum disk found at the end of said curve;

South 23 degrees, 20 minutes, 04 seconds West, (non-tangent to the last said curve) a distance of 159.56 feet to a concrete monument found at the beginning of a non-tangent curve to the right;

In a southwesterly direction, along said curve to the right, having a central angle of 09 degrees, 40 minutes, 29 seconds, a radius of 944.93 feet, a chord bearing and distance of South 36 degrees, 58 minutes, 15 seconds West, 159.37 feet, an arc distance of 159.56 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in the northwest right-of-way line of Live Oak Street (a variable width right-of-way); said point being the southernmost corner of the second referenced State of Texas tract;

THENCE, South 44 degrees, 52 minutes, 10 seconds East, departing the said southeast line of the 2218 Bryan Street, Ltd. tract and the said northwest line of Live Oak Street and into and across the said Live Oak Street right-of-way, a distance of 69.39 feet to a point for corner; said point being in the projected southeast right-of-way line of Live Oak Street and South 45 degrees, 07 minutes, 50 seconds West, a distance of 5.12 feet from a PK nail with washer stamped "CITY OF DALLAS" found at the intersection of the south right-of-way line of said Live Oak Street and the northeast right-of-way line of said Pearl Street;

THENCE, South 45 degrees, 07 minutes, 50 seconds West, along the said projected southeast line of Live Oak Street, at a distance of 132.82 feet passing a PK nail with washer stamped "CITY OF DALLAS" found at the intersection of the southeast right-of-way line of Live Oak Street and the southwest right-of-way line of said Pearl Street and the northernmost corner of that certain tract of unplatted land in Block 255 and Block 260 described as "Tract C" in Special Warranty Deed and Assignment to the Dallas Area Rapid Transit recorded in Volume 94214, Page 6583 of said Deed Records; continuing along the said southeast line of Live Oak Street and the northwest line of said Dallas Area Rapid Transit tract, at a distance of 157.57 feet passing a PK nail with washer stamped "CITY OF DALLAS" found; then continuing in all a total distance of 263.40 feet to a point for corner;

Exhibit A

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Field Notes Describing a 419,178 Square Foot (9.623 Acre) Tract
To Acquire a Municipal Setting Designation
Situating in City Blocks 259, 264, 1/312 and 2/312
Being Adjacent to City Blocks 253, 254, 255, 258 and 260
And Adjacent to Lot 7A, Block 316, Americas Tower Addition
And Lot 3, Block 263, Burk's Subdivision
From 2218 Bryan Street, Ltd. and the City of Dallas, Texas
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

GIS Approved

THENCE, North 44 degrees, 44 minutes, 57 seconds West, departing the said southeast line of Live Oak Street and the said northwest line of the Dallas Area Rapid Transit tract, and into and across the said Live Oak Street right-of-way, a distance of 70.04 feet to a metal "L" stamped "PROPERTY LINE" in concrete found at an angle point; said point being at the intersection of the said northwest line of Live Oak Street and the said southwest line of Pearl Street and the easternmost corner of the said W2007 MVP Dallas, LLC, "Tract IV";

THENCE, North 43 degrees, 53 minutes, 27 seconds West, along the said southwest line of Pearl Street and the northeast line of the said "Tract IV", a distance of 478.03 feet to the POINT OF BEGINNING;

CONTAINING, 419,178 square feet or 9.623 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

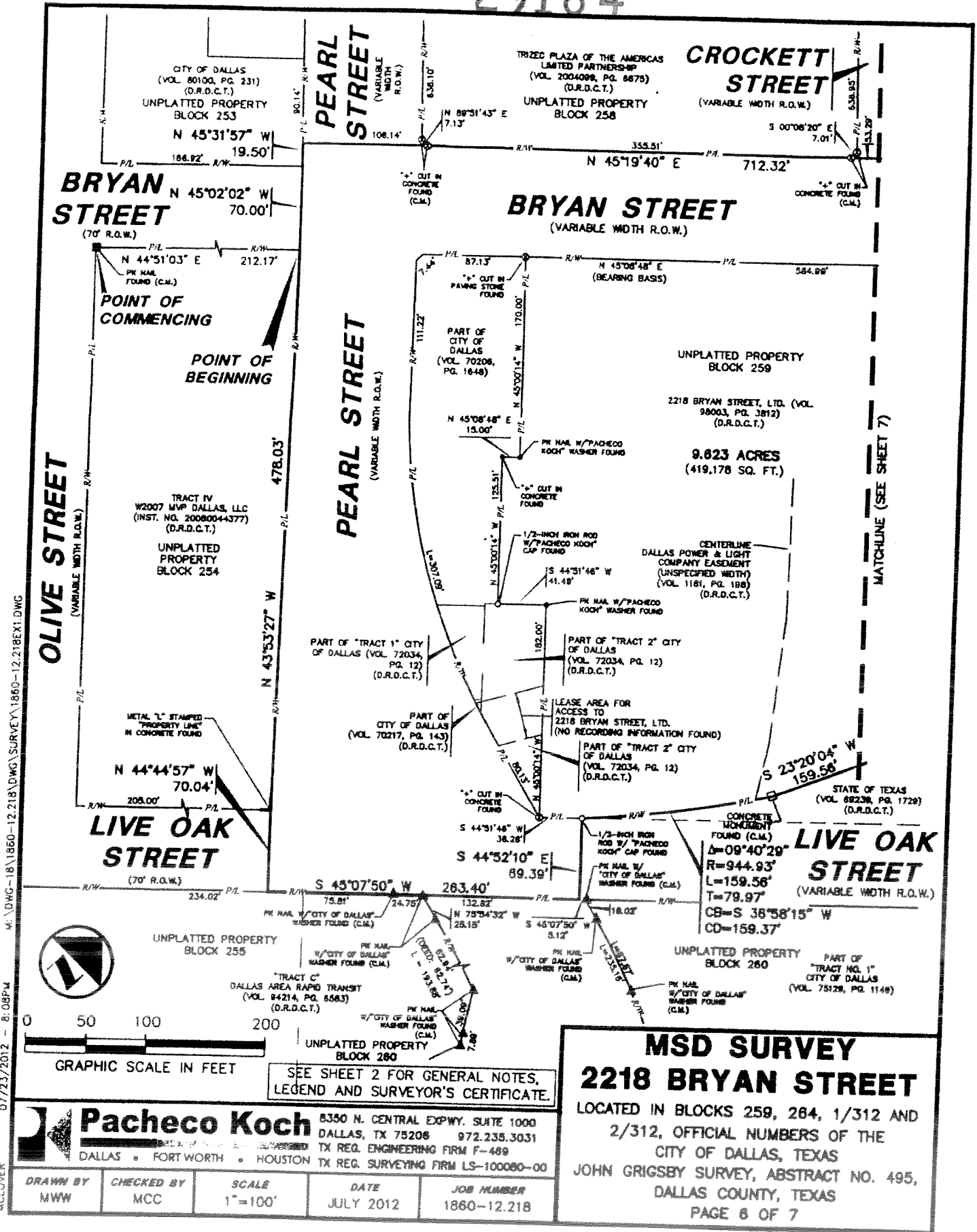
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

Michael C. Clover

Michael C. Clover
Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



msd.doc
1860-12.218 mcc/mww



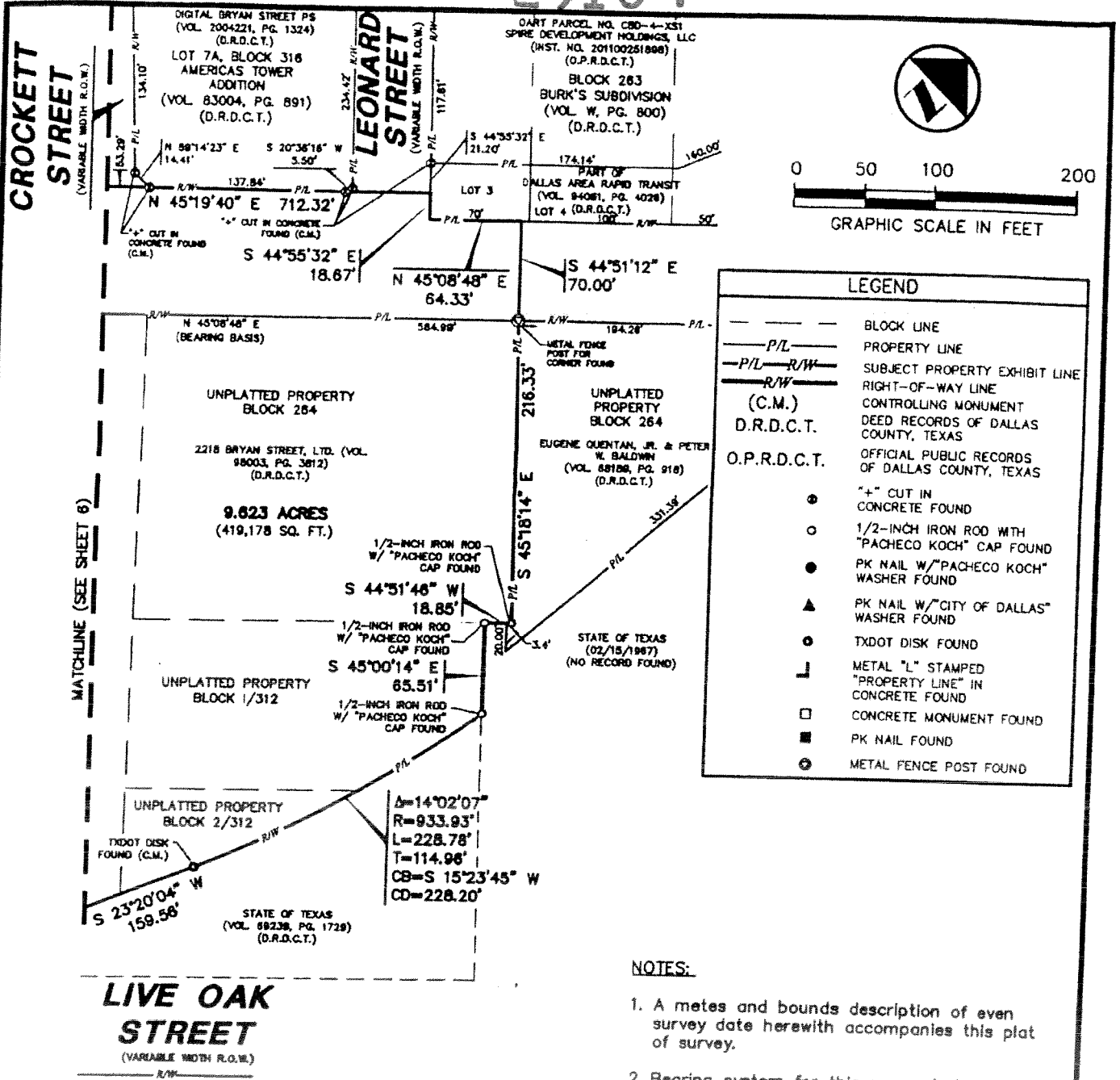
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SEE SHEET 2 FOR GENERAL NOTES, LEGEND AND SURVEYOR'S CERTIFICATE.

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000 DALLAS, TX 75208 972.235.3031 TX REG. ENGINEERING FIRM F-489 DALLAS • FORT WORTH • HOUSTON TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY MWW	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2012	JOB NUMBER 1860-12.218
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MSD SURVEY
2218 BRYAN STREET
 LOCATED IN BLOCKS 259, 264, 1/312 AND 2/312, OFFICIAL NUMBERS OF THE CITY OF DALLAS, TEXAS
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS
 PAGE 8 OF 7



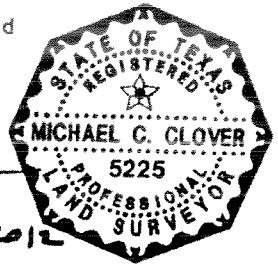
LEGEND	
---	BLOCK LINE
-P/L-	PROPERTY LINE
-P/L-R/W-	SUBJECT PROPERTY EXHIBIT LINE
-R/W-	RIGHT-OF-WAY LINE
(C.M.)	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
+	"+" CUT IN CONCRETE FOUND
o	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND
●	PK NAIL W/"PACHECO KOCH" WASHER FOUND
▲	PK NAIL W/"CITY OF DALLAS" WASHER FOUND
○	TXDOT DISK FOUND
L	METAL "L" STAMPED "PROPERTY LINE" IN CONCRETE FOUND
□	CONCRETE MONUMENT FOUND
■	PK NAIL FOUND
⊙	METAL FENCE POST FOUND

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 45 degrees, 08 minutes, 48 seconds East for a southeast right-of-way line of Bryan Street according to the Special Warranty Deed to 2218 Bryan Street, Ltd. recorded in Volume 98003, Page 3812 of the Deed Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

Michael C. Clover
 Michael C. Clover
 Registered Professional
 Land Surveyor No. 5525
 Date 07/23/2012



MSD SURVEY
2218 BRYAN STREET
 LOCATED IN BLOCKS 259, 264, 1/312 AND 2/312, OFFICIAL NUMBERS OF THE CITY OF DALLAS, TEXAS
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495, DALLAS COUNTY, TEXAS
 PAGE 7 OF 7

Pacheco Koch
 8350 N. CENTRAL EXPWY. SUITE 1000
 DALLAS, TX 75208 972.235.3031
 TX REG. ENGINEERING FIRM F-489
 TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY MWW	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2012	JOB NUMBER 1860-12.218
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5a

BOARD ACTION REQUEST

COMPLIANCE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action regarding termination of Program Year 2019 Low Income Home Energy Assistance Program Comprehensive Energy Assistance Program award to Galveston County Community Action Council, Inc.; the commencement of the 30-day notification period required by Tex. Gov't Code §2105.203 and §2105.301; and the authorization of staff to identify a permanent provider, through release and subsequent award of a Request for Application or through a direct designation, to permanently administer the Comprehensive Energy Assistance Program in Brazoria, Fort Bend, Galveston, and Wharton counties (the areas served by Galveston County Community Action Council, Inc.)

RECOMMENDED ACTION

WHEREAS, Galveston County Community Action Council, Inc. (GCCAC) is the designated utility assistance provider that administers the Low Income Home Energy Assistance Program (LIHEAP) Comprehensive Energy Assistance Program (CEAP), funded by the U.S. Department of Health and Human Services (USHHS) for Brazoria, Fort Bend, Galveston, and Wharton counties (Service Area);

WHEREAS, on July 26, 2018, the Board conditioned an award of \$3,281,375 in Program Year (PY) 2019 CEAP funds to GCCAC, and indicated that a failure to comply with the condition may constitute grounds for the initiation of proceedings to debar GCCAC and/or be ineligible for future awards as permitted by applicable state and federal laws, rules, and regulations;

WHEREAS, Texas Department of Housing and Community Affairs (the Department) staff conducted their first onsite visit in mid-December to verify whether the condition had been satisfied and determined that GCCAC has failed to fully comply with the condition, demonstrating a recurring inability to resolve programmatic and compliance issues given reasonable time limits;

WHEREAS, at the Board meeting of January 17, 2019, after hearing a discussion on whether to begin the termination process of GCCAC's CEAP contract, the Board instead elected to table the agenda item and requested that staff return with the consideration of this item and provide an update to GCCAC's status at the Board meeting of April 25, 2019;

WHEREAS, in order to minimize gaps in delivery of CEAP services to eligible low-income households in GCCAC's Service Area, an award of 25% of the Service Area's 2019 CEAP contract, in the amount of \$820,344, to be in effect February 21, 2019, through December 31, 2019, was awarded to GCCAC at the Board meeting of February 21, 2019;

WHEREAS, Department staff conducted their second onsite visit in late March 2019 to evaluate GCCAC's resolution of the condition and determined that GCCAC has not only failed to fully satisfy the condition but also continues to incur potential disallowed costs demonstrating a recurring inability to resolve programmatic and compliance issues given reasonable time limits and a growing potential liability for the Department; and

WHEREAS, in order to reduce the 2019 award and terminate the 2019 contract, Tex. Gov't Code Chapter 2105 requires that GCCAC be given 30 days' notice and the opportunity for an administrative hearing relating to the reduction in funding and termination of the 2019 CEAP contract; and

WHEREAS, the Department is also requesting authorization to issue a Request for Applications (RFA) to identify one or more permanent providers to provide CEAP services for the Service Area;

NOW, therefore, it is hereby

RESOLVED, that the Board instructs Department staff to promptly provide GCCAC a 30 days' notice relating to the reduction of funds and termination of the remainder of the award;

FURTHER RESOLVED, that the Department is authorized to release an RFA to identify permanent entities to administer the CEAP funds in this Service Area, and which will be presented to the Board, if GCCAC voluntarily relinquishes its CEAP award or after a SOAH hearing regarding nonrenewal and/or termination results in nonrenewal of the funds and termination of the contract; and

FURTHER RESOLVED, that the Acting Director and his staff be and each of them are hereby authorized, empowered, and directed for and on behalf of the Department, to take such actions and execute such documents that they or any of them may deem necessary to effectuate the use of funds in this manner.

BACKGROUND

Note: The update is provided at the bottom of this Background section.

GCCAC is the designated utility assistance provider for Brazoria, Fort Bend, Galveston and Wharton counties. The Department monitored GCCAC in May 2018, and identified a long list of deficiencies and concerns; those concerns included many repeat findings from monitoring visits prior to that time that still had not been resolved within the corrective action period. An overview of the deficiencies and concerns includes: inadequacies in their procurement policies and procedures which creates a high likelihood for ongoing disallowed costs, incorrect expenditure reporting, erroneous cost allocation, salaries of personnel not properly allocated and supported, inaccurate income eligibility calculations, inaccurate timekeeping records, check processing concerns, incomplete client files, concerns over client tracking system access within GCCAC, and failure to document federal debarment verification. The monitoring reviews have

thus far resulted in \$37,094.53 in disallowed costs that require repayment to the Department, which have not been repaid.

Additionally, the recent Single Audit required by 10 TAC §1.403 and 2 CFR Part 200, Subpart F, and the Uniform Grant Management Standards, identified Material Weaknesses relating to bank reconciliations which are a matter of serious concern to the Department. Furthermore, the audit identified significant issues surrounding LIHEAP eligibility in which more than 25% of the LIHEAP files reviewed did not have adequate supporting documentation for income eligibility. While not related to CEAP activities, the auditor also noted significant issues surrounding Community Services Block Grant (CSBG) eligibility in which more than 40% of the files reviewed did not have adequate supporting documentation for income eligibility. The auditor also cited the lack of sufficient documentation to support reports made to Grantors (such as the Department).

Because of this history of noncompliance and the Department's ongoing concerns, EARAC recommended and the Board approved that GCCAC's CEAP award in July 2018 conditioned on the following:

This award is conditioned upon having an onsite review of GCCAC's financial management system and processes and procurement processes to be performed by the Community Action Partnership ("Partnership"). The assessment must be performed prior to November 1, 2018; and GCCAC must satisfactorily address any of the issues noted by the Partnership within 90 days of receipt of the report.

If GCCAC does not satisfactorily implement the changes, if any, noted by the Partnership prior to the deadlines noted, it will serve as good cause to terminate the contract.

As required by the condition, the Partnership did perform such an assessment and provided a report of their findings and recommendations to the Department and to GCCAC. Department staff performed an onsite monitoring visit to GCCAC in December 2018, shortly after the end of the 90-day period referenced in the condition. Although staff noted some improvement, several of the changes recommended by the Partnership have not been satisfactorily implemented. It should be noted that the recommendations made by the Partnership were reflective of findings identified by the Department prior to the May 2018 visit; the length of time GCCAC has had to fix these issues pre-dates the Partnership report.

UPDATE: Since the Board meeting of January 17, 2019, and following the Board's instruction to re-evaluate GCCAC and update the Board at the Board meeting of April 25, 2019, Department staff conducted a review of GCCAC's CEAP contracts March 25-28, 2019, to ascertain their progress in satisfying the condition. To achieve this goal, expenditures, cost allocation, procurement, CEAP program delivery and an assessment of GCCAC's information security were reviewed. A synopsis of GCCAC's progress in satisfying the condition is described below.

Improvements were found in the following areas:

- GCCAC procured a consultant to train its staff on the accounting software.
- Job descriptions have been created demonstrating adequate separation of duties.

- An updated and comprehensive accounting manual was provided.
- Since Department staff's first evaluation in December 2018, GCCAC staff has received work standards and expectations training.
- A Human Resource handbook has been developed and provided to the Department.

A lack of improvement was found in the following areas:

- GCCAC did not properly allocate shared indirect costs. When allocation was tested, it was found that cost allocation methodologies did not support the cost allocation plan as written.
- GCCAC continues to incur unprocured lease costs due to incomplete procurement.
- Errors were found within the information technology/support services and legal services procurement processes.
- Reported monthly expenditures do not reconcile to the general ledger. Reports indicate a disparity in expenditures of approximately \$104,000 in February 2019.
- Accounting and payroll records did not reconcile to reported general ledger salaries when tested. CEAP unsupported salaries amount to \$1,590.23.
- CEAP client files were found to contain incorrect income calculations and missing income support documentation.
- Unresolved information technology issues such as backup and disaster recovery, remote accessibility, power management, anti-virus, content filing, email archiving, proactive maintenance, and Windows application updates.
- GCCAC still does not have a formal plan to reduce paper and move to a secure electronic storage protocol.
- Discrepancies were expressed among executive staff regarding GCCAC's access to unrestricted funds to repay the Department.

GCCAC has continued to accumulate potential disallowed costs due to unresolved findings mentioned above. The Department is at risk of having to repay funds to USHHS. Thus, although some improvement has been made in certain areas, GCCAC remains in noncompliance and has yet to satisfy the condition despite being given ample time. Considering the length of time that GCCAC has had to correct these findings and deficiencies, their inability to fully correct them, and the amount of training and technical assistance provided by the Department, staff feels that no further assistance can be provided. Additional delays in terminating GCCAC's 2019 CEAP contract create an unacceptable financial risk to the Department, as the likelihood of disallowed costs will be high, and GCCAC's inability to pay those disallowed costs also likely. Further, the Department is concerned that Service Area households in need of utility assistance will be negatively impacted. In an effort to reduce that risk and ameliorate concern over provision of utility assistance to the low income households in the Service Area of GCCAC, staff believes that steps should be taken to allow for the permanent award of 2019 CEAP funds to one or more alternate providers.¹

In order to identify one or more providers to become the permanent provider of CEAP for this area, staff must proceed consistent with the process required by Tex. Gov't Code §2105.301,

¹ Nothing in this BAR is intended to impact any rights or remedies GCCAC or the Department may have in any current contract.

which requires that the Department provide GCCAC a written notification of termination of the 2019 contract, and nonrenewal of the LIHEAP CEAP award. Staff is requesting the authorization to proceed with such a notification and to proceed with the release of an RFA to expedite staff's ability to identify and ultimately select a potential alternate provider(s) for the CEAP program for Brazoria, Fort Bend, Galveston, and Wharton counties. While staff could release the RFA, and evaluate submissions, no recommendation would be made to the Board for such a permanent alternate provider(s) until the full termination proceedings and any hearing rights have been exhausted. If the Board approves this Board Action Request, staff will present a subsequent agenda item to permanently award the funds to another provider. It should be noted that in the earlier Board item, a recommendation to award a partial contract to BakerRipley was contemplated to allow them to perform these interim services. However, because GCCAC also would have its current contract in effect at this time, both entities would have to ensure non-duplication of benefits. Staff has concerns that stringent assurances regarding non-duplication of benefits may be a challenge for GCCAC; therefore, staff is no longer making such a recommendation.

It is the opinion of Department staff that GCCAC has not achieved sufficient progress in satisfying the conditions, and therefore recommends a nonrenewal of the 75% of GCCAC's 2019 CEAP award to the Service Area, providing GCCAC a written notification of this nonrenewal and termination of the contracted 2019 CEAP funds, and authorization to proceed with the release of an RFA for a permanent CEAP provider for GCCAC's Service Area.

5b

BOARD ACTION REQUEST

COMPLIANCE DIVISION

APRIL 25, 2019

Presentation, discussion, and possible action on initiation of proceedings to remove the eligible entity status of Galveston County Community Action Council, Inc. and terminate the 2019 Community Services Block Grant contract and future funding

RECOMMENDED ACTION

WHEREAS, Galveston County Community Action Council, Inc. (GCCAC), is the designated eligible entity that administers the Community Services Block Grant (CSBG) Program, funded by the United States Department of Health and Human Services (USHHS), for Brazoria, Fort Bend, Galveston, and Wharton counties;

WHEREAS, on June 29, 2017, the Board approved an award of \$934,196 in Program Year 2019 CSBG funds to GCCAC;

WHEREAS, for reasons explained below, on November 12, 2018, the Texas Department of Housing and Community Affairs (the Department) provided GCCAC until December 5, 2018, to develop and implement a Quality Improvement Plan (QIP) and notified GCCAC that if they were not able to implement the QIP by that time, the Department would proceed with termination proceedings;

WHEREAS, Department staff conducted their first onsite visit in mid-December 2018 to evaluate GCCAC's implementation of the QIP and determined that GCCAC had failed to fully implement the QIP demonstrating a recurring inability to resolve programmatic and compliance issues given reasonable time limits;

WHEREAS, at the Board meeting of January 17, 2019, after hearing a discussion on whether to initiate termination proceedings, the Board instead elected to table the agenda item and requested that staff return with the consideration of this item and provide an update to GCCAC's status at the Board meeting of April 25, 2019;

WHEREAS, Department staff conducted their second onsite visit in late March 2019 to evaluate GCCAC's further implementation of the QIP and determined that GCCAC has not only failed to fully implement the QIP but also continues to incur potential disallowed costs demonstrating a recurring inability to resolve programmatic and compliance issues given reasonable time limits and a growing potential liability for the Department; and

WHEREAS, despite training and technical assistance, and an approved QIP, GCCAC has not come into compliance and there is a pressing need for these funds to be correctly administered;

NOW, therefore, it is hereby

RESOLVED, that the Acting Director and his staff be and each of them are hereby authorized, empowered, and directed for and on behalf of the Department, to take all actions necessary to initiate termination proceedings to remove the eligible entity status of GCCAC under the CSBG Act.

BACKGROUND

Note: The update to this issue is found at the end of the Background section.

GCCAC is the eligible entity providing CSBG services to Brazoria, Fort Bend, Galveston and Wharton counties. The Department monitored GCCAC in May 2018 and identified a long list of deficiencies and concerns; those concerns included many repeat findings from monitoring visits prior to that time that still had not been resolved within the corrective action period. An overview of the deficiencies and concerns includes: inadequacies in their procurement policies and procedures, which creates a high likelihood for ongoing disallowed costs, vacancies in their Tripartite board structure, missing income support documentation, monthly performance report inaccuracies, erroneous cost allocation, reported expenditures not utilized during the contract period, bylaw requirements and training for Board Members not met, salaries of personnel not properly allocated and supported, inaccurate income eligibility calculations, inaccurate timekeeping records, check processing concerns, incomplete client files, concerns over client tracking system access within GCCAC, and failure to document federal debarment verification. The monitoring reviews from this visit resulted in \$37,094.53 in disallowed costs that require repayment to the Department, which have not been repaid.

Additionally, the recent Single Audit required by 10 TAC §1.403, and 2 CFR Part 200, Subpart F, and the Uniform Grant Management Standards, identified Material Weaknesses relating to bank reconciliations which are a matter of serious concern to the Department. Furthermore, the audit identified significant issues surrounding CSBG files, in which more than 40% of files reviewed were noted as not having adequate supporting documentation for income eligibility, and in CSBG-Disaster Relief files in which more than 33% of the files reviewed did not have adequate documentation of income eligibility. While not related to CSBG, the auditor also noted significant issues surrounding Low Income Home Energy Assistance Program (LIHEAP) eligibility in which more than 25% of the LIHEAP files reviewed did not have adequate supporting documentation for income eligibility. The auditor also cited the lack of sufficient documentation to support reports made to Grantors (such as the Department).

Prior to the May 2018 monitoring report, and on a frequent and on-demand basis from that time, Department training staff has spent significant time working with GCCAC in attempts to help them address their findings. In an effort to bring in additional resources, the Department contracted with the Community Action Partnership (CAP) who provided consultants to conduct an organizational assessment of GCCAC in August 2018. The CAP consultants assessed GCCAC's

financial management system and procurement processes, assessed the ability of GCCAC's Tripartite board to function within its scope, performed a system wide assessment of GCCAC's income and household eligibility determination and verification processes, reported back to the GCCAC board on any related weaknesses identified in the assessment with detailed corrective action and measurable objectives, and provided information to assist GCCAC in identifying the root cause of previously identified organizational weaknesses from prior audits and monitoring. The Department also had CAP provide training and technical assistance and guidance to GCCAC to utilize in the development of processes and tools to address identified concerns and prevent reoccurrence. The report which the CAP consultants released clearly reflected significant areas of concern that GCCAC must address to become a compliant subrecipient. They also noted that in large part the issues they identified were matters that had been previously brought to the attention of the GCCAC board and management in previous Department monitoring and third party audits.

Based on previous monitorings by Department staff, significant concerns noted in the recent audit cited above, the CAP assessment, and consideration of the amount and extent of training and technical assistance already provided to GCCAC, the Department, in accordance with 10 TAC §2.203, determined that the development and implementation of a QIP was an appropriate requirement and issued a final determination letter on October 5, 2018.

In accordance with the CSBG Act, GCCAC was given 60 calendar days following the notification of the final determination letter to develop and implement the QIP. A follow-up letter to GCCAC dated November 12, 2018, notified them that their QIP was insufficient and reiterated this requirement by stating "If GCCAC is not able to develop a plan to come into compliance and implement the plan by December 5, 2018, the Department will proceed with termination proceedings. The Department will conduct an onsite visit to verify the successful implementation of the QIP." A subsequent QIP response from GCCAC was found to be sufficient; that QIP served as the basis of comparison during the monitoring visit described below to ascertain whether the QIP had been fully implemented.

In December, shortly after the end of the 60-day QIP implementation period, Department staff performed an onsite monitoring visit to GCCAC to verify the implementation of the QIP. Although some improvement was noted by staff, several of the changes recommended by CAP have not been satisfactorily implemented thereby triggering the commencement of formal proceedings to terminate eligible entity status. Further training and technical assistance is not needed. GCCAC has the opportunity and ability to come into compliance until the end of termination proceedings. The recommendations made by the Partnership, and the requirements for the QIP, were reflective of findings identified by the Department prior to the May 2018 visit; the length of time GCCAC has had to fix these issues pre-dates the QIP.

UPDATE: Since the Board meeting of January 17, 2019, and following the Board's instruction to re-evaluate GCCAC and update the Board at the Board meeting of April 25, 2019, Department staff conducted a sample review of GCCAC's 2018 CSBG contract from March 25-28, 2019, to ascertain their progress in implementation of the QIP. To achieve this goal, expenditures, cost allocation, procurement, CSBG Tripartite board requirements, CSBG program delivery, and an assessment of GCCAC's information security were reviewed. A synopsis of GCCAC's progress in achieving the QIP's recommendations is described below.

Improvements were found in the following areas:

- GCCAC procured a consultant to train its staff on the accounting software.
- Job descriptions have been created demonstrating adequate separation of duties.
- An updated and comprehensive accounting manual was provided.
- Since Department staff's first evaluation in December 2018, GCCAC staff has received work standards and expectations training.
- Board member job descriptions were provided to the Department.
- The bylaws have been amended and found to be in compliance with CSBG requirements by Department staff.
- A Human Resource handbook has been developed and provided to the Department.
- An employment law attorney has been procured.

A lack of improvement was found in the following areas:

- GCCAC did not properly allocate shared indirect costs. When the allocation was tested, it was found that cost allocation methodologies did not support the cost allocation plan as written.
- GCCAC continues to incur unprocured lease costs due to incomplete procurement resulting in potential ongoing disallowed costs.
- Errors were found within the information technology/support services, and legal services procurement processes.
- Reported monthly expenditures do not reconcile to the general ledger. Reports indicate a disparity in expenditures of approximately \$23,000 in December 2018.
- Accounting and payroll records did not reconcile to reported general ledger salaries when tested. CSBG unsupported salaries amount to \$568.60.
- The composition of GCCAC's Board of Directors remains out of compliance with Tripartite board requirements in the CSBG Act and the Texas Administrative Code (TAC).
 - Three vacancies on the board (i.e., only 9 of 12 seats filled)
 - Low income sector is underrepresented on the board due to a remaining vacancy and lack of following a democratic selection process to select board members from the low income community.
 - New board members have yet to receive training on their roles and responsibilities as board members
- A board calendar has yet to be developed as recommended in the QIP to assure that approvals are appropriate and timely.
- CSBG client files were found to be missing multiple required case management documents and missing income support documentation amounting to \$4,888 in questioned costs.
- Unresolved information technology issues.
- GCCAC still does not have a formal plan to reduce paper and move to a secure electronic storage protocol.
- Discrepancies were expressed among executive staff regarding GCCAC's access to unrestricted funds to repay the Department.

- Despite multiple e-mail reminders from Department staff, GCCAC submitted their 2018 CSBG annual report data to the Department late. The due dates to submit the data for three separate modules were February 5, March 15, and March 29, 2019. GCCAC submitted their data on April 12, 2019.

GCCAC has continued to accumulate potential disallowed costs due to unresolved findings mentioned above. The Department is at risk of having to repay funds to USHHS. Thus, although some improvement has been made in certain areas, GCCAC remains in noncompliance with QIP recommendations despite being given sufficient time to achieve those recommendations. It is the opinion of Department staff that GCCAC has not achieved sufficient progress in meeting the QIP, and therefore recommends approval to follow the Information Memorandum 116 (IM 116) process to remove GCCAC's eligible entity status, and to authorize staff to pursue a hearing with the State Office of Administrative Hearings.

To remove GCCAC's eligible entity status, the Department must follow the process outlined by USHHS in IM 116. In addition, the Department must follow the requirements of Tex. Gov't Code Chapter 2105 and 10 TAC, Chapter 2, Subchapter B, §2.203. If the Board concurs that termination proceedings should commence, the next step will be for the Department to report to HHS on the training and technical assistance provided to GCCAC and relay to them that further training and technical assistance are not appropriate, and for staff to set a hearing at the State Office of Administrative Hearings, and notify all members of the GCCAC Board of such hearing. GCCAC will need to read and comply with SOAH's requirements in the way they handle and respond to the matter.

After that hearing, SOAH will issue a proposal for decision to the TDHCA Governing Board recommending whether there is cause, as defined by the CSBG Act, 42 U.S.C. §9908(c), to terminate or reduce funding to GCCAC. The TDHCA Governing Board will be provided the proposal for decision. If the TDHCA Governing Board determines that there is cause to terminate or reduce funding, the Department will notify GCCAC that it has the right under 42 U.S.C. §9915 to seek review of the decision by the USHHS.

Staff recommends approval to follow the process to terminate GCCAC's eligible entity status, and to authorize staff to pursue a hearing with the State Office of Administrative Hearings. As a reminder, GCCAC has the opportunity and ability to come into compliance until the end of termination proceedings.

6a

BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on the Program Year 2019 Department of Energy Weatherization Assistance Program State Plan and Awards

RECOMMENDED ACTION

WHEREAS, the Department develops and submits a State Plan to the Department of Energy (DOE) each year to administer the Weatherization Assistance Program (WAP);

WHEREAS, the draft Program Year (PY) 2019 DOE WAP State Plan (the Plan) was approved for release for public comment at the Board meeting of February 21, 2019;

WHEREAS, the public comment period was open from March 8, 2019, to March 29, 2019, and public comment was received and is summarized in Attachment A of this action;

WHEREAS, technical corrections from DOE were received and are reflected in the Plan and Awards therein;

WHEREAS, consistent with DOE requirements (10 CFR §440.17) and as permitted by Tex. Gov't Code §2110.005 and 10 TAC §6.408, the Weatherization Assistance Program Policy Advisory Council met on Friday, March 29, 2019, by conference call, and upon review and discussion, recommended in favor of the Plan;

WHEREAS, the Department has prepared the final Plan including a list of the entities to be awarded funds and the proposed award amounts based on the formula contained in 10 TAC §6.404, Distribution of WAP Funds for submission to DOE; and

WHEREAS, the Department expects to receive PY 2019 DOE WAP funds in the amount of \$6,811,752;

NOW, therefore, it is hereby

RESOLVED, that the Plan including associated awards in the form presented to this meeting, is hereby approved with authority to make non-substantive technical and grammatical edits and corrections including the clarification that where "staff" is indicated the clause be noted as "Executive Director, or designee;"

FURTHER RESOLVED, that the Executive Director and his designees and each of them be and they hereby are authorized, empowered, and directed, for and on behalf of the

Department to submit such plan, together with such grammatical and non-substantive technical corrections as they may deem necessary or advisable, to DOE;

FURTHER RESOLVED, that the awards of PY 2019 DOE WAP funds in the amount of \$6,102,527 as indicated in plan Section IV.1 Subgrantees, be and are hereby approved as described therein; and

FURTHER RESOLVED, that any subsequent 2019 DOE WAP funds received will be similarly awarded in accordance with the approved method and formula or as needed to accommodate full utilization of funds among only those providers with ability to expend additional funds.

BACKGROUND

A draft of the Plan was approved at the Board meeting of February 21, 2019, for release for public comment. The draft Plan and announcement of a public comment period and public hearing was made available on the Department's website and by listserv email distribution, on Monday, February 25, 2019, in addition to being announced in the March 8, 2019, issue of the *Texas Register*. The Department conducted a public hearing on Wednesday, March 20, 2019, at 2:00 p.m. Austin local time at the Thomas Jefferson Rusk building in Austin. The public comment period closed at 5:00 p.m. Austin local time on Friday, March 29, 2019. One public comment was received and is attached as Attachment A of this Action. Comments and corrections were also received from DOE, who had also been reviewing an initial draft, which included technical corrections related to the use of carryover funding and the elimination of Section V.4 Climatic Conditions from the draft Plan. DOE suggested that the Department not include carryover funds from 2018 into the DOE budget for 2019.

DOE regulations also require a Weatherization Assistance Program Policy Advisory Council (WAP PAC) be designated in the Plan in order to provide guidance and comment on the Plan. The WAP PAC members are appointed by the Department and broadly represent organizations and agencies throughout the State that represent low-income persons.

The WAP PAC meeting occurred on Friday, March 29, 2019, by conference call. After receiving a copy of the Plan along with a summary of the changes in the Plan from last year, the WAP PAC reviewed and discussed the Plan and public comment, and all present members expressed support for the Plan.

DOE Weatherization funding provides for the installation of weatherization measures to increase energy efficiency of a home including caulking, weather-stripping, adding ceiling, wall, and floor insulation, patching holes in the building envelope, duct work, and repair or replacement of energy inefficient heating and cooling systems. Additionally, the funds allow for Subgrantees to complete financial audits, household energy audits, outreach and engagement activities, and program administration. Further, funding provides for State administration and State training and technical assistance activities. For PY 2019, of the \$6,811,752, \$6,102,527 will be distributed to Subrecipients as listed in the table below while the remaining \$709,225 will be allocated to the Department's administrative, training, and technical assistance functions.

The Plan includes awards of funds to entities as listed below.

The Previous Participation Rule (10 TAC, Chapter 1, Subchapter C, §1.302) includes a review of DOE WAP awards prior to contract execution. The review has been performed and awards are recommended by the Executive Award Review and Advisory Committee (EARAC) with conditions for the following entities:

<p>City of Fort Worth</p>	<p>Approved conditioned upon completion of training in the implementation of the WAP, specifically addressing the deficiencies in weatherization client file documentation and ASHRAE compliance noted during the February 2, 2018, and January 24, 2019, monitoring reviews. The training must be completed prior to the expenditure of PY2019 DOE funds. If the City of Fort Worth does not successfully meet the condition noted above, this may serve as good cause to suspend or terminate the contract.</p>
<p>Nueces County Community Action Agency (NCCAA)</p>	<p>Approved conditioned upon submitting a Cost Allocation Plan within 45 days of Board action. The Cost Allocation Plan must meet both 2 CFR Part 200 and UGMS requirements. The PY2019 DOE funds may not be expended until this Plan is acceptable to the Department. If the Department and NCCAA cannot agree on a Cost Allocation Plan within 90 days of Board action, the Department may take steps to suspend or terminate the contract.</p>
<p>Hill Country Community Action Association (HCCAA)</p>	<p>Approved conditioned upon resolving the findings identified during the December 6, 2018, monitoring review and noted in the January 4, 2019, monitoring report, within 90 days of Board action. The PY2019 DOE funds may not be expended until this monitoring review is successfully resolved. If HCCAA does not successfully meet the condition noted above within 90 days of Board action, the Department may take steps to suspend or terminate the contract.</p>

PY 2019 Department of Energy Weatherization Assistance Program Awards

	SUBRECIPIENT	Award (\$)
1	Alamo Area Council of Governments	487,815
2	BakerRipley	734,180
3	Big Bend Community Action Committee	99,539
4	Brazos Valley Community Action Program	207,243
5	City of Fort Worth*	296,075
6	Combined Community Action, Inc.	142,730
7	Community Action Committee of Victoria Texas	189,374
8	Community Action Corporation of South Texas	657,021
9	Community Council of South Central Texas, Inc.	132,395
10	Concho Valley Community Action Agency	122,241
11	Dallas County Health and Human Services	470,732
12	Economic Opportunities Advancement Corporation	179,571
13	El Paso Community Action Program, Project Bravo	276,829
14	Greater East Texas Community Action Program	544,459
15	Hill Country Community Action Association, Inc.*	171,913
16	Nueces County Community Action Agency*	111,710
17	Panhandle Community Services	174,740
18	Rolling Plains Management Corporation	261,280
19	South Plains Community Action Association, Inc.	160,309
20	Texoma Council of Governments	318,760
21	Travis County Health and Human Services and Veterans Services	190,518
22	West Texas Opportunities	173,093
	Total	\$6,102,527

* - See condition to award noted in table above

Attachment A: Summary of Public Comment and Staff Recommendations

A public hearing was held in Austin at the Thomas Jefferson Rusk building on March 20, 2019 wherein no comment was received. Comments were also accepted in writing during the public comment period which began on March 8, 2019, and ended on March 29, 2019, wherein one comment was received from Terry Meissner of Community Action Corporation of South Texas. A summary of the comment and the Department's response is below.

Section V.7.4 Training and Technical Assistance Approach and Activities

COMMENT SUMMARY (1): Commenter was confused as to the location of the "Energy Audit Tutorial", a link to a document on the Department's website, referred to in the Plan.

STAFF RESPONSE: For clarity, the name of the document on the website referred to in the Plan has been changed from "Energy Audit Tutorial" to "Weatherization Assistant Online Training" on both the website and in the Plan.

APPLICATION FOR FEDERAL ASSISTANCE SF-424

Version 02

9. Type of Applicant:

A State Government

10. Name of Federal Agency:

U. S. Department of Energy

11. Catalog of Federal Domestic Assistance Number:

81.042

CFDA Title:

Weatherization Assistance Program

12. Funding Opportunity Number:

DE-WAP-0002019

Title:

2019 Weatherization Assistance Program

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Statewide

15. Descriptive Title of Applicant's Project:

Provide Statewide Weatherization Assistance

APPLICATION FOR FEDERAL ASSISTANCE SF-424

Version 02

16. Congressional District Of:

a. Applicant: Texas Congressional District 01

b. Program/Project: TX-Statewide

Attach an additional list of Program/Project Congressional Districts if needed:

17. Proposed Project:

a. Start Date: 07/01/2019

b. End Date: 06/30/2020

18. Estimated Funding (\$):

a. Federal	6,811,752.00
b. Applicant	0.00
c. State	0.00
d. Local	0.00
e. Other	0.00
f. Program Income	0.00
g. TOTAL	6,811,752.00

19. Is Application subject to Review By State Under Executive Order 12372 Process?:

- a. This application was made available to the State under the Executive Order 12372 Process for review
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372

20. Is the applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation)

No

21. By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to**

I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency

Authorized Representative:

Prefix: Mr First Name: David

Middle Name:

Last Name: Cervantes

Suffix:

Title: Acting Director

Telephone Number: 512475

Fax Number: 5124753858

Email: david.cervantes@tdhca.state.tx.us

Signature of Authorized Representative:

Date Signed:

BUDGET INFORMATION - Non-Construction Programs

1. Program/Project Identification No. EE0007952		2. Program/Project Title Weatherization Assistance Program	
3. Name and Address State of Texas P.O. BOX 13941 Austin, TX 787113941	4. Program/Project Start Date 07/01/2019		
	5. Completion Date 06/30/2020		

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. 2019 WAP Formula Funds	81.042	\$ 0.00		\$ 6,811,752.00		\$ 6,811,752.00
2. STATE			\$ 0.00		\$ 0.00	\$ 0.00
3.						
4.						
5. TOTAL		\$ 0.00	\$ 0.00	\$ 6,811,752.00	\$ 0.00	\$ 6,811,752.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1) GRANTEE ADMINISTR ATION	(2) SUBGRANTE E ADMINISTRA	(3) GRANTEE T&TA	(4) SUBGRANTE E T&TA	
a. Personnel	\$ 180,430.00	\$ 0.00	\$ 167,938.00	\$ 0.00	\$ 348,368.00
b. Fringe Benefits	\$ 62,790.00	\$ 0.00	\$ 58,442.00	\$ 0.00	\$ 121,232.00
c. Travel	\$ 0.00	\$ 0.00	\$ 27,720.00	\$ 0.00	\$ 27,720.00
d. Equipment	\$ 0.00	\$ 0.00	\$ 4,000.00	\$ 0.00	\$ 4,000.00
e. Supplies	\$ 3,000.00	\$ 0.00	\$ 1,875.00	\$ 0.00	\$ 4,875.00
f. Contract	\$ 0.00	\$ 465,542.00	\$ 30,000.00	\$ 550,000.00	\$ 6,132,527.00
g. Construction	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
h. Other Direct Costs	\$ 12,272.00	\$ 0.00	\$ 2,250.00	\$ 0.00	\$ 14,522.00
i. Total Direct Charges	\$ 258,492.00	\$ 465,542.00	\$ 292,225.00	\$ 550,000.00	\$ 6,653,244.00
j. Indirect Costs	\$ 82,096.00	\$ 0.00	\$ 76,412.00	\$ 0.00	\$ 158,508.00
k. Totals	\$ 340,588.00	\$ 465,542.00	\$ 368,637.00	\$ 550,000.00	\$ 6,811,752.00
7. Program Income	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

BUDGET INFORMATION - Non-Construction Programs

1. Program/Project Identification No. EE0007952		2. Program/Project Title Weatherization Assistance Program	
3. Name and Address State of Texas P.O. BOX 13941 Austin, TX 787113941	4. Program/Project Start Date 07/01/2019		
	5. Completion Date 06/30/2020		

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.						
2.						
3.						
4.						
5. TOTAL		\$ 0.00	\$ 0.00	\$ 6,811,752.00	\$ 0.00	\$ 6,811,752.00

SECTION B - BUDGET CATEGORIES					
6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1) PROGRAM OPERATIONS	(2) HEALTH AND SAFETY	(3) LIABILITY INSURANCE	(4) FINANCIAL AUDITS	
a. Personnel	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 348,368.00
b. Fringe Benefits	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 121,232.00
c. Travel	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 27,720.00
d. Equipment	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 4,000.00
e. Supplies	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 4,875.00
f. Contract	\$ 4,169,216.00	\$ 735,744.00	\$ 160,025.00	\$ 22,000.00	\$ 6,132,527.00
g. Construction	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
h. Other Direct Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 14,522.00
i. Total Direct Charges	\$ 4,169,216.00	\$ 735,744.00	\$ 160,025.00	\$ 22,000.00	\$ 6,653,244.00
j. Indirect Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 158,508.00
k. Totals	\$ 4,169,216.00	\$ 735,744.00	\$ 160,025.00	\$ 22,000.00	\$ 6,811,752.00
7. Program Income	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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WEATHERIZATION ASSISTANCE PROGRAM (WAP)
WEATHERIZATION ANNUAL FILE WORKSHEET**

(Grant Number: EE0007952, State: TX, Program Year: 2019)

IV.1 Subgrantees

Subgrantee (City)	Planned Funds/Units
Alamo Area Council of Governments (San Antonio)	\$487,815.00 66
BakerRipley (Houston)	\$734,180.00 102
Big Bend Community Action Committee (Marfa)	\$99,539.00 10
Brazos Valley Community Action Program (College Station)	\$207,243.00 24
Combined Community Action, Inc. (Giddings)	\$142,730.00 16
Community Action Committee of Victoria Texas (Victoria)	\$189,374.00 22
Community Action Corporation of South Texas (Alice)	\$657,021.00 90
Community Council of South Central Texas, Inc (Seguin)	\$132,395.00 14
Concho Valley Community Action Agency (San Angelo)	\$122,241.00 13
Dallas County Health & Human Services (Dallas)	\$470,732.00 64
Economic Opportunities Advancement Corporation (Waco)	\$179,571.00 21
El Paso Community Action Program, Project Bravo (El Paso)	\$276,829.00 34
Fort Worth, City of (Fort Worth)	\$296,075.00 36
Greater East Texas Community Action Program (Nacogdoches)	\$544,459.00 74
Hill Country Community Action Association, Inc. (San Saba)	\$171,913.00 20
Nueces County Community Action Agency (Corpus Christi)	\$111,710.00 11
Panhandle Community Services (Amarillo)	\$174,740.00 20
Rolling Plains Management Corporation (Crowell)	\$261,280.00 32
South Plains Community Action Association, Inc. (Levelland)	\$160,309.00 18
Texoma Council of Governments (Sherman)	\$318,760.00 39
Travis County Health and Human Services and Veterans Services (Austin)	\$190,518.00 22
West Texas Opportunities (Lamesa)	\$173,093.00 20
Total:	\$6,102,527.00 768

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WEATHERIZATION ASSISTANCE PROGRAM (WAP)
WEATHERIZATION ANNUAL FILE WORKSHEET**

(Grant Number: EE0007952, State: TX, Program Year: 2019)

IV.2 WAP Production Schedule

Weatherization Plans	Units
Total Units (excluding reweatherized)	768
Reweatherized Units	0

Note: Planned units by quarter or category are no longer required, no information required for persons.

Average Unit Costs, Units subject to DOE Project Rules		
VEHICLE & EQUIPMENT AVERAGE COST PER DWELLING UNIT (DOE RULES)		
A	Total Vehicles & Equipment (\$5,000 or more) Budget	\$0.00
B	Total Units Weatherized	768
C	Total Units Reweatherized	00
D	Total Dwelling Units to be Weatherized and Reweatherized (B + C)	768
E	Average Vehicles & Equipment Acquisition Cost per Unit (A divided by D)	\$0.00
AVERAGE COST PER DWELLING UNIT (DOE RULES)		
F	Total Funds for Program Operations	\$4,169,216.00
G	Total Dwelling Units to be Weatherized and Reweatherized (from line D)	768
H	Average Program Operations Costs per Unit (F divided by G)	\$5,428.67
I	Average Vehicles & Equipment Acquisition Cost per Unit (from line E)	\$0.00
J	Total Average Cost per Dwelling (H plus I)	\$5,428.67

IV.3 Energy Savings

Method used to calculate savings: <input checked="" type="checkbox"/> WAP algorithm <input type="checkbox"/> Other (describe below)			
	Units	Savings Calculator (MBtus)	Energy Savings
This Year Estimate	768	29.3	22502
Prior Year Estimate	871	29.3	25520
Prior Year Actual	281	29.3	8233
Method used to calculate savings description:			

IV.4 DOE-Funded Leveraging Activities

N/A

IV.5 Policy Advisory Council Members

Check if an existing state council or commission serves in this category and add name below

Combined Community Action Inc.	Type of organization: Non-profit (not a financial institution) Contact Name: Kelly Franke Phone: (979)540-2985 Email: KJFranke@craction.com
Greater East Texas Community Action Program	Type of organization: Non-profit (not a financial institution) Contact Name: Karen Swenson, Executive Director Phone: (936)564-2491 Email: kswenson@sbcglobal.net
Health and Human Services Commission	Type of organization: Unit of State Government Contact Name: Toni Packard Phone: 5124384290 Email: toni.packard@hhsc.state.tx.us

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IV.6 State Plan Hearings (Note: attach notes and transcripts to the SF-424)

Date Held	Newspapers that publicized the hearings and the dates the notice ran
02/21/2019	TDHCA Board of Directors authorizes release of draft State Plan for public comment.
02/22/2019	Draft State Plan and notice of public hearing posted on the TDHCA website; public listserve announcement sent announcing availability of draft State Plan and public hearing details.
03/08/2019	Announcement of public hearing for draft State Plan published in Texas Register. Public comment period for draft State Plan begins.
03/20/2019	Public Hearing for the DOE State Plan begins at 2:00 pm (CST) in Room 320 at the Thomas Jefferson Rusk Building on 208 East 10th Street, Austin, Texas 78701.
03/29/2019	Comment period for the DOE State Plan ends at 5:00 pm (CST).
03/29/2019	WAPAC meeting regarding DOE State Plan.
04/25/2019	Final DOE State Plan and list of awardees to be presented at TDHCA Board of Directors meeting for approval. The meeting will also serve as a Public Hearing.

IV.7 Miscellaneous

Recipient Business Officer

Michael De Young
Michael.deyoung@tdhca.state.tx.us
221 East 11th Street
Austin, Texas 78701
(512) 475-2125

Recipient Principal Investigator

Gavin Reid
gavin.reid@tdhca.state.tx.us
221 East 11th Street
Austin, Texas 78701
(512) 936-7828

Policy Advisory Council

The Policy Advisory Council ("PAC") is representative of organizations and agencies and provides balance, background, and sensitivity with respect to solving the problems of low-income persons, including weatherization and energy conservation problems. Historically, the PAC has met annually at the end of the public hearing period for the DOE plan.

The low-income elderly population is represented by the PAC members from Combined Community Action and the Greater East Texas Community Action Program. The low-income persons with disabilities population is represented by the PAC member from the Health and Human Services Commission.

Liability Insurance

The liability insurance separate line item includes pollution occurrence insurance in addition to the general liability insurance. Most regular liability insurance policies do not provide coverage for potential effects of many health and safety measures, such as lead disturbances and other pollution occurrence items. The Department strongly recommends the Subgrantees require their contractors to carry pollution occurrence insurance to avoid liability for any mistakes the contractors may make. Each Subgrantee should get a legal opinion regarding the best course to take for implementing the pollution occurrence insurance coverage.

2017 ACSI Action Plan (based on 2017 Survey)

Immediately after receiving the results of the 2017 ACSI, TDHCA met with the the Texas Association of Community Action Agencies (TACAA), which represents the network of WAP agencies, to analyze and discuss the results. With TACAA's input, TDHCA worked up a plan of action to address the concerns raised in the 2017 ACSI. The plan of action includes the following:

- Hosting workgroups to discuss client eligibility, weatherization best practices, reobligation/deobligation, production and to receive input on the Health and Safety portion of the State Plan
- Working more closely with TACAA to streamline communications and announcements to the network
- Adding updated information to the TDHCA website regarding WAP best practices and information received from the federal and state levels. Each time an update occurs, TDHCA sends an email to the network notifying them of the update
- Coordinating trainings for the network such as manufactured home insulation training throughout the state, HVAC and ASHRAE 62.2 training, CAZ testing

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training, and making available a proctor for QCI testing to the network

- Offering network webinars, conference calls, training for new program managers and new Executive Directors, and individual agency trainings that are personalized to the specific needs of that agency
- Providing training and technical assistance via individual phone calls and emails
- Working more closely with the Compliance Division to develop guidance for subrecipients and to identify training needs amongst both individual agencies and the network as a whole

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This worksheet should be completed as specified in Section III of the Weatherization Assistance Program Application Package.

V.1 Eligibility

V.1.1 Approach to Determining Client Eligibility

Provide a description of the definition of income used to determine eligibility

Eligibility for program assistance is determined under the Federal Poverty Income Guidelines and calculated as described in 10 TAC §6.4.

Describe what household eligibility basis will be used in the Program

During the LIHEAP application process, households will be screened for DOE Weatherization benefits and determined eligible if their income is at or below 200% of the Federal Poverty Income Guidelines.

Describe the process for ensuring qualified aliens are eligible for weatherization benefits

The Welfare Reform Act, officially referred to as the Personal Responsibility and Work Opportunity Act of 1996, H.R. 3734, placed specific restrictions on the eligibility of aliens for "Federal means-tested public benefits" for a period of five years. As defined in a Federal Register notice dated August 26, 1997 (62 FR 45256) the Department of Health and Human Services (HHS) is interpreting "Federal means-tested public benefits" to include only those benefits provided under Federal means-tested, mandatory spending programs. HHS Information Memorandum LIHEAP-IM-25 dated August 28, 1997, states that all qualified aliens, regardless of when they entered the U.S., continue to be eligible to receive assistance and services under the Low-Income Home Energy Assistance Program (LIHEAP) if they meet other program requirements.

To ensure program continuity between LIHEAP and DOE Weatherization for all Subgrantees operating both programs, the DOE Weatherization Assistance Program will follow the interpretation as adopted by HHS. The Department has provided training and will continue to provide training to those entities who have elected to use the SAVE system.

The DOE and LIHEAP WAP are in compliance with **LIHEAP-IM-99-10, issued June 15, 1999, which states that weatherization in a multifamily building is not a covered activity for status verification.**

V.1.2 Approach to Determining Building Eligibility

Procedures to determine that units weatherized have eligibility documentation

Subgrantees maintain a client file for each unit weatherized, including documented proof that the dwelling unit is an eligible dwelling unit as defined in 10 CFR §440.22. The Department determines that weatherized units have eligibility documentation during monitoring reviews.

Describe Reweatherization compliance

Texas limits reweatherization to 5% of all units weatherized. To ensure the cap is not exceeded, Subgrantees may not reweatherize a unit without prior approval from the Department.

Reweatherization will be allowed on units that have received weatherization prior to September 30, 1994. A new energy audit must be conducted on each unit reweatherized.

Units may be eligible for reweatherization under 10 TAC §6.403(h) which specifies:

Consistent with 10 CFR §440.18(e)(2), if a Dwelling Unit has been damaged by fire, flood, or act of God and repair of the damage to Weatherization materials is not paid for by insurance; or if a Dwelling Unit was partially weatherized under a federal program during the period September 30, 1975, through September

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30, 1994, the Dwelling Unit may receive further financial assistance for Reweathering.

Describe what structures are eligible for weatherization

10 TAC §6.2 and §6.403 includes the following definitions which describe structures eligible for weatherization:

Dwelling Unit--A house, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters.

Multifamily Dwelling Unit--A structure containing more than one Dwelling Unit.

Rental Unit--A Dwelling Unit occupied by a person who pays rent for the use of the Dwelling Unit.

Shelter--A Dwelling Unit or Units whose principal purpose is to house on a temporary basis individuals who may or may not be related to one another and who are not living in nursing homes, prisons, or similar institutional care facilities.

Single Family Dwelling Unit--A structure containing no more than one Dwelling Unit.

Describe how Rental Units/Multifamily Buildings will be addressed

In accordance with 10 CFR §440.22(b)(3), the Department requires that Subgrantees keep on file procedures that address protection of renters' rights, to ensure:

- Written permission of the building owner or his agent before commencing work.
- Cash/in-kind contribution from building owner when feasible.
- Benefits of the services accrued primarily to the low-income tenants residing in such units.
- For a reasonable period of time after completion, the household will not be subjected to rent increases (unless those increases are demonstrably related to other matters other than the weatherization work performed).
 - There are adequate procedures whereby the Grantee can receive tenant complaints and owners can appeal, should rental increases occur.
- No undue or excessive enhancement shall occur to the value of the dwelling unit.
- To secure the federal investment and to address issues of eviction from and sale of property, per 10 CFR §440.22(c), Grantees may seek landlord agreement to placement of a lien (or other contractual restrictions) upon the property being weatherized.

The Department will abide by 10 CFR §440.22, ensuring that not less than 66% of the eligible building units (50% for duplexes and four-unit buildings, and certain eligible types of large multifamily buildings) are eligible units or will become eligible dwelling units within 180 days under a Federal, State or local government program for rehabilitating the building or making similar improvements. WPN 16-5 provides guidance on the review and verification required for Department of Housing and Urban Development (HUD), Department of Agriculture (USDA), and Low Income Housing Tax Credit (LIHTC) buildings. Assessments and client file documentation for rental units and multifamily units are also detailed in the Multifamily Weatherization Best Practice posted on the Department's website at

<http://www.tdhca.state.tx.us/community-affairs/wap/docs/WAP-BP-MFWeatherization.pdf>.

Because large multifamily buildings (buildings containing 25 or more dwelling units or those with shared central heating (i.e. boilers) and/or shared cooling plants (i.e. cooling tower that use water as the coolant) regardless of the number of dwelling units) have different audit requirements, Subgrantees must obtain prior written approval through the Department to use the 50% eligibility, and DOE must approve the proposed activity. The Department will seek DOE approval.

Subgrantees must submit to the Department a request for permission to weatherize large multifamily buildings. Request for permission must include evidence of significant energy savings. A significant energy savings is defined as having an SIR of 1.0 or greater in the energy audit.

Describe the deferral Process

A Dwelling Unit shall not be weatherized when there is a potentially harmful situation that may adversely affect the occupants or the Subgrantee's weatherization crew and staff, or when a Dwelling Unit is found to have structural concerns that render the Dwelling Unit unable to benefit from weatherization. The Subgrantee must declare their intent to defer weatherization on an eligible unit on the assessment form. The assessment form must include the client's name and address, dates of the assessment, and the date on which the client was informed of the issue in writing. The written notice to the client must include a clear description of the problem, conditions under which weatherization could continue, the responsibility of all parties involved, and any rights or options the client has. A copy of

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the notice must be given to the client, and a signed copy placed in the client application file. Only after the issue has been corrected to the satisfaction of the Subgrantee shall weatherization work begin.

If structural concerns or health and safety issues identified (which would be exacerbated by any weatherization work performed) on an individual unit cannot be abated within program rules or within the allowable WAP limits, the unit exceeds the scope of this program.

Crewmembers or contractors who work on a unit that could or should be a deferral or walk-away do so at their own risk.

V.1.3 Definition of Children

Definition of children (below age): **18**

V.1.4 Approach to Tribal Organizations

Recommend tribal organization(s) be treated as local applicant?

If YES, Recommendation. If NO, Statement that assistance to low-income tribe members and other low-income persons is equal.

The 70th Texas Legislature created the Native American Restitutionary Program (Oil Overcharge Restitutionary Act, Texas Government Code, Chapter 2305) for the purposes of providing oil overcharge restitution to Texas Native Americans. In the Texas WAP, the Native-American Indian population is treated and served in the same manner as other applicants.

V.2 Selection of Areas to Be Served

The Texas WAP is available to eligible low-income households in all 254 counties of the state. Subgrantees are held responsible for all intake, eligibility, and weatherization activities. If the Subgrantee's performance record is satisfactory according to both state and federal regulations, then the Department may offer to renew the contract if the Subgrantee so desires. The Department's award committee may decline to recommend an award or place additional conditions on an award based upon its previous participation review as outlined in 10 TAC §1.302.

New or additional DOE subgrantees for counties that become unserved by the DOE WAP will be selected according to DOE regulations found in 10 CFR §440.15 and 10 TAC §1.302. If the Department determines it is necessary to permanently reassign a service area to a new subgrantee, the subgrantee will be chosen in accordance with 10 CFR §440.15. A new or additional subgrantee is defined as a CAA or other public or nonprofit entity that is not currently operating a Department-funded Weatherization Assistance Program. All counties are served by 22 existing entities.

(The Department may deobligate all or part of the funds provided under this contract as outlined in 10 TAC §6.405. A Subgrantee's failure to expend the funds provided under this State plan in a timely manner may also result in the Subgrantee's ineligibility to receive additional funding during the program year.)

Formula Distribution

The Department updates the budget allocation proportion by county and Subgrantee based on poverty income, elderly poverty, median household income (from the 2010 U.S. Census data), and climate data (from the National Climatic Data Center, Climate Normals, 2010), as outlined in 10 TAC §6.404.

The Department allocates funds to Subgrantees by applying a formula based upon the DOE allocation for program year; or if the allocation amount is not known, based on an assumption of level funding from the previous program year. Once the allocation amount is known, the formula is re-run. The allocation formulas reflect the 2010 Census data. If any carryover funds are available, they will be distributed by allocation formula and used to increase the number of units to be weatherized. The Department will adjust guidance to reflect the adjusted average expenditure limit per unit for the program year.

The fund allocations for individual service areas are determined by a 5-factor distribution formula as outlined in 10 TAC §6.404:

- (1) Number of non-elderly poverty households per county;
- (2) Number of elderly poverty households per county;
- (3) Median income variance per county;
- (4) Inverse poverty household density ratio per county; and
- (5) County Weather Factor (Heating/Cooling Degree days per county) as a portion of State County Weather.

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V.3 Priorities

The Department will ensure by contract that its Subgrantees give priority to weatherizing dwellings owned or occupied by low-income persons who are particularly vulnerable such as the Elderly, Persons with Disabilities, Families with Young Children, Households with High Energy Burden, and Households with High Energy Consumption. Applicants from these groups must be placed at the top of a Subgrantee's waiting list. The Department ensures that Subgrantees give proper attention to these requirements through monitoring/evaluation of the Subgrantee.

V.4 Type of Weatherization Work to Be Done

V.4.1 Technical Guides and Materials

Technical Guides and Materials

<http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm>

Weatherization Tools and Guides

- [WAP Production Schedule/Tool \(XLS\)](#) – Revised 12.30.16
- [Weatherization Assistance \(NEAT\) – Student Guide \(PDF\)](#) - Revised 7.1.18
- [Single-Family Homes: Standard Work Specifications Field Guide \(PDF\)](#) - Revised 7.1.18
- [Manufactured Housing: Standard Work Specifications Field Guide \(PDF\)](#) - Revised 7.1.18
- [Weatherization FAQs Answered by TDHCA \(PDF\)](#) – Revised 10.20.17
- [DOE-WAP Timeline \(PDF\)](#) Revised 10.30.15
- [LIHEAP-WAP Timeline \(PDF\)](#) Revised 10.30.15
- [Material Installation Standards Manual \(2012\) \(PDF\)](#)
- [Weatherization Field Guide \(2010\)](#)
- [Mechanical Systems Field Guide \(2010\)](#)
- [Exhaust Fan Flow Meter Quick Guide \(PDF\)](#)
- [International Energy Conservation Code \(IECC\) Requirements \(energycode.pnl.gov\)](#)
- [Weatherization Reporting Instructions](#) - Revised 7.11.18
- [LIHEAP Performance Measures Module User Guide \(PDF\)](#)
- [Checking WAP Reports](#) - Revised 7.11.18

Program Administration Forms

- [DOE Budget Amendment Form \(XLS\)](#)
- [LIHEAP Budget Amendment Form \(XLS\)](#)
- [WAP Inventory List: Tools and Equipment \(DOC fillable\)](#)
- [Quality Control Inspection \(QCI\) Form](#)

Assessment Calculators

- [AC Replacement Calculator \(XLS\)](#)
- [Attic Ventilation Calculator \(XLS\)](#)
- [Degradation Calculator \(XLS\)](#)
- [Refrigerator Replacement Calculator \(XLS\)](#)
- [Sidewall Density Calculation Sheet \(XLS\)](#)
- [ASHRAE 62.2 Calculator](#) (www.residentialenergydynamics.com)

Client and Field Assessment Forms

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- [QCI Final Inspection Certification Form \(PDF\)](#)
- [Health & Safety Client Questionnaire & Inspection Checklist \(PDF\)](#)
- [LIHEAP Priority List \(PDF\)](#) – Revised July 2017
- [Blower Door and Duct Blower Data Sheet \(XLS\)](#)
- [Unified Notification Form \(PDF\)](#) – Revised July 2011
- [Mold-Like Substance Notification and Release Form \(PDF\)](#)
- [Consumer Mold Information Sheet \(PDF\)](#)
- [Whole House Assessment Sheet \(XLSX\)](#)
- [Refrigerator Replacement Form \(DOC fillable\)](#)
- [Landlord Permission to Perform Assessment \(PDF\)](#)
- [Multi-Family Project Preparation/Completion Checklist \(PDF\)](#)
- [Wall/Attic Inspection Form \(XLS\)](#)
- [Building Weatherization Report \(BWR\) \(XLS\)](#) – Revised January 2017

Further, the Department has several Weatherization Best Practices posted at: <http://www.tdhca.state.tx.us/communityaffairs/wap/wapbestpractices.htm>.

Best Practices are developed based upon repeat questions that require more clarity than simply an FAQ. These have proved highly effective in multiple ways: increased compliance, better understanding on how to assess and proceed, increased consistency across the Network, and reduction in calls for same issues. They often have multiple references and are based upon sound building science principles.

All Subrecipient agreements and vendor contracts active in PY 2015 and beyond contain language which clearly documents the SWS specifications for work quality outlined in WPN 15-4, Section 2. A signed contract shall confirm that the organization understands and agrees to these expectations. Each contract includes a substantially equivalent clause or exhibit:

Materials and Work Standards

A. Subrecipient shall weatherize eligible dwelling units using only weatherization materials which meet or exceed the standards prescribed by DOE in Appendix A of 10 CFR Part 440 and added approved materials noted in WPN 19.4.

B. All weatherization measures installed shall meet or exceed the standards prescribed by DOE in Weatherization Program Notice (WPN) 15-4 regarding Standard Work Specifications, as detailed in the Department’s Standard Work Specifications.

C. All weatherization work must be performed in accordance to the DOE approved energy audit procedures, 10 CFR Part 440 Appendix A, State of Texas adopted International Residential Code (or that of jurisdictions authorized by State law to adopt later editions).

Subgrantee will include the substance of this section in all subcontracts

Field guide types approval dates

Single-Family: 6/15/2018
Manufactured Housing: 6/15/2018
Multi-Family:

V.4.2 Energy Audit Procedures

Audit Procedures and Dates Most Recently Approved by DOE

Audit Procedure: Single-Family
Audit Name: Other (specify)
<input type="text" value="NEAT: DOE Approved June 2, 2016"/>
Approval Date: 10/5/2016

Audit Procedure: Manufactured Housing
Audit Name: Other (specify)
<input type="text" value="MHEA: DOE Approved June 2, 2016"/>
Approval Date: 10/5/2016

Audit Procedure: Multi-Family

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Audit Name: Other (specify) NEAT: 5-24 individually heated and cooled units - DOE Approved June 2, 2016
Approval Date: 10/5/2016

Comments

V.4.3 Final Inspection

<p>The Department has provided Subgrantees with sufficient T&TA funding to obtain and/or maintain required QCI and MF-QCI certifications by an IREC certified training provider. The Department tracks Subgrantee compliance with unit inspection requirements of WPN 15-4.</p> <p>The Department has five certified QCI staff, who maintain their certifications. The Department annually requires all Subgrantees to report the following for determining the number of units that the Department will inspect for compliance at each agency:</p> <ul style="list-style-type: none">• Option 1 (at minimum 5% compliance final inspection required)= With multiple QCI staff, this Subrecipient will NOT allow the QCI staff member who conducts the Final Inspection on any/every DOE-funded/reported unit to perform any other aspect(s) associated with that same unit. Example: Initial Assessment; NEAT Audit; Work Order; etc• Option 2 (10% compliance final inspection required)= With limited QCI staff, this Subgrantee will have a QCI staff member conduct the Final Inspection on any/every DOE-funded/reported unit AND will also perform other aspect(s) associated with that same unit. Example: Initial Assessment; NEAT Audit; Work Order; etc• Option 3 (5% compliance final inspection required) = This Subgrantee typically has an independent third-party QCI contractor.• NOTE: As scheduling permits, compliance will conduct 10% final inspections on completed units for Options 1 and 3, as well. <p>Ten Subgrantees have multiple QCI Staff with separation of duties, eight have limited QCI, and four are using third-party QCIs. All units are inspected by a certified QCI. In addition to final inspections, a completed QCI Final Inspection Certification Form is required. QCI Final Inspection Certification Form (PDF).</p> <p>Subgrantees are required to follow work standards as per the SWS guidelines. This requirement is within Subgrantee contracts, and the SWS guide is posted on the Department Program Guidance Webpage.</p> <p>All units must meet DOE requirements and pass a QCI inspection. Any unit that fails to be brought into compliance results in disallowed costs and a finding for the reason(s) of the disallowed cost is issued in the monitoring report. The initial T&TA response to any findings is email guidance providing resources to resolve the findings by the training team. This is then followed by individualized T&TA, or a referral to the appropriate Tier 1 training provider, as deemed appropriate.</p>
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V.5 Weatherization Analysis of Effectiveness

<p>Pursuant to 10 TAC, Chapter 1, Subchapter C, §1.302, a review of a Subgrantee's compliance history in Department programs must be approved by the Department's Executive Award and Review Advisory Committee (EARAC) and provided to the Department's Board of Directors in order that the Board may consider the compliance history and make and document its award decisions with full knowledge of these matters. Prior to the award of DOE funds to any Subgrantee, EARAC reviews:</p> <ol style="list-style-type: none">1. Summary information regarding findings identified during the last three years; and2. If the Subgrantee is subject to the requirement of an annual single audit:<ol style="list-style-type: none">A. A report of any required single audit or single audit certification form that is currently past due;B. If such single audit has been submitted to the Federal Audit Clearinghouse; andC. If the most recent single audit report contained findings. <p>The Subrecipient Monitoring section, within the Compliance Division, submits information regarding its monitoring activity to EARAC. If EARAC finds that a Subgrantee has outstanding monitoring issues, their WAP award may be subject to conditions intended to avoid future noncompliance, and limit disallowed</p>

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costs.

Issues identified during this review point to areas in a Subgrantee that require attention, both from a monitoring standpoint and a T&TA standpoint. The reviews not only hold the Subgrantee accountable, they also give the monitoring and T&TA sections guidance in planning future activities.

T&TA staff is copied on all monitoring reports and/or a staff meeting is held for monitors to debrief T&TA staff after each visit. In those meetings, monitoring staff relay issues found related to individual Subgrantee, as well as, overall trends identified. Following the monitoring report, T&TA staff provide initial email to Subgrantee to provide resources for identified issues. T&TA staff applies debrief information when determining the needs for agency-wide specific T&TA and to plan the curriculum for regional trainings.

Further, Subgrantee performance is reviewed periodically and at the end of the program year. The Department tracks subgrantee performance over time by reviewing their monthly production and expenditure reports. Subgrantees are required to submit a Production Report on the 15th of each month. If staff determines that a benchmark is missed or a subgrantee is falling behind on expenditure and/or production, a letter is issued from the Department and the subgrantee is required to submit a written Mitigation Action Plan.

Additionally, based upon monthly submitted performance and expenditures, individualized TA is provided to ensure full expenditure and an adequate rate of production. T&TA staff analyzes the reports submitted by subgrantees and provides T&TA when necessary. Such T&TA may include: a course on production oriented management, proper reporting, procurement, and/or other relevant topics.

Analysis of reports includes the following:

- Number of homes completed;
- Number of applications pending;
- Number of homes in progress;
- Contract amount;
- Total funds expended;
- Balance of funds; and
- Special comments

The Department enforces the Deobligation/Reobligation of Awarded Funds rule as laid out in TAC §6.405. While the Department's performance review process has not achieved full expenditure of funds each Program Year (e.g., PY 2017 due to Hurricane Harvey), the Department continuously assesses its processes and researches potential modifications in order to improve. For example, the Department has a Program Specialist who is tasked with the responsibility of overseeing the performance and expenditure report and production schedule process and to provide technical assistance to individual subrecipients, conduct quarterly network calls for updates, and to address issues identified by Compliance.

V.6 Health and Safety

Attached to SF-424

V.7 Program Management

V.7.1 Overview and Organization

The Department is the state's lead agency responsible for affordable housing and community assistance programs. The Department annually administers funds derived from mortgage revenue bond financing and refinancing, federal grants, and federal tax credits.

In 1991, the 72nd Texas Legislature created the Department. The Department's enabling legislation combined programs from the Texas Housing Agency, the Community Development Block Grant Program from the Texas Department of Commerce, and the Texas Department of Community Affairs.

On September 1, 1992, two programs were transferred to the Department from the Texas Department of Human Services: the Low Income Home Energy

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Assistance Program and the Emergency Nutrition and Temporary Emergency Relief Program. Effective September 1, 1995, in accordance with House Bill 785, regulation of manufactured housing was transferred to the Department. In accordance with House Bill 7, effective September 1, 2002, the Community Development Block Grant and Local Government Services Programs were transferred to the newly created Office of Rural Community Affairs. Effective September 1, 2002, in accordance with Senate Bill 322, the Manufactured Housing Division became an independent entity administratively attached to TDHCA. As a state agency, the Department is under the authority of the Governor of the State of Texas.

The Department's services are offered through three program categories: Single Family Programs, Multifamily Finance Production, and Community Affairs, which administers the WAP.

The Department subcontracts with a network of Subgrantees that provide the WAP services. The network is comprised of community action agencies (CAAs), regional Councils of Government (COGs), and organizations in the other public or private nonprofit entity category (PPNPs). All network Subgrantees are provided a draft copy of the yearly weatherization state plan and a notice of the state public hearing. The Public and all Subgrantees are invited and encouraged to participate in the public comment process.

Historically, the regular weatherization program year ran from April through March. Starting PY 2015, the weatherization program year has run from July through June.

The Department will continue to administer the program through Subgrantees in accordance with 10 CFR §440.15 provisions and State regulations. If existing Subgrantees are successfully administering the Program, the Department will offer to renew the contract if the Subgrantee so desires and if grant funds are available. When the Department determines that an organization is not administering the program satisfactorily, it may take the following action:

- Correction of the problem(s) with training or technical assistance;
- Re-assignment of the service area (or service area portion) to another Department existing Subgrantee; or,
- Solicitation or selection of a new or additional Subgrantee in accordance with 10 CFR §440.15 provisions.

A new or additional Subgrantee is defined as a CAA or other public or nonprofit entity that is not currently operating a DOE Weatherization Assistance Program.

Consolidation/downsizing: Any downsizing will occur through normal attrition, through a Subgrantee's determination that it can no longer administer the program efficiently/effectively, or through the Department's determination that a Subgrantee can no longer administer the program efficiently/effectively.

Reassignment of service areas for just cause: In the event that a service area can no longer be served by a Subgrantee, the Department reserves the right to reassign service areas. If it appears necessary to permanently reassign the service area, a new Subgrantee may be chosen in an open, competitive solicitation process in accordance with 10 CFR §440.15, or the reassignment may become permanent.

V.7.2 Administrative Expenditure Limits

The Department will use 5% of its grant funds for state administration. An additional 5% will be distributed for local WAP field operations under contract. Contract funds are intended for local administration, liability insurance coverage, local fiscal audit, materials, labor, program support and health and safety measures. To help ensure that Subgrantees comply with the full and proper use of all the contract funds, written definitions are to be provided to Subgrantees on budget categories as deemed necessary. The Department has elected to provide the maximum allowable funds for Subgrantee administration to Subgrantees receiving less than \$350,000, so it has not included procedures for deciding which Subgrantees will receive additional funds. This decision is based on the following factors:

- Subgrantees often have to rely on other programs for WAP outreach and other administrative support;
- Subgrantees have had to adjust budgeting to keep pace with cost-of-living increases -- staff salaries, fringe benefits, rent, postage, travel, etc.;
- The State of Texas is 877 miles from Northern to Southern tips, 834 miles from Eastern to Western tips, and is comprised of a total of 266,807 square miles. The extra geography that Subgrantees have to cover to serve all the area's clients equitably requires additional staff, staff time, postage and phone costs, and vehicle wear and maintenance. (Source of Mileage Data: Texas Department of Transportation);
- Salaries, space, utilities, telephone, and similar costs associated with program support personnel should be charged to program support; and
- The increasing cost of maintaining appropriate qualified staff is challenging.

For Subgrantees receiving over \$350,000, the administrative allowance will be 5% of each subgrant. For Subgrantees receiving less than \$350,000, the administrative allowance will be 10% of each subgrant.

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V.7.3 Monitoring Activities

The Department will monitor the Weatherization Assistance Program (“WAP”) with the Monitoring staff included in the budget. Subgrantee is defined as an organization with whom the Department contracts and provides WAP funds.

Names and credentials of Department staff dedicated to monitoring DOE activities follow. Monitoring staff are paid out of Grantee Administration and the Grantee T&TA (see the Budget Explanation, Personnel line item, for detailed information on the percentages allocated from each budget category).

- Robert Moore - over 8 years of weatherization experience as a Texas WAP Subgrantee, QCI certified, BPI & Lead certified, OSHA30
- Chad Turner - over 18 years of weatherization experience as a Texas WAP Subgrantee, QCI certified, BPI & Lead certified, OSHA30
- Kevin Glienke – over 8 years of weatherization monitoring experience; BPI Certified; has attended DOE sponsored conferences; QCI certified.

(All staff listed above conduct fiscal/administrative and inspection monitoring activities)

Compliance Subrecipient Monitoring is staffed with nine additional monitors not dedicated to weatherization. All of these qualified monitors may be tasked with fiscal and programmatic activities though funds provided by this State plan.

The Department will monitor each of the DOE Subgrantees during the contract period which will be July 1, 2019 through June 30, 2020. Many of the DOE Subgrantees also receive funds through the Department of Health and Human Services Community Service Block Grant and Low Income Home Energy Assistance Program. Whenever possible, all three programs will be monitored during one visit to the Subgrantee.

(See attached PY2019 Tentative Monitoring Schedule)

The Department understands DOE's expectation and will conduct at least one on-site visit annually to each Subrecipient for technical and fiscal/administrative monitoring.

Financial and Administrative monitoring will include, at minimum, a review of the Subgrantee’s General Ledgers and policies and procedures (including procurement) as well as support documentation for reported expenditures. These documents will be reviewed to ensure compliance with DOE, Department and other applicable rules and regulations. The Department will monitor for eligibility through sampled client file reviews. Through sampled unit inspections, Department staff will monitor for installed measures that are allowable and meet or exceed DOE requirements. The Department will review whether charged measures were installed properly and determine compliance with health and safety procedures, client eligibility, energy audit procedures, client education procedures and compliance with the SWS.

The Department will inspect 5% of all completed weatherized units. In order to achieve the 5% inspection rate, and comply with the requirements of WPN 15-4, the Department is requesting that Subgrantees with a QCI on staff do not have that staff member involved with the weatherized unit prior to final inspection. The Department defines prior involvement as performing the audit, creating the work order or performing any weatherization work on the weatherized unit. The Department has created a QCI Final Inspection Form, for Subgrantees which will allow TDHCA to determine if a QCI employed by the Subgrantee had prior involvement with that unit. The Department will review each sampled QCI final inspection document to ensure compliance with the requirement to inspect 5% and will increase the required inspections if necessary.

The Department recognizes that there may be a need to perform additional unit inspections towards the end of the contract period to comply with the requirements of WPN 15-4 if there were not enough units available to sample during the full monitoring review.

(More frequent monitoring visits (Fiscal/Administrative and/or Technical) may be conducted at Subgrantees with significant identified risk)

Monitors will complete evaluation instruments to determine a Subgrantee’s compliance. The instruments cover Financial and Administrative requirements, health and safety procedures, client eligibility, energy audit procedures, client education procedures, and compliance with the SWS. Compliance Monitors also review the hard copy of the NEAT or MHEA audit which is required to be in the client file to assure that the scope of the work was directed by the audit.

Monitors scan documents as support if there will be findings noted.

The following list provides additional monitoring details that may occur during the monitoring review.

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- Monitors may request copies of fiscal records/support documentation and perform a desk review to gauge the fiscal condition of the Subgrantee prior to onsite monitoring.
- In addition, as needed, monitors may perform a desk review of records requested but not provided during the onsite review and records requested to clarify issues identified during the onsite monitoring visit. The Department recognizes the requirement to issue the monitoring letter within 30 days of the review. The Department does not consider the review complete until receipt of information needed to ascertain compliance. Monitoring letters will be issued within 30 days of receipt of all necessary information.
- Monitors may test that weatherization activities, including but not limited to: energy audits, energy conservation measures, incidental repair measures and health and safety measures are only performed by properly trained Retrofit Installer/Technicians, Crew Leaders, and Energy Auditors that have received comprehensive training (not necessarily certification) that is aligned with DOE's Job Task Analysis for the position in which the weatherization worker is employed.

The Department will issue monitoring reports within 30 days of completion of the review. Subgrantees are provided a 30 day corrective action period to respond and provide evidence of correction. On a case by case basis, the Department may grant an extension to respond to the report if there is good cause and the request is made during the corrective action period. The Department will review each response and determine if the Subgrantee has resolved the compliance issue. If the Department determines that the issue is not resolved, the Subgrantee will be notified and required to submit an additional response(s) until the compliance issue is resolved. In certain circumstances, the Department may "close" a compliance issue when there remains no additional actions that can be taken to resolve the issue. At the conclusion of this process, any unresolved compliance issues will be reported to DOE (instances of suspected fraud or serious program abuse will be reported immediately to DOE and the Texas State Auditors Office).

The Department will review the annual financial audits of each Subgrantee agency. The Department requires each Subgrantee to complete an Audit Certification form within 60 days of the end of the entity's fiscal year. This is used to determine if a Single Audit is required. All single audits and management letters must be uploaded to the Federal Clearinghouse within nine months of the Subgrantee's fiscal year end. Upon receipt of the Single Audit, a review is completed to determine if the packet submitted is complete and all opinions are provided. If the audit contains findings, they are reviewed and discussed by the Director of Internal Audit, the Chief of Compliance and staff to determine the appropriate steps to ensure the entity corrects the issues identified in the audit report or management letter. The Department issues correspondence to the entity, identifying that corrective action measures must be performed and requiring that support documentation be provided. The entity is provided a time frame to complete the corrective action and to respond to the correspondence. The entity must correct all identified issues within six months of the Single Audit being submitted to the Federal Clearinghouse.

The Department's Compliance Monitor(s) keep abreast of the required timeframe for the entity to complete the corrective action and to provide the response. When the response is received, the Department reviews the documentation to determine if the corrective action requirements have been met. If the issues have not been corrected, the Compliance Monitor and/or Compliance Subrecipient Monitoring Director will notify the Chief of Compliance. The Chief of Compliance may determine if the matter should be referred to the Department's Enforcement Committee in accordance with Department Rules and standard operating procedures. During the next monitoring visit to the entity, the Department will determine if the selection of expenditures or materials reviewed reflect compliance with the respective requirement.

1. Program Oriented Management Training – Prior to continuing any weatherization-related program activity, all Subgrantee staff that perform any action related to the WAP will be required to complete Program Oriented Management Training ("POM"). POM will include:

- A. Review of WAP statutes and rules
- B. Review of state program requirements
- C. Review of financial and administrative best practices
- D. Review of program best practices

2. Intensive Training and Technical Assistance – Once POM is completed, Subgrantee staff will receive training on critical program components. At each stage of Intensive T&TA, TDHCA team members will provide one-on-one guidance to Subgrantee staff to ensure the correct completion of each component. At the end of Intensive T&TA, Subgrantee staff will have completed another step toward completion a weatherized unit.

- A. Client file documentation
- B. Payment and reimbursement documentation
- C. Accompanied unit assessment
- D. Accompanied Audit completion

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E. Accompanied Interim construction walk-through

F. Accompanied Final inspection

3. Staged Program Operation – When Subgrantee staff has completed Intensive T&TA, the Subgrantee will complete a pre-determined number of client intakes. Once the client intakes are completed, TDHCA team members will review the ensuing steps of the weatherization process in the following steps:

A. Review of the client file documentation

B. Review of unit assessments

C. Review of audit input and completion to work order

D. Accompanied final inspection

Once the Subgrantee has completed the determined number of units and the units have passed TDHCA monitoring, the Subgrantee will resume normal operations for the remainder of the program year. The Subgrantee will be reviewed in April of each year for determination of continued funding.

If it is determined that the Subgrantee is not able to administer the weatherization program, the Department will follow the requirements in 10 TAC §2.202 Contract Closeout.

V.7.4 Training and Technical Assistance Approach and Activities

The Department provides Subgrantees with sufficient T&TA funding to obtain and/or maintain required certifications; such as: QCI, MF-QCI, Building Analyst/Energy Auditor, Lead Safe Renovator, Lead Safe Worker, and OSHA 10 or 30. All training provided includes requirements for compliance with QWP specifications. The Department will conduct trainings based upon the following:

- Grant Requirements or as directed by DOE monitor or audit reports.
- Subgrantee Request. The Department has an online request system, with a T&TA menu list, or section for the Subgrantee to make a specific request or ask specific questions. The Department will contact the requestor and customize training to meet the need. <https://tdhca.wufoo.com/forms/request-for-ca-program-assistance>
 - In addition, submitted questions or requests are reviewed for creating FAQs or to identify topics for regional trainings, workshops, or individualized training.
- Monitor Reports. The Department's compliance team shares monitoring issues with the training team. The training team will initially provide resources and guides to address any findings, and follow up with T&TA as required.
 - Trends across the Network will be addressed in regional trainings or workshops.
- Management Request. Management may make a specific request and dictate the type of training needed.

Tier 1 Training:

Tier 1 training will be provided by accredited IREC training providers. In compliance with Section 4 of WPN 15-4, the Department will track that comprehensive training for each job category (i.e., Retrofit Installer/Technician, Crew Leader, and Energy Auditor) is obtained within one year of being hired and that re-training occurs thereafter every three years. Whereas it is the responsibility of the Department to provide funds for training through IREC training providers, it is the responsibility of the Subgrantee to ensure training is completed by staff and/or subcontractors. Texas uses outside subcontractors to perform the weatherization measures. Historically, it has been difficult in Texas to find subcontractors to perform weatherization work. The Department will work to develop a plan to assure Subgrantees ensure their contractors obtain and maintain the required Tier 1 training certifications. The Department will monitor Subgrantee progress and track credentials. Weatherization staff may not function unsupervised until training and certification requirements are met.

The Department has five certified QCI staff who monitor and/or train weatherization Subgrantees on quality weatherization work, proper diagnostics, documentation, and compliance. The Department has two certified BPI Proctors who administer exams for BPI written exams. The Department continues to provide T&TA to assist Subgrantees in preparing for and obtaining required certifications. The Department created an online Web-page dedicated to Quality Work Plan requirements that contains guidance and resources. <http://www.tdhca.state.tx.us/community-affairs/wap/quality-work-plan.htm>

NOTE: New Mexico Energy Smart Academy partners with local Subgrantees to provide IREC certified courses in Texas including MFQCI and Energy Auditor.

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Tier 2 Training:

Tier 2 training will be provided by Department training and technical assistance staff or its designee. With experience as Program Officers and Trainers, the staff has experience in Subgrantee monitoring, unit assessments, audits, materials installation, inspections, and the training and technical assistance that support each. The staff consists of:

- Laura Saintey – 10+ years' experience in the construction industry and 8+ years' experience in the WAP. QCI certified, Lead Safe Renovator, OSHA 10, BPI Building Analyst Professional, BPI Certified Proctor, and attended DOE sponsored conferences.
- Jason Gagne- 3+ year experience in the WAP, QCI certified BPI Building Analyst, Lead certified, OSHA 10, and attended DOE sponsored conferences.
- Kevin Glienke- 8+ years in weatherization monitoring and training, BPI certified, QCI certified, MF-QCI, and attended DOE sponsored conferences.
- Robert Moore- 8+ years of weatherization experience including as a Texas WAP Subgrantee, QCI certified, BPI & Lead certified, OSHA 30 and attended DOE sponsored conferences.
- Chad Turner- 18+ years of weatherization experience including as a Texas WAP Subgrantee, QCI certified, BPI & Lead certified, OSHA 30 and attended DOE sponsored conferences.

T&TA staff provide new manager training, monitoring report based training, and technical assistance for multiple WAP Subgrantees. New manager training is required within three months of being hired. Subgrantees may request new manager training through the online training request system (i.e., Wufoo). Another form of mandatory training are trainings that arise out of necessity due to monitoring issues. Subgrantees are monitored as described in V.8.3 Monitoring Activities of this Plan and results of those monitoring visits are shared with T&TA staff. Any issues as a result of a monitoring visit are analyzed by T&TA staff to determine how best to train the Subgrantee to resolve the issue(s).

Ramifications for non-compliance with Tier 1 training and/or Tier 2 training can be awards that contain condition(s) which the non-compliant Subgrantee must comply with in order to receive funding. Conditions can be minor (e.g., submittal of a credential to the Department) or severe (e.g., closely supervised final QCIs by Department training staff to determine quality of weatherization measures installed).

Training to execute the Health and Safety Plan will occur via quarterly conference calls via a webinar platform which typically include health and safety concerns. Additionally, training and technical assistance occur throughout the year at random intervals on a case by case basis originating by way of monitoring trends and reports and requests from Subgrantees for assistance. Finally, the Department also hosts a webinar at the beginning of each Program Year to assist Subgrantees in the implementation of the new DOE State Plan and Health and Safety Plan.

QCI testing was coordinated and hosted by the Department through one of its two BPI Proctors.

Training Schedule 2019:

Quarterly Phone Calls. Agendas will be evaluated for topics based upon need and identified areas of concern. Topics may include:

- Program Ramp-Up
- Production Schedules
- Upcoming training dates
- Relevant topics for the quarter
- Topics identified by compliance
- FAQs needing clarification
- Closeout and Reporting

Projected Dates for PY 2019 WAP Network Calls:

- August 2019
- November 2019
- February 2020
- May 2020

Online trainings opportunities are passed onto the Network via the state association e-newsletter, along with other notifications regarding outside conferences or workshops.

The Department has posted a link to the "Weatherization Assistant Online Training" on the Department's website. Training staff will provide technical assistance on a one on one basis if necessary.

**U.S. Department of Energy
WEATHERIZATION ASSISTANCE PROGRAM (WAP)
STATE PLAN/MASTER FILE WORKSHEET**

(Grant Number: EE0007952, State: TX, Program Year: 2019)

The Department will address two key topics for 2019. The Department has chosen to focus on the following:

- Quality work through initial assessments
- Continued emphasis on final QCIs

Regional Training locations (as needed):

- Austin
- Dallas
- Houston
- San Antonio
- El Paso

Evaluation of Training Activities

In order to evaluate compliance with the quality work specifications and the efficacy of its training activities, the training staff or its designee will review its training activities semiannually and compare those to the Subgrantee monitoring reports. Additionally, Subgrantees will be given the opportunity to provide feedback through online [Training Evaluation](#). These evaluations are reviewed to make improvements to future provided T&TA. Training staff or its designee will conduct periodic surveys to solicit input from Subgrantees as to their training needs.

More specific training will be designed for each Agency based on the information prompting the request. TA will be documented by using the online training and technical assistance database. Additionally, for onsite T&TA visits, a report will be produced indicating Subgrantee staff present, materials and documents presented to the Subgrantee, and expected outcomes.

Should a Subgrantee hire a new weatherization coordinator, the Subgrantee will be required to notify the Department in writing within 30 days of the date of hiring the coordinator and request training. The Department will contact Subgrantees within 30 days of the date of notification to arrange for training. The Department hosts “New Manager/Executive Director” courses for all new staff who oversee WAP staff/crews upon request.

Program Evaluation

The Department utilizes an online contract system to collect expenditure and performance data from Subgrantees. Each Subgrantee is assigned to a trainer that monitors Subgrantee performance and expenditure on a quarterly basis utilizing dashboards. The Department developed a production tool to monitor expenditure and completed units on a monthly basis. Each month Subgrantees submit a monthly production report that is reviewed by a trainer. Trainer contacts Subgrantees regarding expenditure and performance each month.

Another method of evaluation is provided by the compliance division. The Department’s compliance staff provides the Subgrantees assigned trainer with a copy of the agency’s most recent monitor report, which is used to assess performance/expenditures and individualized training needs.

Client Education

The Department requires WAP Subgrantees to provide client education to each WAP client. Subgrantees are required to provide (at a minimum) educational materials in verbal and written format. Client education may include temperature strips that indicate the temperature in the room and energy savings materials, instructions for equipment operation and/or maintenance.

Percent of overall trainings are Tier 1 trainings:

Percent of overall trainings are Tier 2 trainings:

Breakdown of funds spent

Percent of budget spent on auditor/QCI trainings:

Percent of budget spent on crew/installer trainings:

Percent of budget spent on management/financial trainings:

U.S. Department of Energy
WEATHERIZATION ASSISTANCE PROGRAM (WAP)
STATE PLAN/MASTER FILE WORKSHEET

(Grant Number: EE0007952, State: TX, Program Year: 2019)

n/a



WEATHERIZATION HEALTH AND SAFETY PLAN

TEXAS WEATHERIZATION CONTACT INFORMATION

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Weatherization Grantee Health and Safety Plan

1.0 – GENERAL INFORMATION

Grantees are encouraged to enter additional information here that does not fit neatly in one of the other sections of this document.

Allowable Department of Energy (DOE) related health and safety (H&S) actions and expenditures are those necessary to maintain the physical well-being of both the occupants and/or weatherization workers where:

- Costs are reasonable as determined by The Department of Energy (DOE) in accordance with this approved Master Plan;
- The actions must be taken to effectively perform weatherization; or
- The actions are necessary as a result of weatherization work.

This plan will provide guidance to the Texas Weatherization Network. Health and Safety issues will be identified by Program Assessors during the initial assessment. Weatherization Crews (either subcontracted or in house) will perform the task(s) identified in the initial assessment and listed in the work order(s).

Weatherization agencies and their representatives, including subcontractors, are required to take all reasonable precautions against performing work on homes that will subject the occupants or themselves to health and/or safety risks. In cases where an occupant’s health is fragile, or an occupant has been identified to have a health condition, including allergies, and/or the crew work activities would themselves constitute a health and/or safety hazard, the occupant(s) at risk shall be required to leave during the performance of the work activities. In cases where an occupant is identified as having an allergy to a specific weatherization material, that material will not be installed. If comparable alternative materials are available and the occupant has no known allergies to the alternative materials and they meet DOE regulations, crews/contractors may substitute the alternative material(s). If no safe alternative material meeting DOE standards is available, the measure shall not be installed. This must be well documented in the client file.

This health and safety plan is taken from a DOE approved template. The text at the top of the template is boilerplate language and may not always apply to activities described in TDHCA’s DOE plan. Capitalized terms in the Plan have definitions in Chapters 1, 2, or 6 of Part 1, Title 10 of the Texas Administrative Code.

2.0 – BUDGETING

Grantees are encouraged to budget Health & Safety (H&S) costs as a separate category and, thereby, exclude such costs from the average cost per unit cost (ACPU) limitation. This separate category also allows these costs to be isolated from energy efficiency costs in program evaluations. Grantees are reminded that, if H&S costs are budgeted and reported under the program operations category rather than the H&S category, the related H&S costs must be included in the calculation of the ACPU and cost-justified through the approved energy audit.

Select which option is used below.

Separate Health and Safety Budget

Contained in Program Operations

3.0 – HEALTH AND SAFETY EXPENDITURE LIMITS

Pursuant to [10 CFR 440.16\(h\)](#), Grantees must set H&S expenditure limits for their Program, providing justification by explaining the basis for setting these limits and providing related historical experience.

Low percentages should include a statement of what other funding is being used to support H&S costs, while larger percentages will require greater justification and relevant historical support. It is possible that these limits may vary depending upon conditions found in different geographical areas. These limits must be expressed as a percentage of the ACPU. For example, if the ACPU is \$5,000, then an average expenditure of \$750 per dwelling would equal 15 percent expenditures for H&S.

15 percent is not a limit on H&S expenditures but exceeding this amount will require ample justification. These funds are to be expended by the Program in direct weatherization activities. While required as a percentage of the ACPU, if budgeted separately, the H&S costs are not calculated into the per-house limitation. DOE strongly encourages using the table below in developing justification for the requested H&S budget amount. Each H&S measure the Grantee anticipates addressing with H&S funds should be listed along with an associated cost for each measure, and by using historical data the estimated frequency that each measure is installed over the total production for the year.

It is also recommend reviewing recent budget requests, versus expenditures to see if previous budget estimates have been accurate. The resulting "Total Average H&S Cost per Unit" multiplied by the Grantee's production estimate in the Annual File should correlate to the H&S budget amount listed in the Grantee's state plan.

Should a Grantee request to have more than 15 percent of Program Operations used for health and safety purposes, DOE will conduct a secondary level of review. DOE strongly encourages use of this H&S template and matrix to help expedite this process

DOE PY2019 Health and Safety Measures Matrix*

**Below measures are actual data from Subgrantees; however, TDHCA believes cost and frequency to be too high and therefore has adjusted the Average Health & Safety Cost per Unit (highlighted in green below) to be more in line with what the Department believes based on historical data.*

<u>Measure</u>	<u>Cost (\$)</u>	<u>Frequency %</u>	<u>Auto Calc</u>
Bath Ventilation	\$ 130.00	20%	\$ 26.00
Kitchen Ventilation	\$ 395.00	20%	\$ 79.00
Lead Safe Work, Renovation, Repair, Painting	\$ 250.00	2%	\$ 5.00
Energy Recovery Ventilator	\$ 900.00	40%	\$ 360.00
Plumbing Repair	\$ 1,402.00	30%	\$ 420.60
Furnace Replacement	\$ 1,600.00	20%	\$ 320.00
CAZ Construction	\$ 386.00	2%	\$ 7.72
CO Detector	\$ 43.00	59%	\$ 25.37
Smoke Alarms	\$ 42.88	52%	\$ 22.30
Gas Pipe/Gas Line	\$ 1,750.00	4%	\$ 70.00
HVAC Repair Trip Charge	\$ 95.00	4%	\$ 3.80
Lead Test	\$ 55.00	86%	\$ 47.30
Remove/Cap/Seal Bath Wall Heater	\$ 73.25	29%	\$ 21.24
Smart Exhaust Switch Air Cyclor SE1	\$ 90.00	86%	\$ 77.40
Vent Exhaust Fan to Exterior	\$ 150.00	89%	\$ 133.50
Vent new furnace to code (all materials)	\$ 182.50	11%	\$ 20.08
Vent new space heater to code (all materials)	\$ 200.83	7%	\$ 14.06
Vent water heater to Code (all materials)	\$ 200.83	43%	\$ 86.36
Water heater building	\$ 673.75	4%	\$ 26.95
Wire to Light Switch with Existing Exhaust Fan	\$ 56.25	25%	\$ 14.06
Wire to Light Switch with No Existing Exhaust Fan	\$ 110.00	68%	\$ 74.80
Replace Shut-Off Valve	\$ 180.00	4%	\$ 7.20
Replace Drain Pan	\$ 150.00	4%	\$ 6.00
Run Temp and Pressure Line	\$ 150.00	4%	\$ 6.00
ASHRAE Exhaust Fan	\$ 394.00	88%	\$ 346.72
Vent Existing Exhaust Fan	\$ 223.00	45%	\$ 100.35
Type B Vent Pipe	\$ 265.00	21%	\$ 55.65
Hi Low Venting	\$ 48.00	42%	\$ 20.16
HVAC System Replacement	\$ 4,284.00	21%	\$ 899.64
Natural Gas Appliance Drip Leg	\$ 59.00	15%	\$ 8.85
Water heater replacement	\$ 2,225.00	3%	\$ 66.75
Remove Unvented Space Heater Cap Line	\$ 150.00	3%	\$ 4.50
Temperature Pressure Valve	\$ 60.00	9%	\$ 5.40
Total Average H&S Cost per Unit:			960
Enter Estimated Production (Annual File IV.2 WAP Production Schedule)			877
Enter Estimate Program Operations Budget			4,771,271
H&S Budget (Total Average H&S Cost Per Unit*Estimated Production)			841,920
Requested H&S Percentage Per Unit (H&S Budget/Program Operations)			17.65

4.0 – INCIDENTAL REPAIR MEASURES

If Grantees choose to identify any H&S measures as incidental repair measures (IRMs), they must be implemented as such under the Grantee's weatherization program in all cases – meaning, they can never be applied to the H&S budget category. In order to be considered IRMs, the measure must fit the following definition and be cost justified along with the associated efficiency measure;

Incidental Repairs means those repairs necessary for the effective performance or preservation of weatherization materials. Such repairs include, but are not limited to, framing or repairing windows and doors which could not otherwise be caulked or weather-stripped and providing protective materials, such as paint, used to seal materials installed under this program. (10 CFR 440 "Definitions")

5.0 – DEFERRAL/REFERRAL POLICY

Deferral of services may be necessary if H&S issues cannot be adequately addressed according to WPN 17-06 guidance. The decision to defer work in a dwelling is difficult but necessary in some cases. This does not mean that assistance will never be available, but that work must be postponed until the problems can be resolved and/or alternative sources of help are found. If, in the judgment of the auditor, any conditions exist which may endanger the health and/or safety of the workers or occupants, the unit should be deferred until the conditions are corrected. Deferral may also be necessary where occupants are uncooperative, abusive, or threatening. Grantees must be specific in their approach and provide the process for clients to be notified in writing of the deferral and what conditions must be met for weatherization to continue. Grantees must also provide a process for the client to appeal the deferral decision to a higher level in the organization.

Grantee has developed a comprehensive written deferral/referral policy that covers both H&S, and other deferral reasons?

Yes No

Where can this deferral/referral policy be accessed?

[10 TAC RULE §6.415](#)

6.0 – HAZARD IDENTIFICATION AND NOTIFICATION FORM(S)

Documentation forms must be developed that include at a minimum: the client's name and address, dates of the audit/assessment and when the client was informed of a potential H&S issue, a clear description of the problem, a statement indicating if, or when weatherization could continue, and the client(s) signature(s) indicating that they understand and have been informed of their rights and options.

Documentation Form(s) have been developed and comply with guidance?

Yes No

7.0 – HEALTH AND SAFETY CATEGORIES

For each of the following H&S categories identified by DOE:

- Explain whether you concur with existing guidance from WPN 17-06 and how that guidance will be implemented in your Program, if you are proposing an alternative action/allowability, or if the identified category will not be addressed and will always result in deferral. Alternatives must be comprehensively explained and meet the intent of DOE guidance.
- Where an Action/Allowability or Testing is “required” or “not allowed” through WPN 17-06, Grantees must concur, or choose to defer all units where the specific category is encountered.
- “Allowable” items under WPN 17-06 leave room for Grantees to determine if the category, or testing, will be addressed and in what circumstances.
- Declare whether DOE funds or alternate funding source(s) will be used to address the particular category.
- Describe the explicit methods to remedy the specific category.
- Describe what testing protocols (if any) will be used.
- Define minimum thresholds that determine minor and major repairs
- Identify minimum documentation requirements for at-risk occupants
- Discuss what explicit steps will be taken to educate the client, if any, on the specific category if this is not explained elsewhere in the Plan. Some categories, like mold and moisture, require client education.
- Discuss how training and certification requirements will be provided for the specific category. Some categories, like Lead Based Paint, require training.
- Describe how occupant health and safety concerns and conditions will be solicited and documented

Grantees may include additional H&S categories for their particular Programs. Additional categories must include, at a minimum, all of the same data fields as the DOE-provided categories. Two additional tables have been created to utilize.

7.1 – AIR CONDITIONING AND HEATING SYSTEMS

Concurrence, Alternative, or Deferral

Concurrence with Guidance Alternative Guidance Results in Deferral

Air Conditioning Unallowable Measure Heating Unallowable Measure

Funding

DOE LIHEAP State Utility Other

How do you address unsafe or non-functioning primary heating/cooling systems?

“Red tagged”, inoperable, or nonexistent primary heating and/or cooling system replacement, repair, or installation is allowed due to extreme climate conditions in Texas for Vulnerable Populations.

Texas’ climate conditions include climate zones 2A, 2B, 3A, 3B, and 4B which can be described as Hot-Humid, Hot-Dry, and Mixed-Dry. This diversity in climate conditions requires Texas to have the flexibility to address all scenarios related to providing heating and cooling to Vulnerable Populations.

Subgrantee will use the ACCA approved Manual J to determine proper sizing of replacement heating and cooling appliances. All heating and cooling systems will be evaluated as an energy conservation measure before consideration as a health and safety measure.

If the heating/cooling system issue is determined to be beyond the scope of DOE WAP, weatherization agencies will defer the work and refer the client to other resource agencies who may be able to address the problem. Texas’ deferral policy and protocols shall always be strictly adhered to when deferring weatherization work. If the client is completely without cooling or heating, the weatherization agencies shall make a referral to an agency with funding that can provide Vulnerable Population clients with a portable air conditioner or temporary means of heat, such as a portable heat pump or blankets.

Texas requires HVAC system installation to follow local and state code and it must be performed by a licensed HVAC professional. Weatherization agencies may subcontract licensed HVAC companies/individuals to perform heating/cooling systems installations and repairs if they follow proper state procurement procedures.

When replacing a primary wood stove in a mobile/manufactured home the new unit must be listed for use with manufactured homes, and must be installed in accordance with their listings. Units that are not manufacturer approved, discovered during an initial assessment, should be replaced with an approved manufactured home appliance, under H&S. All state and local codes must be followed.

Vented space heaters shall be treated as furnaces. Combustion safety testing is required when combustion appliances are present. Weatherization Assessors and Final Inspectors must conduct the combustion appliance safety inspection. This includes all of the following: carbon monoxide testing, draft measurement, spillage evaluation, worst case depressurization of the combustion appliance zone (CAZ), a safe flue pipe, chimney or vent, adequate combustion air, and gas leakage as applicable. Combustion safety test results must be acted upon appropriately according to the Standard Work Specifications and BPI protocols.

How do you address unsafe or non-functioning secondary heating systems, including unvented secondary space heaters?

Maintenance and repair of secondary heating units is allowed.

Minor maintenance activities can be performed for traditional open masonry fireplaces and wood burning stove/pellet stoves. This would be a health and safety issue requiring photo documentation and receipt of services by the professional with a description of what services were performed. Inspection, repair and or cleaning shall be sub-contracted to a qualified solid fuel heating system vendor

An unsafe, unrepairable open masonry fireplace would be treated similarly to that of an unvented space heater if it is the primary source of heat. The fireplace must be rendered inoperable and replaced with a vented heating unit. The type of existing fuel will dictate the replacement. If the client has a combustion fuel source (e.g. - gas, propane, etc) then seal up the fireplace, and add a vented gas heater.

Testing will be required to assure adequate supply of electricity is available for existing standalone electric space heaters. This will be accomplished through the use of three wire circuit testers, GFI electrical outlet testers, and line voltage testers. Repair, replacement or installation is not allowed. Removal is recommended.

Removal is required, except as secondary heat where the unit conforms to ANSI Z21.11.2. Units that do not meet ANSI Z21.11.2 must be removed prior to weatherization but may remain until a replacement heating system is in place.

Testing for air-free carbon monoxide (CO) is to be performed. All units must have an ANSI Z21.11.1 label, and meet IRC and IFGC codes. The client must be informed of the dangers of unvented space heaters – CO, Moisture, and NO2. CO can be dangerous even if CO alarm does not sound.

Assessors must calibrate the CO tester outside the home and test the ambient air in the home; following the standards in the Standard Works Specifications:

- Perform an inspection of the heater. Any of the following conditions are grounds for repair or replacement:
 - Carbon monoxide (CO) test indicates ambient CO levels above 35 PPM
 - Bad burners (missing, broken, or otherwise un-repair-able)
 - Cross-fueled (between NG and LPG) and the orifices and/or pressure regulator have not been changed
 - Missing radiants
 - Open flame burners
 - Rubber supply lines
 - Charring or scorching

If the cause cannot be determined, Subgrantee must calibrate equipment and re-test. If still indeterminable, refer to local gas company. Any time replacement is deemed necessary, first consider performing the replacement as an ECM (energy saving measure) before replacing as a Health & Safety measure.

Indicate Documentation Required for At-Risk Occupants
The application will be used to determine if a household includes Vulnerable Populations (also known as at-risk occupants). Vulnerable Populations are defined as Elderly (60 or older), Disabled or Children 5 and younger.
Testing Protocols
<p>Make sure primary systems are present, operable, and performing correctly.</p> <p>Check DOE-approved audit to determine if the system can be installed as an energy conservation measure (ECM) prior to replacement as an H&S measure.</p> <p>Determine and document presence of Vulnerable Populations when installing air-conditioning as a Health and Safety (H&S) measure.</p> <p>On combustion equipment, inspect chimney and flue and test for Combustion Appliance Zone (CAZ) depressurization.</p> <p>For solid fuel appliances look for visual evidence of soot on the walls, mantel or ceiling or creosote staining near the flue pipe.</p>
Client Education
<p>When deferral is necessary, provide information to the client, in writing, describing conditions that must be met in order for weatherization to commence. A copy of this notification must also be placed in the client file.</p> <p>Discuss appropriate use and maintenance of units.</p> <p>Provide all paperwork and manuals for any installed equipment.</p> <p>Discuss and provide information on proper disposal of bulk fuel tanks when not removed as part of the weatherization work.</p> <p>Where combustion equipment is present, provide safety information including how to recognize depressurization.</p>
Training
<p>Licensing and/or certification for HVAC installers as required by authority having jurisdiction (AHJ).</p> <p>CAZ depressurization test and inspection training.</p> <p>Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees etc.</p>

7.2 - ASBESTOS - ALL

What is the blower door testing policy when suspected Asbestos Containing Material (ACM) is identified?

This is not allowed if vermiculite is present. Subgrantee will inspect pipe and other coverings for asbestos. Encapsulation is allowed by an AHERA asbestos control professional, and should be conducted prior to any blower door testing if the materials are friable.

7.2a – Asbestos - in siding, walls, ceilings, etc.

Concurrence, Alternative, or Deferral

Concurrence with Guidance Alternative Guidance Results in Deferral

Funding

DOE LIHEAP State Utility Other

How do you address suspected ACM's in siding, walls, or ceilings that will be disturbed through the course of weatherization work?
Asbestos is the name given to a number of naturally occurring fibrous minerals with high tensile strength, the ability to be woven, and resistance to heat and most chemicals. Because of these properties, asbestos fibers have been used in a wide range of manufactured goods, including roofing shingles, ceiling and floor tiles, paper and cement products, textiles, coatings, and friction products such as automobile clutch, brake and transmission parts. It is difficult to tell whether a material contains asbestos simply by looking at it, unless it is labeled. If in doubt, treat the material as if it contains asbestos. Do not dust, sweep, or vacuum debris that may contain asbestos. Never saw, sand, scrape, or drill holes in asbestos materials.
Removal of siding is allowed to perform energy conservation measures. All precautions must be taken not to damage siding. Asbestos siding should never be cut or drilled. It is recommended, where possible, to insulate through home interior to avoid disturbing or removing the asbestos siding on the exterior of the home.
Testing Protocols
Testing is allowed by a certified AHERA tester. Visual inspection of exterior wall surface and subsurface, floors, walls, and ceilings for suspected ACM is required prior to drilling or cutting.
Client Education
In every instance, clients shall be informed both verbally and in writing that suspected asbestos containing materials are present. Clients shall also be informed as to the precautions that will be taken. Client written materials shall include information about the potential health risks associated with asbestos.
Training and Certification Requirements
The OSHA Fact Sheet on Asbestos is available on the Department's website under Health and Safety for all Subgrantees' use: http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm . Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees, etc. AHERA certification required for testing and allowable removal.

7.2b – Asbestos - in vermiculite				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
How do you address suspected ACM's in vermiculite that will be disturbed through the course of weatherization work?				
When vermiculite is present, unless testing determines otherwise, take precautionary measures as if it contains asbestos, such as not using blower door tests and utilizing personal air monitoring while in attics. Where blower door tests are performed, it is a best practice to perform pressurization instead of depressurization. Encapsulation by an AHERA certified asbestos control professional shall be allowed. Removal shall not be allowed.				
Testing Protocols				
Testing is allowed by a certified AHERA tester.				

Client Education
In every instance, clients shall be informed both verbally and in writing that suspected asbestos containing materials are present. Clients shall also be informed as to the precautions that will be taken. Client written materials shall include information about the potential health risks associated with asbestos.
Training and Certification Requirements
The OSHA Fact Sheet on Asbestos is available on the Department's website under Health and Safety for all Subgrantees' use: http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm . Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees, etc. AHERA certification required for testing and allowable removal.

7.2c – Asbestos - on pipes, furnaces, other small covered surfaces				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
How do you address suspected ACM's (e.g., pipes, furnaces, other small surfaces) that will be disturbed through the course of weatherization work?				
Inspect pipes, furnaces, and other coverings for asbestos. Encapsulation is allowed by an AHERA asbestos control professional and should be conducted prior to any blower door testing. Removal may also be allowed by an AHERA asbestos control professional based on the situation as determined by the inspector or Agency Representative				
Testing Protocols				
Testing is allowed by a certified AHERA tester.				
Client Education				
In every instance, clients shall be informed both verbally and in writing that suspected asbestos containing materials are present. Clients shall also be informed as to the precautions that will be taken. Client written materials shall include information about the potential health risks associated with asbestos.				
Training and Certification Requirements				
The OSHA Fact Sheet on Asbestos is available on the Department's website under Health and Safety for all Subgrantees' use: http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm . Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees, etc. AHERA certification required for testing and allowable removal.				

7.5 – BIOLOGICALS AND UNSANITARY CONDITIONS (ODORS, MUSTINESS, BACTERIA, VIRUSES, RAW SEWAGE, ROTTING WOOD, ETC.)		
Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Unallowable Measure <input type="checkbox"/>		

Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
What guidance do you provide Subgrantees for dealing with biological and/or unsanitary conditions in homes slated for weatherization?				
<p>Remediation of conditions that may lead to or promote biological concerns and unsanitary conditions is allowed. Addressing bacteria and viruses is not an allowable cost. Deferral may be necessary in cases where a known agent is present in the home that may create a serious risk to occupants or weatherization workers.</p> <p>The use of personal protective equipment shall be strictly enforced. Respirators, protective eyewear, and protective clothing will be worn when there is suspicion or knowledge that biological agents may be present in order to eliminate or minimize crew exposure.</p> <p>In the past, remediation of conditions listed under this health and safety category was not allowed. It is allowable under WPN 17-7, except for the removal of known bacteria and viruses. Texas will assess the cost effectiveness and necessity of remediation of conditions that lead to or promote biological concerns and unsanitary conditions, on a case by case basis.</p>				
Testing Protocols				
A sensory inspection is required.				
Client Education				
Client must be informed of observed conditions. Clients must be provided information and explanation on how to maintain a sanitary home and steps to correct deferral conditions, if applicable.				
Training				
<p>On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm.</p> <p>Additional training specific to identifying structural and roofing issues will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees, etc.</p>				

7.6 – BUILDING STRUCTURE AND ROOFING		
Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Funding		
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>
Utility <input type="checkbox"/>	Other <input type="checkbox"/>	

What guidance do you provide Subgrantees for dealing with structural issues (e.g., roofing, wall, foundation) in homes slated for weatherization?
<p>Building rehabilitation is beyond the scope of the WAP. Homes with conditions that require more than incidental repair should be deferred.</p> <p>While conducting the initial audit, the building structure shall be inspected for structural integrity. Minor repairs to protect the DOE materials installed may be performed to protect the energy saving investment. Dwellings whose structural integrity is in question should be referred to agencies that deliver HUD funds or other appropriate local and state agencies. Weatherization services may need to be delayed or deferred until the dwelling can be made safe for crews/contractors and occupants. Incidental (minor) repairs necessary to effectively perform or preserve weatherization materials/measures are allowed. Examples of these include sealing minor roof leaks to preserve new attic insulation and repairing water-damaged flooring as part of replacing a water heater. Incidental structural repairs shall not include cosmetic applications, such as replacing a floor covering such as a carpet or linoleum. Only the structural part shall be replaced/repaired.</p>
How do you define “minor” or allowable structure and roofing repairs, and at what point are repairs considered beyond the scope of weatherization?
<p>Minor repairs would be repairs that are necessary for weatherization work to proceed, but that can be justified in the whole house SIR by the site-specific audit. Repairs would be beyond the scope of weatherization when causing the whole house SIR to drop below one.</p>
If priority lists are used, and these repairs are designated as Incidental Repairs, at what point is a site-specific audit required?
N/A – Priority List is not used.
Client Education
<p>Clients shall be notified verbally and in writing regarding any structurally compromised areas. Appropriate referral resources shall also be provided to the client.</p>
Training
<p>On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm. Additional training specific to identifying structural and roofing issues will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees etc.</p>

7.7 – CODE COMPLIANCE				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>

What guidance do you provide Subgrantees for dealing with code compliance issues in homes receiving weatherization measures?
<p>Correction of pre-existing code compliance issues is not an allowable cost other than where weatherization measures are being conducted. When correction of preexisting code compliance issues is triggered and paid for with WAP funds, Subgrantee must cite specific code requirements with reference to the weatherization measure(s) that triggered the code compliance issue in the client file.</p> <p>State and local (or jurisdiction having authority) codes must be followed while installing weatherization measures. Condemned properties and properties where “red tagged” health and safety conditions exist that cannot be corrected under this guidance should be deferred.</p> <p>WAP funds may be used when weatherization measures are being conducted. They may not be used simply to correct pre-existing code compliance issues.</p> <p>Acquire all required permits and licenses pertinent to installing weatherization measures. These vary by jurisdiction and it is the responsibility of each Subgrantee agency to know what the codes are in each of the areas they work, as well as what permits and licenses are required in each of the areas they work.</p>
What specific situations commonly trigger code compliance work requirements for your network? How are they addressed?
<p>Condemned properties shall be deferred. Properties where “red-tagged” health and safety conditions exist, structural instability or damage (roof), electrical wiring type, condition or provisioning deficiencies, sewage drainage deficiencies that cannot be addressed with DOE H&S funding, should be deferred.</p>
Client Education
<p>Inform client of observed code compliance issues. Make appropriate referrals as necessary.</p>
Training
<p>The Department is working with the State Energy Conservation Office (DOE State Energy Program Subgrantee and is the State Authority to adopt code) on a collaborative effort to address code compliance issues. The group will address code education throughout the state of Texas. Classes will be available to all Subgrantees to attend at a nominal fee set by the group to cover costs.</p>

7.8 – COMBUSTION GASES				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>

Testing Protocols

IRC 2015

D.2 Occupant and Inspector Safety. Prior to entering a building, the inspector should have both a combustible gas detector (CGD) and CO detector turned on, calibrated, and operating. Immediately upon entering the building, a sample of the ambient atmosphere should be taken.

A complete mechanical systems assessment is required to be completed on every home. The procedure includes collecting general information; collecting and recording mechanical systems information; visual and diagnostic inspection of the venting and distribution system; and, combustion analysis and diagnostic testing of gas/propane fired equipment, and post-installation safety tests for CO. Combustion safety testing is required when combustion appliances are present. Pre and post combustion appliance safety inspections include all of the following: carbon monoxide testing, draft measurement, spillage evaluation, and worst case depressurization of the combustion appliance zone (CAZ).

As applicable, every combustion appliance will be checked for a safe flue pipe, chimney or vent, adequate combustion air, and gas leakage. DOE will not permit any DOE-funded weatherization work where the dwelling unit is heated with an unvented gas- and/or liquid-fueled space heater as the primary heat source. In such cases the primary space heater must be removed and a vented code compliant heat source must be installed prior to the installation of weatherization measures. DOE will allow unvented gas- or liquid-fueled space heaters to remain as secondary heat sources provided they comply with ANSI Z21.11.2, the IRC, and the IFGC. LIHEAP-WAP may replace non-compliant secondary unvented gas- or liquid-fueled space heaters.

Client shall be provided with combustion safety and hazards information, including the importance of using exhaust ventilation when cooking and keeping burners clean to limit the production of CO.

Best Practice:

- [Combustion Appliance Zone \(CAZ\) Testing](#)
- [Isolating the Combustion Appliance Zone \(CAZ\)](#)

How are crews instructed to handle problems discovered during testing, and what are the specific protocols for addressing hazards that require an immediate response?

Proper venting to the outside for combustion appliances, including gas dryers, is required. Correction of venting is allowed when testing indicates a problem.

Based on CGD and CO detector readings, the inspector should take the following actions:

(1) The CO detector indicates a carbon monoxide level of 70 ppm or greater. The inspector should immediately notify the occupant of the need for themselves and any building occupant to evacuate; the inspector shall immediately evacuate and call 911.

(2) Where the CO detector indicates a reading between 30 ppm and 70 ppm. The inspector should advise the occupant that high CO levels have been found and recommend that all possible sources of CO should be turned off immediately and windows and doors opened. Where it appears that the source of CO is a permanently installed appliance, advise the occupant to keep the appliance off and have the appliance serviced by a qualified servicing agent.

(3) Where CO detector indicates CO below 30 ppm the inspection can continue.

Client Education

Client shall be provided with combustion safety and hazards information, including the importance of using exhaust ventilation when cooking and the importance of keeping burners clean to limit the production of CO.

Training
<p>On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm.</p> <p>Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees etc.</p>

7.9 – ELECTRICAL

Concurrence, Alternative, or Deferral

Concurrence with Guidance Alternative Guidance Results in Deferral

Funding

DOE LIHEAP State Utility Other

What guidance do you provide Subgrantees for dealing with electrical hazards, including knob & tube wiring, in homes slated for weatherization?

Minor electrical repairs are allowed where health or safety of the occupant(s) may be at risk. Upgrades and repairs are allowed when necessary to perform specific weatherization measures.

Aluminum wiring should be thoroughly inspected before any insulation work is done. If aluminum wiring is found to be active and in the areas to be insulated, no insulation should be added. When electrical repairs within the scope of the DOE WAP are required, the typical standard of remedy shall be to subcontract the repair work to a licensed electrician. All appropriate procurement procedures shall be followed when subcontracting. Testing shall include visual inspection, as well as voltage drop and voltage detection testing. Provide client information on overloading circuits and electrical safety and risks.

How do you define “minor” or allowable electrical repairs, and at what point are repairs considered beyond the scope of weatherization?

Minor upgrades and repairs necessary for weatherization measures and where the health or safety of the occupant(s) is at risk may be allowed. Examples of minor repairs include exposed electrical connections, damaged or nonworking switches and receptacles, and damaged or unsafe electrical wire conditions.

Prior to insulating around Knob and Tube wiring, cost effectiveness must be evaluated and barriers must be installed to keep insulation at least three inches from the K&T. If K&T is permanently disabled (cannot be energized again) then it may be insulated over.

Best Practice:

- [Knob & Tube Wiring](#)

If priority lists are used, and these repairs are designated as Incidental Repairs, at what point is a site-specific audit required?

N/A – Priority List is not used.

Client Education

Provide information on overloading circuits and electrical safety and risks.

Training
<p>On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm.</p> <p>Additional training for how to identify electrical hazards and code compliance will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees etc.</p>

7.10 – FORMALDEHYDE, VOLATILE ORGANIC COMPOUNDS (VOCs), FLAMMABLE LIQUIDS, AND OTHER AIR POLLUTANTS

Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>

Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>

What guidance do you provide Subgrantees for dealing with formaldehyde, VOCs, flammable liquids, and other air pollutants identified in homes slated for weatherization?

WAP workers may not remove pollutants. Removal of pollutants must be done by the client or a contracted professional prior to weatherization work being performed. If pollutants pose a risk to workers and removal cannot be performed by a professional or the client refuses to remove the pollutants, the unit must be deferred.

Visual, sensory, combustion appliances inspection/testing and completion of Client Questionnaire and Inspection Checklist shall be the primary detection method. All reasonable steps shall be taken to limit worker exposure to VOCs, air pollutants and biological contaminants utilizing OSHA PPE guidelines. Many VOCs are human-made chemicals that are used and produced in the manufacture of paints, paint thinner, petroleum fuels, sealants, and refrigerants. When using products known to emit VOCs, increase ventilation is required. Meet or exceed any label precautions. Identify, and if possible, have client or a contracted professional remove the source. Biological contaminants include bacteria, molds, mildew, viruses, animal dander and cat saliva, house dust, mites, cockroaches, and pollen. Identification of these contaminants can indicate elevated relative humidity level in a home and improper ventilation which would need to be addressed. State and local codes and regulations regarding disposal of toxic household wastes must be followed. Texas WAP crews/contractors shall take every precaution necessary to minimize exposure to air pollutants.

When using chemicals and products that may contain any of the pollutants within this category, strict adherence to label instructions and precautions shall be required. Known pollutants must be removed by the client or a contracted professional prior to performance of weatherization work.

- Health and Safety Guidance
- [EPA Guidance on Common Household Wastes & Materials](#)
 - [Indoor Air Quality](#)

Testing Protocols

Sensory inspection shall be the primary detection method.

Client Education		
Clients must be informed of any conditions and/or associated risks observed. Client must be given written information on safety and proper disposal of household pollutants, if applicable.		
Training		
Guidance on how to recognize potential hazards and when removal is necessary is posted to the Department Website: http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm		
On-going Health & Safety training will continue via regional training, Q&As, and postings of FAQs to Department Website. http://www.tdhca.state.tx.us/community-affairs/wap/guidance.htm		
Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees, etc.		
7.11 – FUEL LEAKS (PLEASE INDICATE SPECIFIC FUEL TYPE IF POLICY DIFFERS BY TYPE)		
Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Funding		
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input type="checkbox"/>
Remediation Protocols		
Natural gas and LP gas piping system inspection and leakage testing will be conducted. An inspection of the accessible gas piping and connections, from the natural gas meter or LP gas tank to a point where the supply line connects to the gas valve of all appliances shall be completed.		
When a minor gas leak is found on the utility side of service, the utility service must be contacted before work may proceed.		
Where the auditor confirms gas leakage or identifies deficiencies in gas piping materials, connections, components, or supports, the deficiencies shall be marked and noted in project documentation. The homeowner/occupant shall be notified that repairs must be made. The auditor shall recommend that the homeowner/occupant immediately notify the gas company and/or a qualified professional to evaluate and perform all necessary repairs. Notify utilities and temporarily halt work when leaks are discovered that are the responsibility of the utility to address.		
How do you define allowable fuel leak repairs, and at what point are repairs considered beyond the scope of weatherization?		
Allowable repairs/replacement includes but is not limited to: Worn and/or leaking flexible gas lines and any flexible connectors manufactured prior to 1973; Worn or damaged gas valves; and Appliance gas valve/regulator housing and connections.		
Client Education		
Inform clients in writing if fuel leaks are detected.		
Training		
Fuel leak testing.		

7.12 – GAS OVENS / STOVETOPS / RANGES

Concurrence, Alternative, or Deferral

Concurrence with Guidance Alternative Guidance Results in Deferral

Funding

DOE LIHEAP State Utility Other

What guidance do you provide Subgrantees for addressing unsafe gas ovens/stoves/ranges in homes slated for weatherization?

Replacement of cook stoves may be done with unrestricted funds from a funding source other than DOE. Repair and cleaning are allowed.

Cook Stoves with high CO:

- Clean or repair.
- If it still has high CO levels, then see if another funding source is able to pay for the stove replacement.
- If no other source, the house must be deferred until the occupant can address the stove.
- Houses with stoves with CO levels of 150 ppm or higher which cannot be remedied must be deferred. The money spent trying to fix it, unsuccessfully, would be charged to Program Support.

The Department has defined maximum acceptable CO readings of stoves as follows:

- (1) 25 parts per million for cook stove burners.
- (2) 150 parts per million for cook stove ovens.

Testing Protocols

Test gas ovens and burners for CO.
Inspect cooking burners and ovens for operability and flame quality.

Client Education

Inform clients of the importance of using exhaust ventilation when cooking and the importance of keeping burners clean to limit the production of CO.

Training

Testing techniques
CO action levels

7.13 – HAZARDOUS MATERIALS DISPOSAL

[LEAD, REFRIGERANT, ASBESTOS, MERCURY (INCLUDING CFLS/FLUORESCENTS), ETC.]
(PLEASE INDICATE MATERIAL WHERE POLICY DIFFERS BY MATERIAL)

Concurrence, Alternative, or Deferral

Concurrence with Guidance Alternative Guidance Results in Deferral

Funding

DOE LIHEAP State Utility Other

Client Education
Inform client in writing of hazards associated with hazardous waste materials being generated/handled in the home.
Training
Appropriate Personal Protective Equipment (PPE) for working with hazardous waste materials. Disposal requirements and locations. Health and environmental risks related to hazardous materials.
Disposal Procedures and Documentation Requirements
Refrigerants shall be pumped into a recovery tank and disposed at an EPA approved site. Proper disposal procedures for Asbestos are available at Texas Commission on Environmental Quality (TCEQ): Special Waste Disposal: http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/msw_specialwaste.html Texas WAP crews/contractors will follow all EPA RRP requirements for disposal of lead as well as state and local code requirements. Disposal procedures for mercury will follow TCEQ guidance available here: https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-377.pdf

7.14 – INJURY PREVENTION OF OCCUPANTS AND WEATHERIZATION WORKERS (MEASURES SUCH AS REPAIRING STAIRS AND REPLACING HANDRAILS)				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
What guidance do you provide Subgrantees regarding allowable injury-related repairs (e.g., stairs, handrails, porch deck board)?				
Workers must take all reasonable precautions against performing work on homes that will subject workers or occupants to health and safety risks. Porch or stair repairs that would be required to make a home safe for weatherization workers are not an allowable measure in the program. Such situations are considered to be beyond the scope of Texas WAP.				
How do you define “minor” or allowable injury prevention measures, and at what point are repairs considered beyond the scope of weatherization? Quantify “minor” or allowable injury prevention measures.				
Minor injury prevention measures can include minor electrical repairs as described in section 7.9. Proper safety protocols should be followed to reduce risk of injury as described in sections 7.20 and 7.23. Any other injury prevention measure would be considered beyond the scope of WAP and shall result in unit deferral.				
Training				
OSHA 10 for crew members and OSHA 30 for supervisors.				

7.15 – LEAD BASED PAINT

Concurrence, Alternative, or Deferral

Concurrence with Guidance Alternative Guidance Results in Deferral

Funding

DOE LIHEAP State Utility Other

Safe Work Protocols

Weatherization requires all weatherization crews/contractors working in pre-1978 housing to be trained in Lead Safe Weatherization (LSW) and follow EPA's Lead; Renovation, Repair and Painting Program (RRP) rule. Deferral is required when the extent and condition of lead-based paint in the house would potentially create further health and safety hazards.

In all pre-1978 homes, crews/contractors must assess the physical condition of the home prior to conducting an audit. Texas recommends assuming that lead paint may be present in any house built prior to 1978 and to follow the proper DOE LSW protocols, OSHA regulations and EPA regulations in all pre-1978 homes. Mobile homes are exempt because lead was not used in the original manufacture of mobile homes. However, crews/contractors must be alert to any mobile home remodels/add-ons that could have contained lead-based paint or varnish.

Texas WAP crews/contractors will follow all EPA RRP requirements for disposal as well as state and local code requirements.

Deferral is required when the extent and condition of lead-based paint in the house would potentially create further H&S hazards.

Only those costs directly associated with the testing and lead safe practices for surfaces directly disturbed during weatherization activities are allowable.

State policy mandates all workers on site on any weatherization project, whether they be a crew based employee of one of the sub-contractors or a private sector contractor, must complete an eight (8) hour Lead Safe Worker Practices Workshop.

Best Practice:

- [Lead-safe Process and RRP Requirement](#)

WX Videos

- [12 Steps to Lead Safety](#)
- [Health & Safety Series: Respirators & Personal Protective Equipment](#)

Health and Safety Guidance

- [Lead; Renovation, Repair, and Painting Program; Lead Hazard Information;](#)
- [Renovate Right](#)

Testing Protocols
Testing is allowed per RRP requirements. Job site set up and cleaning verification is required by a Certified Renovator. Texas WAP crews/contractors will use LSW work practices that decrease the amount of dust generated.
Client Education
All Subgrantees are required to provide a copy of "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools" to an adult occupant prior to work starting on the home. This procedure is documented by a written acknowledgement that the adult occupant has received the brochure and that the information was not only distributed, but also explained, or certify in writing that a brochure had been delivered to an adult occupant and the provider has been unsuccessful in obtaining a written acknowledgement, as directed in the publication. Confirmation of receipt of this brochure by the client will be maintained in the client file.
Training and Certification Requirements
Each Subgrantee must be an EPA Certified Firm and have a Certified Lead Renovator on staff. The Subgrantee is responsible to obtain and maintain the required certifications.
Documentation Requirements
Documentation in the client file must include Certified Renovator certification; any training provided on-site; description of specific actions taken; lead testing and assessment documentation; and, photos of site and containment set up. Include the location of photos referenced if not in file.

7.16 – MOLD AND MOISTURE				
(INCLUDING BUT NOT LIMITED TO: DRAINAGE, GUTTERS, DOWN SPOUTS, EXTENSIONS, FLASHING, SUMP PUMPS, DEHUMIDIFIERS, LANDSCAPE, VAPOR RETARDERS, MOISTURE BARRIERS, ETC.)				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>

What guidance do you provide Subgrantees for dealing with moisture related issues (e.g., drainage, gutters, down spouts, moisture barriers, dehumidifiers, vapor barrier on bare earth floors) in homes slated for weatherization?

Limited water damage repairs can be addressed by weatherization workers. Correction of moisture and mold creating conditions are allowed when necessary in order to weatherize the home and to ensure the long term stability and durability of the measures. Where severe mold-like substance and moisture issues cannot be addressed, deferral is required.

Visual assessment is required and diagnostics such as moisture meters are recommended pre-assessment and prior to final inspection. The assessment shall assure existing mold-like conditions are noted, documented and disclosed to the client; and, shall assure existing building envelope conditions do not contribute to mold-like growth when weatherization measures are applied. Mold-like substance assessment means a visual assessment combined with certain allowable diagnostics. It does not mean testing for mold. **DOE funds may not be used to test for mold-like substances.**

Texas WAP crews/contractors shall follow the Mold/Moisture Assessment Checklist when conducting the mold-like substances assessment at the time of the audit. Assessment shall include a general examination of the building, to include:

- Examine structure, maintenance activities, occupancy patterns
- Visually look for mold-like substances and water staining
- Look for evidence of standing water
- Look for evidence of condensation
- Check basement or crawl space and attic for proper venting and exhaust

Outdoors:

- Soil grade or drainage toward foundation
- Standing water adjacent to foundation
- Wall and roof damage allowing water intrusion
- Missing or blocked rain gutters
- No downspout extensions
- Firewood stacked adjacent to house
- Excessive shrubbery around foundation

Heating/cooling systems:

- Air intakes: debris (organic) vs. clean air
- Filters: dirty, damp, poor type
- Heat exchangers: dirty & damp coils, condensate pans, drainage, stagnant water
- Ducts: contamination, moisture

Occupied Space:

- Plumbing leaks
- Water stains on walls, ceilings and around windows
- Musty odor
- Surface Condensation (especially during mild weather)
- Mold-like substances on carpeting
- Humidifiers
- Window air conditioners
- Lack of bathroom, kitchen exhaust
- Clothes dryer not vented to outside
- Firewood stored indoors
- Wet clothes drying indoors

The DOE Training Resource:

- [Mold and Moisture](#) given by Michael Vogel of MSU Weatherization Training Center is available to all Subgrantees through TDHCA’s website
- [Energy Related Mold and Moisture...awareness and impacts for weatherization](#)

Best Practice:

- [Mold-safe Process](#)

How do you define “minor” or allowable moisture-related measures, and at what point is work considered beyond the scope of weatherization?

Defined in Mold-Safe process flow-chart <http://www.tdhca.state.tx.us/community-affairs/wap/docs/WAP-BP-Mold-Flowchart.pdf>

Client Education
Provide client notification and disclaimer on mold-like substances and moisture awareness. The unified weatherization form that identifies if there are mold-like substances, must be included in the client files, regardless of whether there is mold-like substance in the home or not. A Mold -Like Substance Notification and Release Form for Texas Weatherization Programs must be filled out if mold or mold-like substances are found in the home. Texas Department of State Health Services, Consumer Mold Information Sheet is required to be given to clients who have moisture problems or mold-like substances, as part of client education.
Training
The DOE power-point presentation training on Mold and Moisture given by Michael Vogel of MSU Weatherization Training Center is available to all Subgrantees through TDHCA's website: http://www.tdhca.state.tx.us/community-affairs/wap/wap-training-videos.htm . Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees etc.

7.17 – PESTS				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
What guidance do you provide Subgrantees for dealing with pests and pest intrusion prevention in homes slated for weatherization?				
Pest removal is allowed only where infestation would prevent weatherization or poses a health and safety concern for workers. Infestation of pests may be cause for deferral where it cannot be reasonably removed.				
Determine whether the pest infestation would prevent or hamper the weatherization work. If removal is a viable and cost-effective option, take the necessary steps to remove the pest infestation problem so that the weatherization work can proceed. If removal is not a viable and cost-effective option or significant health and safety risks exist, defer the weatherization work and provide client with appropriate referral information.				
Best Practice:				
<ul style="list-style-type: none"> • Pests 				
Define Pest Infestation Thresholds, Beyond Which Weatherization Is Deferred				
Costs beyond \$50 in labor and materials to mitigate pest infestations will be addressed by TDHCA to determine if deferral is necessary.				
Testing Protocols				
Assessment of presence and degree of infestation and risk to worker.				
Client Education				
Inform client of observed pest condition and associated risks and document in client file.				
Training				
How to assess presence and degree of infestation, associated risks, and deferral policy. Additional training will be handled on an ongoing and as-needed basis as identified by new requirements, new staff hires, results of monitoring reports, requests by Subgrantees etc.				

7.18 – RADON				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
What guidance do you provide Subgrantees around radon?				
<p>TDHCA will provide Subgrantees with a Radon Informed Consent Form and the EPA's <i>A Citizen's Guide to Radon</i>.</p> <p>State specific resources can be found at: https://www.epa.gov/radon/find-information-about-local-radon-zones-and-state-contact-information#stateradon</p> <p>The Texas Department of State Health Services website also contains useful information:</p> <ul style="list-style-type: none"> • Radon 				
Testing Protocols				
Testing in not authorized in Texas WAP as Texas has no areas of "Highest Potential," according to the United States Environmental Protection Agency standards.				
Client Education				
Provide all clients EPA's <i>A Citizen's Guide to Radon</i> and inform them of radon related risks. https://www.epa.gov/radon/citizens-guide-radon-guide-protecting-yourself-and-your-family-radon				
Training and Certification Requirements				
Training will be provided regarding updated requirements per WPN 17-7 including use of the informed consent form.				
Documentation Requirements				
Client signed informed consent form.				

7.19 – SAFETY DEVICES: SMOKE AND CARBON MONOXIDE ALARMS, FIRE EXTINGUISHERS				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>

What is your policy for installation or replacement of the following:

Smoke Alarms:

Smoke alarms may be installed where alarms are not present or are inoperable.

At minimum, all Dwelling Units should have at least one smoke alarm on each level, including one near the combustion zone and at least one near the bedrooms. Ceiling-mounted smoke alarms must be mounted at least 6 inches from any wall. Wall-mounted smoke alarms must be installed at least 6 but less than 18 inches from the ceilings. They should always be installed according to applicable local codes or ordinances.

Smoke Alarms shall be installed per IRC. R314.3 Location. Smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the sleeping room.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In Dwelling Units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section R314.3.

Carbon Monoxide Alarms:

Per ASHRAE 62.2, at least one CO alarm must be present in every home. CO alarms must be installed in all homes with combustion appliances; combustion appliances include: cook stoves, furnaces, water heaters, wood and coal burning stoves. Combustion appliances must be installed to the IRC or local code regulations.

CO alarms must be installed where alarms are not present or are inoperable.

A CO alarm should also be installed in accordance with SWS. CO alarms should be installed in all homes with unvented space heaters (all unvented space heaters must comply with ANSI Z21.11.2) and in all homes where backdrafting could occur in a furnace, space heater, wood stove, fireplace, or water heater. Always install CO alarms according to the manufacturer's instructions.

Don't install CO alarms in these cases:

- In a room that may get too hot or cold for alarm to function properly;
- Within 5 feet of a combustion appliance, vent, or chimney;
- Within 5 feet of a storage area for vapor-producing chemicals;
- Within 12 inches of exterior doors and windows;
- Within a furnace closet or room;
- With an electrical connection to a switched circuit; or
- With a connection to a ground-fault circuit interrupter (GFCI).

R315.3 Location. Carbon monoxide alarms in Dwelling Units shall be installed outside, in the immediate vicinity, of each separate sleeping area. Where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. R315.6.1

General. Household carbon monoxide detection systems shall comply with NFPA 720. Carbon monoxide detectors shall be listed in accordance with UL 2075.

R315.6.4 Combination detectors. Combination carbon monoxide and smoke detectors shall be permitted to be installed in carbon monoxide detection systems in lieu of carbon monoxide detectors, provided that they are listed in accordance with UL 2075 and UL 268.

Fire Extinguishers: A fire extinguisher may be provided in homes with solid fuel burning equipment. The fire extinguisher must be installed according to the manufacturer's standards and local code in the vicinity of the primary heating source.

Testing Protocols

Check existing alarms for operation.
Verify operation of installed alarms.

Client Education

The client will be provided with the manufacturer's information sheet on use of smoke/CO detectors.

Training

Location and code requirements for installation of alarms.

7.20 – OCCUPANT HEALTH AND SAFETY CONCERNS AND CONDITIONS

Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Funding		
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>
Utility <input type="checkbox"/>	Other <input type="checkbox"/>	
What guidance do you provide Subgrantees for soliciting the occupants' health and safety concerns related to components of their homes?		
A Health & Safety Questionnaire/ Checklist for use by Subgrantees can be found under Client and Field Assessment Forms on the Department Website: http://www.tdhca.state.tx.us/communityaffairs/wap/guidance.htm		
What guidance do you provide Subgrantees for determining whether occupants suffer from health conditions that may be negatively affected by the act of weatherizing their home?		
Subgrantee must discuss results of survey with clients and potential measures list to determine if any measures could have an effect on the client's health.		
What guidance do you provide Subgrantees for dealing with potential health concerns when they are identified?		
When a person's health may be at risk and/or the work activities could create an H&S hazard the at-risk occupant will be required to take appropriate action based on the severity of the risk. Temporary relocation of Vulnerable Populations may be allowed. Failure or inability to take appropriate actions will result in a deferral.		
Client Education		
Provide client information of any known risks. Provide worker contact information so client can inform of any issues.		
Documentation Form(s) have been developed and comply with guidance? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

7.21 – VENTILATION AND INDOOR AIR QUALITY

Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Funding		
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>
Utility <input type="checkbox"/>	Other <input type="checkbox"/>	
Identify the Most Recent Version of ASHRAE 62.2 Implemented (optional: identify Addenda used)		
Texas WAP has adopted the ASHRAE 62.2 2016 standard.		
Testing and Final Verification Protocols		
Required measurements, including fan flow of existing fans installed equipment, will be captured on the TDHCA provided Blower Door and Duct Blower Data Sheet (XLS) . Pre and post measurements must be calculated using the ASHRAE 62.2-2016 Calculator or other certified software.		

Client Education
<p>Provide client with information on function, use, and maintenance (including location of service switch and cleaning instructions) of ventilation system and components.</p> <p>Provide client with equipment manuals for installed equipment.</p> <p>Include disclaimer that ASHRAE 62.2 does not account for high polluting sources or guarantee indoor air quality.</p>
Training
<p>Training for use of the new ASHRAE 62.2-2016 Calculator is available on the RedCalc website and TDHCA provides training on the difference between the 2013 and 2016 standard on an as needed basis.</p> <p>Tools and Guides:</p> <ul style="list-style-type: none"> • Exhaust Fan Flow Meter Quick Guide (PDF) • Single-Family Homes: Standard Work Specifications Field Guide (PDF)

7.22 – WINDOW AND DOOR REPLACEMENT, WINDOW GUARDS		
Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Funding		
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input type="checkbox"/>
What guidance do you provide to Subgrantees regarding window and door replacement and window guards?		
<p>Replacement, repair, or installation is not an allowable health and safety cost but may be allowed as an efficiency measure if cost justified.</p> <p>When working on windows follow LSW requirements for pre-1978 homes.</p>		
Testing Protocols		
Not applicable		
Client Education		
Provide written information on lead risks wherever issues are identified.		
Training		
<p>Guidance is provided through two best practices:</p> <p>Window Repair or Replacement</p> <p>Door Repair or Replacement</p>		

7.23 – WORKER SAFETY (OSHA, ETC.)		
Concurrence, Alternative, or Deferral		
Concurrence with Guidance <input checked="" type="checkbox"/>	Alternative Guidance <input type="checkbox"/>	Results in Deferral <input type="checkbox"/>
Funding		
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/> Utility <input type="checkbox"/> Other <input type="checkbox"/>

How do you verify safe work practices? What is your policy for in-progress monitoring?
<p>Workers must follow OSHA standards and Safety Data Sheets (SDS) and take precautions to ensure the health and safety of themselves and other workers. SDS must be posted wherever workers may be exposed to hazardous materials.</p> <p>As part of the safety for crew, assessors will identify health and safety hazards according the OSHA method “Focus Four” which includes, electrical, fall protection, caught in and between, and struck-by hazards. The client will be informed in writing of any hazards and the associated risks that may have been observed.</p> <p>Health and Safety Guidance OSHA Focus Four</p>
Training and Certification Requirements
<p>OSHA 10-hour training for all crew level WAP employees OSHA 30-hour training for all crew leaders All OSHA training shall be updated as required and kept current. SDS must be present at the work sites.</p>

7.24 – WATER HEATERS				
Concurrence, Alternative, or Deferral				
Concurrence with Guidance <input type="checkbox"/>	Alternative Guidance <input checked="" type="checkbox"/>	Results in Deferral <input type="checkbox"/>		
Funding				
DOE <input checked="" type="checkbox"/>	LIHEAP <input type="checkbox"/>	State <input type="checkbox"/>	Utility <input type="checkbox"/>	Other <input type="checkbox"/>
Remediation Protocols				
<p>Replacement or repair of water heaters is allowed on a case by case basis. The Subgrantee must initially attempt to qualify existing Water Heater as an ECM. If the Water Heater does not rank, the Subgrantee may repair or replace the existing unit as a Health and Safety Measure. Further detailed in the Water Heater Replacement Best Practice on the TDHCA Website: http://www.tdhca.state.tx.us/community-affairs/wap/docs/WAP-BP-WaterHeaterRepairorReplace.pdf</p>				
Testing Protocols				
Appropriate combustion appliance testing and water temperature testing.				
Client Education				
Clients shall be given all manufacturers information on the appropriate use and maintenance of water heating units.				
Training				
Combustion Appliance Zone (CAZ) training and identifying potential hazards associated with water heaters.				

PY2019 Monitoring Schedule*

July-September 2019	October - November 2019	January - March 2020	April - June 2020
El Paso Community Action Program, Project Bravo, Inc.	Community Council of South Central Texas, Inc.	Combined Community Action, Inc.	Panhandle Community Services
Big Bend Community Action Committee, Inc.	Hill Country Community Action Association, Inc.	Rolling Plains Management Corporation	Alamo Area Council of Governments
Greater East Texas Community Action Program (GETCAP)	Neighborhood Centers Inc.	Concho Valley Community Action Agency	West Texas Opportunities, Inc.
Brazos Valley Community Action Agency, Inc.	Community Action Committee of Victoria, Texas	Dallas County Department of Health and Human Services	Nueces County Community Action Agency
Community Action Corporation of South Texas	City of Fort Worth	Travis County	South Plains Community Action Association, Inc.
	Economic Opportunities Advancement Corporation of PR XI	Texoma Council of Governments	

* Schedule is subject to change based on production and/or other unforeseen circumstances.

Fiscal/Administrative (F/A)

These reviews will typically be done as a desk review. As often as possible, the F/A reviews will happen in the same month as the technical visit to hopefully end with one comprehensive WAP monitoring report. F/A reviews will be done by any available qualified compliance staff.

Technical/Inspections

These reviews will always be conducted onsite. Inspections will be conducted by state staff that are QCI certified. Full QCI inspections will be conducted on each unit reported as "inspected" by the state. Inspection percentages at each Subrecipient will be based off QCI staff and separation of assignments in accordance with WPN 15-4 (5 or 10%). TDHCA staff will also conduct LIHEAP inspections on the same trip to minimize visits to the Subrecipient, which is why trips begin so early in the DOE program year, because LIHEAP program year ends December 31.

Quoted from the TDHCA Fiscal Year 2019 Monitoring Plan

Monitoring Schedule

The Fiscal Year 2019 monitoring schedule is aggregate in nature. The schedule is created on an as-risk assessed basis. The schedule is maintained on the Compliance Subrecipient Monitoring (CMSM) Calendar in Outlook. A tentative schedule for CSBG and DOE is provided in accordance with the State Plan addendum.

6b

BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on release of the draft Federal Fiscal Years 2020-2021 Community Services Block Grant State Plan for public comment

RECOMMENDED ACTION

WHEREAS, the U.S. Department of Health and Human Services (USHHS) requires that the Department submit a State Plan every two years in order to receive its allotment of Community Services Block Grant (CSBG) funds;

WHEREAS, the Department has prepared a draft Federal Fiscal Years (FFY) 2020-2021 CSBG State Plan (the Plan);

WHEREAS, USHHS requires that a draft Plan be released for public comment and the State requires a public hearing prior to the submission of the Plan to USHHS; and

WHEREAS, an increase of \$50,000 in discretionary funding for Intensive Eligible Entity Assessments due to an increased need for evaluation of several entities as indicated in Section 7.9 and 7.11 of the Plan, will result in a similar increase to the service contract with Community Action Partnership, which the Department intends to renew the contract to perform these services, July 1, 2019, through June 30, 2020, and potentially July 1, 2020, through June 30, 2021;

NOW, therefore, it is hereby

RESOLVED, that the draft Plan, in the form presented to this meeting, is hereby approved to be released for public comment, public hearing, posted on the Department's website and published in the *Texas Register*;

RESOLVED, that if USHHS releases different guidance after Board approval, the Board authorizes staff to make needed conforming changes and non-substantive changes to the Plan, and if necessary to change the public hearing dates and the comment period;

RESOLVED, that the final Plan with consideration for final grant guidance, public comment and technical corrections made by staff, along with award recommendations for eligible entities as indicated in Section 7.2 of the Plan, will be presented to the Board no later than July 2019; and

FURTHER RESOLVED, that per Tex. Gov't Code §2155.088(b)(2), the Board authorizes staff to increase, if necessary, the service contract with Community Action Partnership to perform Assessment services from \$100,000 to up to \$150,000 each year with 2019 or 2020 CSBG funds, as available, to perform services July 1, 2019, through June 30, 2020, and potentially from July 1, 2020, through June 30, 2021.

BACKGROUND

USHHS requires that the State of Texas submit a CSBG State Plan every two years on or before September 1st in order to receive its allotment of CSBG funds. In response to this requirement, the Department has prepared a draft FFY 2020-2021 CSBG State Plan. This draft Plan was released to the network of eligible entities specifically for the purpose of garnering feedback on its development prior to it going to the Board in draft form. The Plan is reflective of the feedback received. The feedback received requested that the Department change the amount of times the Texas Association of Community Action Agencies distributes their electronic newsletter from bi-weekly to bi-monthly.

The Plan, upon approval by the Board, will be posted on the Department's website, published in the *Texas Register*, released for public comment and four public hearings will be held around the state. Public hearings provide the opportunity for comment from the public and the eligible entity network. Public hearings for the Plan will be held as follows:

- Austin - Tuesday, May 28, 2019, 2:00 p.m.-3:00 p.m. in room 116, TDHCA Headquarters, 221 East 11th Street, Austin, TX 78701
- Fort Worth – Tuesday, May 28, 2019, 6:00 p.m.-7:00 p.m. at Southside Community Center, 959 E. Rosedale, Fort Worth, TX 76104
- Odessa - Wednesday, May 29, 2019, 2:00 p.m.- 3:00 p.m. at West Texas Opportunities, 1415 East 2nd, Odessa, TX 79762
- Houston – Thursday, May 30, 2019, 6:00 p.m.-7:00 p.m. at Baker Ripley, Inc., 3838 Aberdeen Way, Houston, TX 77025

The public comment period to accept comments regarding the Plan will be open from Friday, May 10, 2019, through Monday, June 10, 2019, at 5:00 p.m. Austin local time. Written comments concerning the Plan may be submitted to the Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, TX 78711-3941, or by email to gavin.reid@tdhca.state.tx.us, or by fax to (512) 475-3935. Comments are due no later than 5:00 p.m. Austin local time, Monday, June 10, 2019.

Upon completion of the public hearings and public comment period, staff will modify the Plan, if appropriate, based on public comment. Staff will also include any changes required by federal guidance, although staff anticipates they will be minimal, if any. Staff anticipates presenting the revised Plan with consideration for final grant guidance, public comment, technical corrections made by staff, along with recommendations for eligible entity awards as indicated in Section 7.2 of the attached Plan to the Board for review and final approval no later than July 2019.

Per Tex. Gov't Code §2155.088(b)(2) a Governing Board of a state agency must consider a material change to a contract and why that change is necessary. A material change can include increasing the amount of a contract by at least 10 percent. Because there is an increased need for Intensive Assessments among the network of eligible entities, it is staff's recommendation, noted within the Plan, to increase the discretionary funding for Intensive Eligible Entity Assessments from \$100,000 up to \$150,000. This increase will result in an increase in the service contract with Community Action Partnership, the organization that currently provides the intensive third party assessments to assess operations and procedures of eligible entities with critical needs.

In review of the Plan, attached, it should be noted that the Plan follows a template and series of required responses pre-determined by USHHS with character limitations and specific instructions.



STATE OF TEXAS FFY 2020 and FFY 2021

DRAFT

**COMMUNITY SERVICES BLOCK GRANT APPLICATION
AND STATE PLAN**

To be Submitted to

U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

August 2019

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Street Address: 221 East 11th Street, Austin, TX 78701 Mailing Address: PO Box 13941, Austin, TX 78711

Main Number: 512-475-3800 Toll Free: 1-800-525-0657

Email: info@tdhca.state.tx.us Web: www.tdhca.state.tx.us

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SECTION 1

CSBG Lead Agency, CSBG Authorized Official, CSBG Point of Contact, and Official State Designation Letter

1.1. Provide the following information in relation to the lead agency designated to administer CSBG in the State, as required by Section 676(a) of the CSBG Act. The following information should mirror the information provided on the Application for Federal Assistance, SF-424M.

1.1a. Lead agency [**Texas Department of Housing and Community Affairs**]

1.1b. Cabinet or administrative department of this lead agency [**Check One and narrative where applicable**]

- Community Services Department
- Human Services Department
- Social Services Department
- Governor's Office
- Community Affairs Department
- Other, describe:

1.1c. Division, bureau, or office of the CSBG authorized official [**Community Affairs Division**]

1.1d. Authorized official of the lead agency [**Mr. David Cervantes, Acting Director**]

Instructional note: The authorized official could be the director, secretary, commissioner etc. as assigned in the designation letter (attached under item 1.3). The authorized official is the person indicated as authorized representative on the SF-424M.

1.1e. Street address [**221 East 11th Street**]

1.1f. City [**Austin**]

1.1g. State [**Texas**]

1.1h. Zip [**78701**]

1.1i. Telephone number and extension [**512-475-3800**]

1.1j. Fax number [**512-475-3935**]

1.1k. Email address [**david.cervantes@tdhca.state.tx.us**]

1.1l. Lead agency website [www.tdhca.state.tx.us]

1.2. Provide the following information in relation to the designated State CSBG point of contact.

Instructional Note: The State CSBG point of contact should be the person that will be the main point of contact for CSBG within the State.

1.2a. Agency name [**Texas Department of Housing and Community Affairs**]

1.2b. Name of the point of contact [**Michael DeYoung**]

1.2c. Street address [**221 East 11th Street**]

1.2d. City [**Austin**]

1.2e. State [**Texas**]

1.2f. Zip [**78701**]

1.2g. Point of contact telephone number [**512-475-2125**]

1.2h. Fax number [**512-475-3935**]

1.2i. Point of contact email address [michael.deyoung@tdhca.state.tx.us]

1.2j. Point of contact agency website [www.tdhca.state.tx.us]

1.3. Designation Letter: Attach the State's official CSBG designation letter. If either the governor or designated agency has changed, update the letter accordingly. [**Attach a document**]

Instructional Note: The letter should be from the chief executive officer of the State and include, at minimum, the designated State CSBG lead agency and title of the authorized official of the lead agency who is to administer the CSBG grant award.

Per state law, programmatic designations to a State Agency from the Governor remain in effect unless rescinded.

SECTION 2

State Legislation and Regulation

- 2.1. **CSBG State Legislation:** Does the State have a statute authorizing CSBG?
Yes No
- 2.2. **CSBG State Regulation:** Does the State have regulations for CSBG?
Yes No

2.3. If yes was selected in item 2.1 or 2.2, attach a copy (or copies) of legislation and/or regulations or provide a hyperlink(s), as appropriate. **[Attach a document and/or provide a link] Link:**

Texas Government Code, Section 2105:

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2105.htm>

Texas Government Code, Section 2306.092 and 2306.097:

<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2306.htm>

Texas Administrative Code, 10 TAC, Chapter 1:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=1](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=1)

Texas Administrative Code, 10 TAC, Chapter 2:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=2](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=10&pt=1&ch=2)

Texas Administrative Code, 10 TAC, Chapter 6, Subchapter A:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y)

Texas Administrative Code, 10 TAC, Chapter 6, Subchapter B:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=B&rl=Y](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=B&rl=Y)

2.4. State Authority: Select a response for each question about the State statute and/or regulations authorizing CSBG:

2.4a. Did the State legislature enact authorizing legislation, or amendments to an existing authorizing statute, last year? Yes No

2.4b. Did the State establish or amend regulations for CSBG last year? Yes No

2.4c. Does the State statutory or regulatory authority designate the bureau, division, or office in the State government that is to be the State administering agency? Yes No

SECTION 3

State Plan Development and Statewide Goals

3.1. CSBG Lead Agency Mission and Responsibilities: Briefly describe the mission and responsibilities of the State agency that serves as the CSBG lead agency. **[Narrative:**

The mission of the Texas Department of Housing and Community Affairs is to administer its assigned programs effectively, transparently, and lawfully and to invest its resources strategically and deliver high quality affordable housing and community services which allow Texas communities to thrive.

The Department accomplishes this mission by acting as a conduit for federal grant funds for housing and community services. However, because several major housing programs require the participation of private investors and private lenders, TDHCA also operates as a housing finance agency.

Ensuring program compliance with the many state and federal laws that govern all Department programs is another important part of the Department's mission. This ensures the health and safety of TDHCA's housing portfolio and that state and federal resources are expended in an efficient and effective manner.

TDHCA also serves as a financial and administrative resource that helps provide essential services and affordable housing opportunities to Texans who qualify for this assistance based on their income level. Additionally, the Department is a resource for educational materials and technical assistance for housing, housing related, and community services matters.]

3.2. State Plan Goals: Describe the State’s CSBG-specific goals for State administration of CSBG under this State Plan. **[Narrative:** The Agency’s Strategic Plan for Fiscal Years 2019-2023 includes the following measures related to CSBG:

Objective: To ease the hardship of poverty for 8.89 percent of the homeless and very low income persons each year.

Strategy 1: Administer poverty-related funds through a Network of Agencies.

Output Measures:

1. Number of persons assisted through Homeless and Poverty-related funds (Note: this includes CSBG and other grants)
2. Number of persons that achieve income above poverty level
3. Number of persons assisted by the Community Services Block Grant Program]

Instructional Note: For examples of “goals,” see State Accountability Measure 1Sa(i).

Note: This information is associated with State Accountability Measure 1Sa(i) and may pre-populate the State’s annual report form.

3.3. State Plan Development: Indicate the information and input the State accessed to develop this State Plan.

3.3a. Analysis of [Check all that applies and narrative where applicable]

- State Performance Indicators and/or National Performance Indicators (NPIs)
- U.S. Census data
- State performance management data (e.g., accountability measures, ACSI survey information, and/or other information from annual reports)
- Other data (describe) **[Narrative, 2500 characters]**
- Eligible entity community needs assessments
- Eligible entity plans
- Other information from eligible entities, e.g., State required reports (describe) **[Narrative, 2500 characters]**

3.3b. Consultation with [Check all that applies and narrative where applicable]

- Eligible entities (e.g., meetings, conferences, webinars; not including the public hearing)
- State community action association and regional CSBG T & TA providers
- State partners and/or stakeholders (describe) **[Narrative: The Department invites consultation with partners and stakeholders through our Executive Board Meeting, intra-agency councils, workgroups, and public hearings. State employees also attend state association conferences and Board meetings.]**

- National organizations (describe) [Narrative, 2500 characters]
- Other (describe) [Narrative, 2500 characters]

3.4. Eligible Entity Involvement

3.4a. Describe the specific steps the State took in developing the State Plan to involve the eligible entities. **[Narrative:** The State included CSBG eligible entities and the State Association in the development of the Plan and the use of CSBG funds by providing the eligible entities and the State Association with the draft Plan prior to presenting it to the TDHCA Governing Board. The State reviewed their input and determined how to incorporate their feedback into the Plan. Only after that initial input was the plan then presented to the Department’s Board so that it could be released as the draft Plan for an official public comment period lasting 30 days. This period provides the eligible entities and the State Association with a second opportunity to comment on the Plan. There were also four separate public hearings held in different areas of the state to provide input to the Plan.]

Note: This information is associated with State Accountability Measures 1Sa(ii) and may pre-populate the State’s annual report form.

If this is the first year filling out the automated State Plan, skip the following question.

3.4b. Performance Management Adjustment: How has the State adjusted State Plan development procedures under this State Plan, as compared to past plans, in order 1) to encourage eligible entity participation and 2) to ensure the State Plan reflects input from eligible entities? Any adjustment should be based on the State’s analysis of past performance in these areas, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any adjustments, provide further detail.

[The State thoroughly reviewed the results of the ACSI 2017 Survey in developing the Plan; one of the areas of feedback was that eligible entities asked to be able to provide input on the CSBG State Plan prior to the draft being released. In response to that suggestion, the State is garnering input during the early development of the draft Plan, prior to its being approved by the Board as a draft document. The network of eligible entities also requested that the draft Plan be provided to them prior to publication showing the tracked changes and the Department has done so. Some input also asked for the hearings to be held in different areas of the State – not only central Texas - so that the cost to attend a hearing is not cost prohibitive. In response, the Department will hold hearings in four areas of the State. At least one of the hearings is being hosted in West Texas, which is an area of the State not previously selected as a public hearing site prior to 2017. The State has reviewed the most recent ACSI results and considered the input in the development of training and technical assistance in the areas of development of the Community Needs Assessment, implementation of ROMA

Next Generation and the new CSBG Reporting modules, and will continue to utilize input from the Network throughout the period covered by this Plan.]

Note: This information is associated with State Accountability Measures 1Sb(i) and (ii) and may pre-populate the State's annual report form.

- 3.5. Eligible Entity Overall Satisfaction:** Provide the State's target for eligible entity Overall Satisfaction during the performance period: [70]

Instructional Note: The State's target score will indicate improvement or maintenance of the States' Overall Satisfaction score from the most recent American Customer Survey Index (ACSI) survey of the State's eligible entities. (See information about the ACSI in the CSBG State Accountability Measures document.)

Note: Item 3.5 is associated with State Accountability Measure 8S and may pre-populate the State's annual report form.

SECTION 4

CSBG Hearing Requirements

- 4.1. Public Inspection:** Describe how the State made this State Plan, or revision(s) to the State Plan, available for public inspection, as required under Section 676(e)(2) of the Act. **[Narrative:** The Draft Application and State Plan was made available for review at the April 25, 2019, meeting of the TDHCA Governing Board. Subsequently, a public comment period occurred from May 10, 2019, through June 10, 2019, whereby input into the Plan could be provided. The State held public hearings in four separate locations throughout the State at which time the Plan was also available for review. The draft Plan was also posted on the Department's website on April 26, 2019, and a link to the website posting was published in the *Texas Register* on May 10, 2019. Both the Department's website and the *Texas Register* publication announced the public comment period and the public hearing information.]
- 4.2. Public Notice/Hearing:** Describe how the State ensured there was sufficient time and statewide distribution of notice of the public hearing(s) to allow the public to comment on the State Plan, as required under 676(a)(2)(B) of the CSBG Act. **[Narrative:** The State posted notice of the public hearings and the 30-day public comment period on the Department's website April 26, 2019. CSBG eligible entities and the State Association were also notified by e-mail that same day. . Notice of Public Hearings and the Public Comment period were also published in the *Texas Register* on May 10, 2019.]
- 4.3. Public and Legislative Hearings:** Specify the date(s) and location(s) of the public and legislative hearing(s) held by the designated lead agency for this State Plan, as required under Section 676(a)(2)(B) and Section 676(a)(3) of the Act. (If the State has not held a

public hearing in the prior fiscal year and/or a legislative hearing in the last three years, provide further detail).

Instructional Note: The date(s) for the public hearing(s) must have occurred in the year prior to the first Federal fiscal year covered by this plan. Legislative hearings are held at least every three years, and must have occurred within the last three years prior to the first Federal fiscal year covered by this plan.

Public Hearings:

- Austin - Tuesday, May 28, 2019, 2:00 p.m.-3:00 p.m. in room 116, TDHCA headquarters, 221 East 11th Street, Austin, TX
- Fort Worth – Tuesday, May 28, 2019, 6:00 p.m.-7:00 p.m. at Southside Community Center, 959 E. Rosedale, Fort Worth, TX 76104
- Odessa - Wednesday, May 29, 2019, 2:00 p.m.- 3:00 p.m. at West Texas Opportunities offices, 1415 East 2nd, Odessa, TX79762
- Houston –Thursday, May 30 , 2019, 6:00 p.m.-7:00 p.m. p.m. Baker Ripley, Inc. offices, 3838 Aberdeen Way, Houston, TX 77025

Legislative Hearings:

House Committee on Appropriations, February 11, 2019, Texas State Capitol, Austin, Texas

Senate Committee on Finance, January 31, 2019, Texas State Capitol, Austin, Texas

Date	Location	Type of Hearing [Select an option]
<p>Legislative Hearings: House Committee on Appropriations on February 11, 2019 Senate Committee on Finance on January 31, 2019</p>	<p>Texas State Capitol, Austin, Texas</p>	<ul style="list-style-type: none"> • <input type="checkbox"/> Public • <input checked="" type="checkbox"/> Legislative • <input type="checkbox"/> Combined
<p>Public Hearings: Tuesday, May 28, 2019, from 2:00 p.m. - 3:00 p.m. Tuesday, May 28, 2019 from 6:00 p.m. - 7:00 p.m. Wednesday, May 29, 2019, from 2:00 p.m. - 3:00 p.m. Thursday, May 30, 2019 from 6:00 p.m. - 7:00 p.m.</p>	<p>TDHCA headquarters 221 East 11th Street, Room 116, Austin, TX 78701] Southside Community Center, 959 E. Rosedale, Fort Worth, TX 76104 West Texas Opportunities offices, 1415 East 2nd Odessa, TX 79762 Baker Ripley, Inc. offices, 3838 Aberdeen Way, Houston, TX 77025</p>	<ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Public • <input type="checkbox"/> Legislative • <input type="checkbox"/> Combined

ADD a ROW function Note: rows will be able to be added for each additional hearing

4.4. Attach supporting documentation or a hyperlink for the public and legislative hearings. **[Attach a document or provide a hyperlink.]** Note: *Texas Register* Notice is to be added to Plan once notice is published.

SECTION 5

CSBG Eligible Entities

5.1. CSBG Eligible Entities: In the table below, list each eligible entity in the State, and indicate public or private, the type(s) of entity, and the geographical area served by the entity. (This table should include every CSBG Eligible Entity to which the State plans to allocate 90 percent funds, as indicated in the table in item 7.2. Do not include entities that only receive remainder/discretionary funds from the State or tribes/tribal organizations that receive direct funding from OCS under Section 677 of the CSBG Act.)

	CSBG Eligible Entity	Public or Nonprofit	Type of Agency	CSBG Counties Served
1	Aspermont Small Business Development Center, Inc.	Nonprofit	CAA	Haskell, Jones, Kent, Knox, Stonewall, Throckmorton
2	Austin, City of, Health and Human Services Department	Public	Local Government	Travis
3	Big Bend Community Action Committee, Inc.	Nonprofit	CAA	Brewster, Culberson, Hudspeth, Jeff Davis, Presidio
4	Brazos Valley Community Action Agency	Nonprofit	CAA	Brazos, Burleson, Chambers, Grimes, Leon, Liberty, Madison, Montgomery, Robertson, Walker, Waller, Washington
5	Cameron and Willacy Counties Community Projects, Inc.	Nonprofit	CAA	Cameron, Willacy
6	Central Texas Opportunities, Inc.	Nonprofit	CAA	Brown, Callahan, Coleman, Comanche, Eastland, McCulloch, Runnels
7	Combined Community Action, Inc.	Nonprofit	CAA	Austin, Bastrop, Colorado, Fayette, Lee
8	Community Action Committee of Victoria Texas	Nonprofit	CAA	Aransas, Calhoun, De Witt, Goliad, Gonzales, Jackson, Lavaca, Refugio, Victoria
9	Community Action Corporation of South Texas	Nonprofit	CAA	Bee, Brooks, Duval, Jim Wells, Kenedy, Kleberg, San Patricio
10	Community Action Inc. of Central Texas	Nonprofit	CAA	Blanco, Caldwell, Hays
11	Community Action Social Services & Education	Nonprofit	CAA	Maverick

	CSBG Eligible Entity	Public or Nonprofit	Type of Agency	CSBG Counties Served
12	Community Council of South Central Texas, Inc.	Nonprofit	CAA	Atascosa, Bandera, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Kinney, LaSalle, Live Oak, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala
13	Community Services of Northeast Texas, Inc.	Nonprofit	CAA	Bowie, Camp .Cass, Delta, Franklin, Hopkins, Lamar, Marion, Morris, Rains, Red River, Titus
14	Community Services, Inc.	Nonprofit	CAA	Anderson, Collin, Denton, Ellis, Henderson, Hunt, Kaufman, Navarro, Rockwall, Van Zandt
15	Concho Valley Community Action Agency	Nonprofit	CAA	Coke, Concho, Crockett, Irion, Kimble, Menard, Reagan, Schleicher, Sterling, Sutton, Tom Green
16	Community Council of Greater Dallas, Inc.	Nonprofit	CAA	Dallas
17	Economic Action Committee of The Gulf Coast	Nonprofit	CAA	Matagorda
18	Economic Opportunities Advancement Corporation of Planning Region XI	Nonprofit	CAA	Bosque, Falls, Freestone, Hill, Limestone, McLennan
19	El Paso Community Action Program, Project BRAVO, Inc.	Nonprofit	CAA	El Paso
20	Fort Worth, City of, Parks & Community Services Department	Public	Local Government	Tarrant
21	Galveston County Community Action Council, Inc.	Nonprofit	CAA	Brazoria, Fort Bend, Galveston, Wharton
22	Greater East Texas Community Action Program (GETCAP)	Nonprofit	CAA	Angelina, Cherokee, Gregg, Houston, Nacogdoches, Polk, Rusk, San Jacinto, Smith, Trinity, Wood
23	Gulf Coast Community Services Association	Nonprofit	CAA	Harris
24	Hidalgo County Community Services Agency	Public	Local Government	Hidalgo
25	Hill Country Community Action Association, Inc.	Nonprofit	CAA	Bell, Coryell, Hamilton, Lampasas, Llano, Mason, Milam, Mills, San Saba
26	Lubbock, City of, Community Development Department	Public	Local Government	Lubbock

	CSBG Eligible Entity	Public or Nonprofit	Type of Agency	CSBG Counties Served
27	Nueces County Community Action Agency	Nonprofit	CAA	Nueces
28	Panhandle Community Services	Nonprofit	CAA	Armstrong, Briscoe, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler
29	Pecos County Community Action Agency	Nonprofit	CAA	Crane, Pecos, Terrell
30	Rolling Plains Management Corporation	Nonprofit	CAA	Archer, Baylor, Clay, Cottle, Foard, Hardeman, Jack, Mitchell, Montague, Taylor, Shackelford, Stephens, Wichita, Wilbarger, Young
31	San Antonio, City of, Department of Human Services	Public	Local Government	Bexar
32	South Plains Community Action Association, Inc.	Nonprofit	CAA	Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lynn, Motley, Terry, Yoakum
33	South Texas Development Council	Public	Local Government	Jim Hogg, Starr, Zapata
34	Southeast Texas Regional Planning Commission	Public	Local Government	Hardin, Jefferson, Orange
35	Texas Neighborhood Services	Nonprofit	CAA	Erath, Hood, Johnson, Palo Pinto, Parker, Somervell, Wise
36	Texoma Council of Governments	Public	Local Government	Cooke, Fannin, Grayson
37	Tri-County Community Action, Inc.	Nonprofit	CAA	Harrison, Jasper, Newton, Panola, Sabine, San Augustine, Shelby, Tyler, Upshur
38	Webb County Community Action Agency	Public	Local Government	Webb
39	West Texas Opportunities, Inc.	Nonprofit	CAA	Andrews, Borden, Dawson, Ector, Fisher, Gaines, Glasscock, Howard, Loving, Martin, Midland, Nolan, Reeves, Scurry, Upton, Ward, Winkler
40	Williamson-Burnet County Opportunities, Inc.	Nonprofit	CAA	Burnet, Williamson

5.2. Total number of CSBG eligible entities: 40 [This will automatically update based on chart in 5.1]

5.3. **Changes to Eligible Entities List:** Has the list of eligible entities under item 5.1 changed since the State’s last State Plan submission? If yes, briefly describe the changes.

Yes No [If yes is selected – Narrative: Community Council of Greater Dallas, Inc. was selected to serve as the CSBG eligible entity for Dallas County in September 2017.]

Instructional Note: Limited Purpose Agency refers to an eligible entity that was designated as a limited purpose agency under title II of the Economic Opportunity Act of 1964 for fiscal year 1981, that served the general purposes of a community action agency under title II of the Economic Opportunity Act, that did not lose its designation as a limited purpose agency under title II of the Economic Opportunity Act as a result of failure to comply with that Act and that has not lost its designation as an eligible entity under the CSBG Act.

Instructional Note: 90 percent funds are the funds a State provides to eligible entities to carry out the purposes of the CSBG Act, as described under Section 675C of the CSBG Act. A State must provide “no less than 90 percent” of their CSBG allocation, under Section 675B, to the eligible entities.

SECTION 6

Organizational Standards for Eligible Entities

Note: Reference IM 138, *State Establishment of Organizational Standards for CSBG Eligible Entities*, for more information on Organizational Standards. Click [HERE](#) for IM 138.

- 6.1. Choice of Standards:** Check the box that applies. If using alternative standards, a) attach the complete list of alternative organizational standards, b) describe the reasons for using alternative standards, and c) describe how the standards are at least as rigorous as the COE-developed standards.

The State will use the CSBG Organizational Standards Center of Excellence (COE) organizational standards (as described in IM 138)

The State will use an alternative set of organizational standards **[Attach supporting documentation if this option is selected]**

- 6.2.** If the State is using the COE-developed organizational standards, does the State propose making a minor modification to the standards, as described in IM 138? Yes

No

- 6.2a.** If yes was selected in item 6.2, describe the State's proposed minor modification to the COE-developed organizational standards, and provide a rationale.

[The state has administrative rules, the Texas Administrative Code (TAC), to address state requirements and implemented the organizational standards under the TAC. The rule was put into place in January 2016. Minor modifications to the TAC included the state law requirement that eligible entities follow the Texas Uniform Grant Management Standards and the State of Texas Single Audit Circular, unless there has been a federal preemption. Additionally, where the word bylaws is used the Department has modified the standards to read Certificate of Formation/Articles of Incorporation or bylaws, as needed to comply with state law.]

- 6.3.** How will/has the State officially adopt(ed) organizational standards for eligible entities in the State in a manner consistent with the State's administrative procedures act? If "Other" is selected, provide a timeline and additional information, as necessary. **[Check all that applies and narrative where applicable]**

Regulation

Policy

Contracts with eligible entities

Other, describe: **[Narrative, 2500 characters]**

- 6.4.** How will the State assess eligible entities against organizational standards, as described in IM 138? **[Check all that apply]**

Peer-to-peer review (with validation by the State or State-authorized third party)

- Self-assessment (with validation by the State or State-authorized third party)
- Self-assessment/peer review with State risk analysis
- State-authorized third party validation
- Regular, on-site CSBG monitoring
- Other (desk and monitoring reviews)

6.4a. Describe the assessment process.

[Narrative:

The Texas Department of Housing and Community Affairs assesses eligible entities' compliance with organizational standards by using a software tool which allows eligible entities to upload documents to substantiate compliance with organizational standards. FY 2018 was the second year that the Department utilized the software. It allows eligible entities to upload documents throughout the federal fiscal year, except during the time period after the submission deadline has passed (i.e., September 30) at which time the Department reviews the documents to assess compliance. Eligible entities can log into their account and see which organizational standards they have met and not met and are sent any related comments via email.

The assessment of organizational standards occurs at the end of the federal fiscal year after which all eligible entities have uploaded their documentation showing compliance with each of the organizational standards. The Department notifies the network of eligible entities throughout the year of the deadline to upload documentation. If an eligible entity does not upload any documentation or the proper documentation by the deadline (i.e., September 30 of each year), then that entity will be placed in a "not met" category for the particular organizational standard. After the initial results of the assessment are provided to the eligible entities, they are provided a limited number of days to provide additional documentation to reverse a determination of "not met" organizational standards.

The Department places a high emphasis on Organizational Standards, and is available for technical assistance throughout the year. In the event that an entity does not meet a standard, the Department will determine whether that entity requires intensive technical assistance to meet the standard(s) and what other steps are necessary. Department staff will continue to provide technical assistance and, if necessary, develop a Technical Assistance Plan or Quality Improvement Plan with the entity until the standards have been met.]

6.5. Will the State make exceptions in applying the organizational standards for any eligible entities due to special circumstances or organizational characteristics, as described in IM 138? Yes No

- 6.5a.** If yes was selected in item 6.5, list the specific eligible entities the State will exempt from meeting organizational standards, and provide a description and a justification for each exemption. **[Narrative, 2500 characters or attach document]**

If this is the first year filling out the automated State Plan, skip the following question.

- 6.6. Performance Target:** What percentage of eligible entities in the State does the State expect will meet all the State-adopted organizational standards in the next year? **[Insert a percentage. 40%]**

Note: This information is associated with State Accountability Measures 6Sa and may pre-populate the State's annual report form.

SECTION 7

State Use of Funds

Eligible Entity Allocation (90 Percent Funds) [Section 675C(a) of the CSBG Act]

7.1 Formula: Select the method (formula) that best describes the current practice for allocating CSBG funds to eligible entities. **[Check one and narrative where applicable]**

- Historic
- Base + Formula
- Formula Alone
- Formula with Variables
- Hold Harmless + Formula
- Other **[Narrative:** The Department distributes CSBG funds to CSBG eligible entities based on a distribution formula which incorporates the U.S. Census Bureau Decennial 2010 Census and data from the American Community Survey (ACS) for information on persons at 125% of poverty; a \$50,000 base; a \$150,000 floor; 98% weighted factor for poverty population; and, a 2% weighted factor for the inverse ratio of population density. The formula is applied as follows: each eligible entity receives a base award; then, the weighted factors of poverty population and population density are applied to the state's balance of the 90% funds. If the base and application of the weighted factors do not yield sufficient funds for the minimum floor per entity, then the minimum floor amount is reserved for each of those CSBG eligible entities under the floor figure. Then, the formula is re-applied to the balance of the 90% funds for distributing the remaining funds to the remaining CSBG eligible entities. Following the use of the decennial Census data, then on a biennial basis, the Department will use the most recent ACS 5 year estimate data that is available. To the extent that there are significant reductions in CSBG funds received by the Department, the Department may revise the CSBG distribution formula through a rulemaking process.]

7.1a. Does the State statutory or regulatory authority specify the terms or formula for allocating the 90 percent funds among eligible entities? Yes No

7.2. Planned Allocation: Specify the planned allocation of 90 percent funds to eligible entities, as described under Section 675C(a) of the CSBG Act. The estimated allocations may be in dollars or percentages. For each eligible entity receiving funds, provide the Funding Amount in either dollars (columns 2 and 4) or percentage (columns 3 and 5) for the fiscal years covered by this plan.

The estimated allocations are based on FY 2019 CSBG funding levels.

	CSBG Eligible Entity	Estimated 2020 Allocation	Estimated 2021 Allocation
1	Aspermont Small Business Development Center, Inc.	150,000	150,000
2	Austin, City of, Health and Human Services Department	1,106,425	1,106,425
3	Big Bend Community Action Agency	150,000	150,000
4	Brazos Valley Community Action Agency	1,074,088	1,074,088
5	Cameron and Willacy Counties Community Projects, Inc.	925,324	925,324
6	Central Texas Opportunities, Inc.	184,539	184,539
7	Combined Community Action, Inc.	202,067	202,067
8	Community Action Committee of Victoria Texas	274,768	274,768
9	Community Action Corporation of South Texas	304,869	304,869
10	Community Action Inc., of Hays, Caldwell and Blanco Counties	279,675	279,675
11	Community Action Social Services & Education	150,000	150,000
12	Community Council of South Central Texas, Inc.	717,668	717,668
13	Community Services of Northeast Texas, Inc.	431,692	431,692
14	Community Services, Inc.	1,515,219	1,515,219
15	Concho Valley Community Action Agency	226,667	226,667
16	Economic Action Committee of The Gulf Coast	150,000	150,000
17	Economic Opportunities Advancement Corporation of Planning Region XI	483,037	483,037
18	El Paso Community Action Program, Project BRAVO, Inc.	1,224,972	1,224,972
19	Fort Worth, City of, Parks & Community Services Department	1,838,824	1,838,824
20	Galveston County Community Action Council, Inc.	934,196	934,196

	CSBG Eligible Entity	Estimated 2020 Allocation	Estimated 2021 Allocation
21	Greater East Texas Community Action Program (GETCAP)	920,926	920,926
22	Gulf Coast Community Services Association	4,949,942	4,949,942
23	Hidalgo County Community Services Agency	1,685,433	1,685,433
24	Hill Country Community Action Association, Inc.	511,744	511,744
25	Lubbock, City of, Community Development Department	396,972	396,972
26	Nueces County Community Action Agency	431,199	431,199
27	Panhandle Community Services	555,903	555,903
28	Pecos County Community Action Agency	150,000	150,000
29	Rolling Plains Management Corporation	466,094	466,094
30	San Antonio, City of, Department of Community Initiatives	2,059,342	2,059,342
31	South Plains Community Action Association, Inc.	261,345	261,345
32	South Texas Development Council	231,597	231,597
33	Southeast Texas Regional Planning Commission	469,161	469,161
34	Texas Neighborhood Services	477,079	477,079

	CSBG Eligible Entity	Estimated 2020 Allocation	Estimated 2021 Allocation
35	Texoma Council of Governments	243,900	243,900
36	Tri-County Community Action, Inc.	320,529	320,529
37	Community Council of Greater Dallas, Inc.	3,109,388	3,109,388
38	Webb County Community Action Agency	559,553	559,553
39	West Texas Opportunities, Inc.	543,203	543,203
40	Williamson-Burnet County Opportunities, Inc.	327,885	327,885
	Total	30,965,225	30,965,225

7.3. Distribution Process: Describe the specific steps in the State’s process for distributing 90 percent funds to the eligible entities and include the number of days each step is expected to take; include information about State legislative approval or other types of administrative approval (such as approval by a board or commission). **[Narrative:** The Texas State Legislature meets biennially during which time the budgets of all state agencies are considered. The CSBG budget is included in the review and appropriation of the Department’s overall budget.

The Department is required to obtain approval from its Governing Board prior to releasing funding contracts. The Department posts an agenda seven days prior to a monthly Board meeting to include an item seeking approval of the CSBG State Plan, which includes obtaining Board approval to release funding contracts to the eligible entities. Upon Board approval of the CSBG State Plan and any rule changes effective for the program year, an internal approval process of the individual funding contracts for the eligible entities will occur. The Department distributes funding utilizing an electronic contract and reporting system. Upon receipt of Notice of Grant Award from USHHS, the Department generates contracts to allocate the 90% pass-through funding to the CSBG eligible entities. This process can take up to 30 days.]

7.4. Distribution Timeframe: Does the State plan to make funds available to eligible entities no later than 30 calendar days after OCS distributes the Federal award?

Yes No

7.4a. If no, describe State procedures to ensure funds are made available to eligible entities consistently and without interruption. **[Narrative:** The Department will make the funds available within 30 calendar days after Federal and State authority was provided, with the exception of the 1st quarter because of the State’s CSBG contract year beginning January 1st.]

Note: Item 7.4 is associated with State Accountability Measure 2Sa and may pre-populate the State’s annual report form.

If this is the first year filling out the automated State Plan, skip the following question.

7.5. Performance Management Adjustment: How is the State improving grant and/or contract administration procedures under this State Plan as compared to past plans? Any improvements should be based on analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any improvements, provide further detail. **[Narrative:** Because of feedback in the past from the network of eligible entities (e.g., most recent ACSI Survey), and an analysis of internal standard operating procedures, the State has made improvements to its internal contract administration process and its legal Department review process to ensure that the CSBG contracts are executed prior to the start date. The State is always open to input from the network regarding its processes and procedures through whatever medium it may come (e.g., public hearings, public comment, conversation, surveys, etc.).]

Note: This information is associated with State Accountability Measure 2Sb and may pre-populate the State’s annual report form.

Administrative Funds [Section 675C(b)(2) of the CSBG Act]

7.6. What amount of State CSBG funds does the State plan to allocate for administrative activities, under this State Plan? The estimate may be in dollars or a percentage. **[5%]**

7.7. How many State staff positions will be funded in whole or in part with CSBG funds under this State Plan? **[50]**

7.8. How many State Full Time Equivalents (FTEs) will be funded with CSBG funds under this State Plan? **[approximately 13]**

Remainder/Discretionary Funds [Section 675C(b) of the CSBG Act]

7.9. Does the State have remainder/discretionary funds? Yes No

If yes was selected, describe how the State plans to use remainder/discretionary funds in the table below.

Note: This response will link to the corresponding assurance, item 14.2.

Instructional Note: The assurance under 676(b)(2) of the Act (item 14.2 of this State Plan) specifically requires a description of how the State intends to use remainder/discretionary funds to “support innovative community and neighborhood-based initiatives related to the purposes of [the CSBG Act].” Include this description in row “f” of the table below and/or attach the information.

If a funded activity fits under more than one category in the table, allocate the funds among the categories. For example, if the State provides funds under a contract with the State Community Action Association to provide training and technical assistance to eligible entities and to create a statewide data system, the funds for that contract should be allocated appropriately between row a and row c. If allocation is not possible, the State may allocate the funds to the main category with which the activity is associated.

Note: This information is associated with State Accountability Measures 3Sa; the responses may pre-populate the State’s annual report form.

Remainder of Discretionary Fund Uses (See 675C(b)(1) of the CSBG Act)	Year One Planned \$	Year One Planned %	Year Two Planned \$	Year Two Planned %	Brief description of services/activities
a. Training and Technical Assistance	\$150,000	8.82%	\$150,000	8.82%	T&TA provided by staff or an outsourced provider in areas such as ROMA, Org Standards, Case Management, Board, Reporting, community action plans, needs assessments, strategic planning, data analysis, and other areas as requested.
b. Coordination of State-operated programs and/or local programs	\$0		\$0		
c. Statewide coordination and communication	\$0		\$0		

Remainder of Discretionary Fund Uses (See 675C(b)(1) of the CSBG Act)	Year One Planned \$	Year One Planned %	Year Two Planned \$	Year Two Planned %	Brief description of services/activities
among eligible entities					
d. Analysis of distribution of CSBG funds to determine if targeting greatest need	\$0		\$0		
e. Asset building programs	\$0		\$0		
f. Innovative programs/activities by eligible entities or other neighborhood groups	\$0		\$0		
g. State charity tax credits	\$0		\$0		
h. Other activities specify (see below for details)	\$1,550,000	91.18%	\$1,550,000	91.18%	See notes below
Totals	\$1,700,000	100%	\$1,700,000	100%	

Other Activities. Specify: The State notes that these are only considered proposed activities until approved by the Board as part of the final CSBG Plan. The planned uses may change as directed by the Governing Board. Expected uses: 1) Network Operational Investments which assists eligible entities in meeting requirements of Organizational Standards that they have not yet achieved primarily through tangible deliverables \$200,000; 2) Direct Client Assistance which can go to activities including, but not limited to, assisting eligible clients with obtaining job-associated uniforms and training, direct educational expenses (e.g., tuition, textbooks, etc.), the cost of transportation to and from work and other necessary functions, and the cost of certain health care needs \$500,000 3) Intensive CAA Assessments which provides intensive third-party assessments to assess operations and procedures of approximately three to five CSBG eligible entities with critical needs \$150,000; 4) Network Transition Fund which help CSBG eligible entities absorb transitional expenses when they absorb other CSBG services areas \$50,000; 5) Migrant Seasonal Farm Worker and Native American Populations Employment and Education Initiatives \$300,000; 6) Housing Voucher Program Support Fund \$125,000; 7) Disaster Recovery Fund \$150,000; and 8) to provide training and technical assistance related to homelessness in the Balance of State Continuum of Care and related statewide homelessness initiatives \$75,000.

As a result of this State Plan being approved by the TDHCA Governing Board, the Requests for Applications for the Direct Client Assistance and Network Operational Investments awards will be released by Department staff without further Board approval.

When determining which eligible entities receive CSBG discretionary funds, the degree to which an eligible entity complies with meeting assigned TOP targets, CSBG discretionary fund expenditure rates, submittal requests by the Department regarding expenditure and performance reports, needs assessments, strategic plans, community action plans, annual report data, and compliance with CSBG Organizational Standards may be a criterion.

If any of the categories above are not fully expended by the end of the Program Year, the Department will shift the unexpended funds to other discretionary categories that it determines are best suited to receive the funds at the time or to the network of eligible entities to be used for CSBG eligible activities.

If funding to the State from HHS is less than projected in the first year or second year, the reduced amount of the discretionary funds will be taken from the Network Operational Investment activity.

If funding is more than projected in the first year or second year, the increased amount of the discretionary funds will be given to the Disaster Recovery Fund, and if unutilized may be used to increase the amount of funds made available to Migrant Seasonal Farm Worker and Native American Populations Initiatives.

7.10. What types of organizations, if any, does the State plan to work with (by grant or contract using remainder/discretionary funds) to carry out some or all of the activities in table 7.9. **[Check all that apply and narrative where applicable]**

- CSBG eligible entities (15 to 40) (if checked, provide the expected number of CSBG eligible entities to receive funds)
- Other community-based organizations
- State Community Action association
- Regional CSBG technical assistance provider(s)
- National technical assistance provider(s)
- Individual consultant(s)
- Tribes and Tribal Organizations
- Other **[Migrant Seasonal Farm Worker Organizations, Housing Voucher Program Support, Homelessness Organization]**
- None (the State will carry out activities directly)

Note: This response will link to the corresponding CSBG assurance, item 14.2.

If this is the first year filling out the automated State Plan, skip the following question.

7.11. Performance Management Adjustment: How is the State adjusting the use of remainder/discretionary funds under this State Plan as compared to past plans? Any

adjustment should be based on the State’s analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any adjustments, provide further detail. **[Narrative:**

The Department anticipates an increase in CSBG funding for 2020 and 2021 as compared to the projections in the 2018 and 2019 CSBG State Plan. In 2020 and 2021, the Department will continue to utilize \$150,000 for training and technical assistance activities. Within the Other Activities category, the State will: increase the budget for Intensive Eligible Entity Assessments from \$100,000 to \$150,000 to ensure that there are sufficient funds to address several entities in need of evaluation; decrease the Network Transition Fund from \$130,000 to \$50,000 because there are limited opportunities expected for such transitions to occur; splitting the Direct Client Assistance and/or Network Operational Investments into two separate activities that may be pursued separately, while increasing the total from the two activities, now with \$200,000 for Network Operational Investments and \$500,000 for Direct Client Assistance; slightly decreasing the funds for the Housing Voucher Program from \$130,000 to \$125,000 based on recent expenditure trends; maintaining the Disaster Recovery Fund at \$150,000; increasing the support for homelessness efforts in the Balance of State Continuum of Care and related statewide homelessness initiatives through the Texas Homeless Network from \$50,000 to \$75,000 to address the ongoing critical need and emphasis on the importance of homeless activities; and retaining the funding level for Migrant Seasonal Farm Worker and Native American Employment and Educational Initiatives at \$300,000.

Note:

If funding is less or more than projected, reductions/increases will be implemented as described in Section 7.9. These changes are consistent with feedback from the eligible entity network in the 2017 ACSI Survey with the exception of one comment contrary to the State using discretionary funds to support homelessness initiatives. The State continues to support homelessness initiatives and feels that the use of this small amount of discretionary funds is able to create an impact in serving homelessness particularly in rural Texas.]

Note: This information is associated with State Accountability Measures 3Sb, and will pre-populate the State’s annual report form.

SECTION 8

State Training and Technical Assistance

- 8.1.** Describe the State’s plan for delivering CSBG-funded training and technical assistance to eligible entities under this State Plan by completing the table below. Add a row for each activity: indicate the timeframe; whether it is training, technical assistance or both; and

the topic. (CSBG funding used for this activity is referenced under item 7.9(a), Use of Remainder/Discretionary Funds.)

Note: 8.1 is associated with State Accountability Measure 3Sc and may pre-populate the State’s annual report form.

Fiscal Year (Y) Quarter (Q) / Timeframe	Training (T), Technical Assistance (TA), or Both (B)	Topic	Brief Description of Other
FY1 - Q1	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, CA, SP, M, CM, NPI	<p>Department staff provides technical assistance as identified by our T&TA Plan that was developed by the state office, state association, and RPIC. The T&TA plan was developed from eligible entity requests, monitoring reports, workgroups, surveys, and performance analysis. The State has an on-line system to request T&TA or to submit questions for TA. T&TA is conducted by the following means: on-site training, conferences, regional training series, webinars, teleconferences, workshops, videos, Best Practices, FAQs, and online tools/resources. Training is customized to the needs of the eligible entity. ROMA is embedded into all trainings, guidance, and materials. Initial CM training is provided through an online video training series. Subsequent CM training is provided on-site and/or in regionals. Individualized TA for SP will be provided in 2020, as a continuation to SP trainings and guides previously provided. GTB are provided most quarters. TA on reporting is provided monthly by Department reporting staff and performance analysis is provided by trainers indicated by reports. F, OS-G, OS-US, T&A will be provided as requested and as needed; although aspects of each are incorporated into regular trainings as appropriate. CA, SP, CSD, M, TA</p>

Fiscal Year (Y) Quarter (Q) / Timeframe	Training (T), Technical Assistance (TA), or Both (B)	Topic	Brief Description of Other
			will be provided as needed. SP primarily FY1Q1. Intensive assessment and associated T&TA will be provided to entities identified as “at-risk.”
FY1 - Q2	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1
FY1 – Q3	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1
FY1 – Q4	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1
FY2 – Q1	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1
FY2 – Q2	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1
FY2 – Q3	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1
FY2 – Q4	B	F, GTB, OS-G, OS-US, CSD, R, ROMA, M, CM, NPI	Same as FY1-Q1

Topic:

- Fiscal (F)
- Governance/Tripartite Boards (GTB)
- Organizational Standards-General (OS-G)
- Organizational Standards (OS-US)– for eligible entities with unmet standards on Technical Assistance Plans or Quality Improvement Plans
- Correcting Significant Deficiencies Among Eligible Entities (CSD)
- Reporting (R)
- ROMA
- Community Assessment (CA)

- Strategic Planning (SP)
- Monitoring (M)
- Communications (C)
- Technology (T)
- National Performance Indicators (NPI)
- Other – Case Management (CM)

8.1a. The planned budget for the training and technical assistance plan (as indicated in the Remainder/Discretionary Funds table in item 7.9): **[150,000]**

If this is the implementation year for organizational standards, skip question 8.2.

8.2. Does the State have in place Technical Assistance Plans (TAPs) or Quality Improvement Plans (QIPs) for all eligible entities with unmet organizational standards, if appropriate?

Yes No (The Department reviews all submitted documentation of Organizational Standards, and provides technical assistance and detailed guidance for all standards that are not met. The Department continues to train and assist the network of eligible entities which, as a whole, are still in the process of putting systems in place to achieve Organizational Standards compliance, and maintain applicable documentation on a regular and timely basis enabling them to upload related documents throughout the year. Improvements are made each succeeding year.

Eligible entities who meet 30%-69.99% of Organizational Standards will be required to work with the Department to develop a TAP which will include targeted training and technical assistance and a timeframe for the entity to meet the standards. Eligible entities who achieve 70%-99.99% will be provided with technical assistance with the goal of achieving 100% compliance in the following year. In FFY 2020 and 2021, eligible entities who have met less than 30% of the Organizational Standards in consecutive years may be placed on a Quality Improvement Plan, which will establish a timeframe and benchmarks for improvement. Failure to show progress in meeting TAP targets may result in an entity being placed on a QIP. Additionally, any entity not showing progress in meeting Organizational Standards for three consecutive years may also result in an entity being placed on a QIP. Failure to show progress in meeting QIP targets as well as significant and repetitive issues identified in monitoring reviews may result in the State proceeding to take additional actions including termination of CSBG funding per CSBG Information Memorandum 116 and state rules.

Note: 8.2 is associated with State Accountability Measure 6Sb. QIPs are described in Section 678C(a)(4) of the CSBG Act. If the State, according to their corrective action procedures, does not plan to put a QIP in place for an eligible entity with one or more unmet organizational standards, the State should put a TAP in place to support the entity in meeting the standard(s).

8.3. Indicate the types of organizations through which the State plans to provide training and/or technical assistance as described in item 8.1, and briefly describe their

involvement? (Check all that apply.) **[Check all that applies and narrative where applicable]**

- CSBG eligible entities (if checked, provide the expected number of CSBG eligible entities to receive funds) **[Narrative]**
- Other community-based organizations
- State Community Action association
- Regional CSBG technical assistance provider(s)
- National technical assistance provider(s)
- Individual consultant(s)
- Tribes and Tribal Organizations
- Other []

If this is the first year filling out the automated State Plan, skip the following question.

8.4. Performance Management Adjustment: How is the State adjusting the training and technical assistance plan under this State Plan as compared to past plans? Any adjustment should be based on the State’s analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any adjustments, provide further detail. **[Narrative:** Texas has developed its T/TA Plan in partnership with the state association and RPIC (as laid out in the T/TA Template). Texas has increased network input through workgroups, and online T&TA surveys/evaluations. Each Eligible Entity (EE) is assigned a personal trainer as their point-of-contact. Each personal trainer tracks all performance/expenditures, T&TA needs, and provides EEs with data analysis, TAPs, and other needs. The State uses the ASCI Survey results when developing the Joint State TTA Plan with the State Association. The State training team decided to address the two ASCI Survey drivers that had scores lower than the National scores.

In response to our score of 64 in the Monitoring and Corrective Action driver, the State implemented the following:

- Compliance monitors copy training staff on all eligible entity communications.
- The training team provides monitors with performance and expenditure dashboards for each eligible entity prior to the onsite visit.
- After each visit, the trainers meet with the monitors to discuss findings and/or concerns, and as appropriate, develop a TTA plan.
- The training team meets with monitors pre and/or post monitoring to review issues and ensure alignment.
- Technical assistance is provided to eligible entities related to monitoring findings.

In response to our score of 66 in the Communication driver, the State implemented the following:

- To eliminate redundancy and excessive emails to eligible entities, the training team forwards all upcoming training events (local, regional, and national) to the State Association to send out in a bi-monthly e-Newsletter, which is emailed to the entire Network.
- The training team provides Quarterly Network webinars to communicate changes and/or new requirements.
- A Network email is sent out whenever new or updated guides, best practices, or tools are released. Webinars are conducted whenever training is required for use of new or updated materials.
- A contact list with name, email, and phone number of State staff to contact regarding contracts, reporting, fiscal, and training was sent to each eligible entity. Each trainer has a back-up trainer to promote greater staff availability.
- The Department has continued its use of the online submission of questions that are answered by staff within 72 hours, typically within the day.]

Note: This information is associated with State Accountability Measures 3Sd and may pre-populate the State’s annual report form.

SECTION 9

State Linkages and Communication

Note: This section describes activities that the State may support with CSBG remainder/discretionary funds, described under Section 675C(b)(1) of the CSBG Act. The State may indicate planned use of remainder/discretionary funds for linkage/communication activities in Section 7, State Use of Funds, items 7.9(b) and (c).

9.1. State Linkages and Coordination at the State Level: Describe the linkages and coordination at the State level that the State plans to create or maintain to ensure increased access to CSBG services to low-income people and communities under this State Plan and avoid duplication of services (as required by the assurance under Section 676(b)(5)). Describe or attach additional information as needed. **[Check all that apply from the list below and provide a Narrative.** The Department administers the CSBG grant along with LIHEAP and Weatherization, and all are administered by the Community Affairs Division. The Department also administers the State’s housing programs.

The Department is the administrative agency for the Texas Inter-Agency Council for the Homeless (TICH). The TICH membership includes representatives from the Governor’s Office, Texas Department of Family and Protective Services, Texas Education Agency, Texas Workforce Commission, Health and Human Services Commission, criminal justice

state agencies, Texas Homeless Network, and other housing and homeless advocacy organizations. The Department chairs the TICH. At the September 28, 2018 meeting, the TICH was provided information about the CSBG program and the eligible entities across the State.

The Department also chairs the State's Housing and Health Services Coordination Council which is composed of several State agencies including the State's WIOA agency, Child Protective Services, and the state health services agency.]

Note: This response will link to the corresponding CSBG assurance, item 14.5. In addition, this item is associated with State Accountability Measure 7Sa and may pre-populate the State's annual report form.

- State Low Income Home Energy Assistance Program (LIHEAP) office
- State Weatherization office
- State Temporary Assistance for Needy Families (TANF) office
- State Head Start office
- State public health office
- State education department
- State Workforce Innovation and Opportunity Act (WIOA) agency
- State budget office
- Supplemental Nutrition Assistance Program (SNAP)
- State child welfare office
- State housing office
- Other

9.2. State Linkages and Coordination at the Local Level: Describe the linkages and coordination at the local level that the State plans to create or maintain with governmental and other social services, especially antipoverty programs, to assure the effective delivery of and coordination of CSBG services to low-income people and communities and avoid duplication of services (as required by assurances under Sections 676(b)(5) and (b)(6)). Attach additional information as needed. **[Narrative:** The Department administers the CSBG in a state whose territory is as vast as it is varied. As such, the Department's strategy centers on ensuring local coordination through the local service providers. The Department requires CSBG eligible entities to coordinate funds and services at the local level. The annual Community Action Plan from each entity has to describe the eligible entities' coordination efforts with city, county, schools, non-profits, and other local or regional organizations. CSBG eligible entities coordinate services and work to avoid duplication of services with other providers. CSBG eligible entities are encouraged to participate in local social service and homeless coalitions whose goal is to coordinate services. The Department has stressed the importance of CSBG eligible entities coordinating with WIOA agencies to assist persons to obtain employment and other benefits through WIOA.]

Note: This response will link to the corresponding CSBG assurances, items 14.5 and 14.6.

9.3. Eligible Entity Linkages and Coordination

9.3a State Assurance of Eligible Entity Linkages and Coordination: Describe how the State will assure that the eligible entities will coordinate and establish linkages to assure the effective delivery of and coordination of CSBG services to low-income people and communities and avoid duplication of services (as required by the assurance under Section 676(b)(5)). Attach additional information as needed. **[Narrative:** The State requires CSBG eligible entities to coordinate funds at the local level. Their annual Community Action Plan has to describe their coordination efforts with city, county, schools, non-profits, and other organizations. CSBG eligible entities coordinate services and work to avoid duplication of services with other providers. Most CSBG eligible entities participate in local social service and homeless coalitions whose goal is to coordinate services.]

Note: This response will link to the corresponding CSBG assurance, item 14.5.

9.3b State Assurance of Eligible Entity Linkages to Fill Service Gaps: Describe how the eligible entities will develop linkages to fill identified gaps in the services, through the provision of information, referrals, case management, and follow-up consultations, according to the assurance under Section 676(b)(3)(B) of the CSBG Act. **[Narrative:** Annually, CSBG eligible entities must submit a Community Action Plan to the Department. The document includes a section wherein eligible entities describe any gaps in services, and their strategy to address those gaps. If a gap is not currently being addressed or not being sufficiently addressed, eligible entities are to develop and implement a strategy to work with other organizations in their local communities to address the gaps in services.]

Note: This response will link to the corresponding CSBG assurance, item 14.3b.

9.4. Workforce Innovation and Opportunity Act (WIOA) Employment and Training Activities: Does the State intend to include CSBG employment and training activities as part of a WIOA Combined State Plan, as allowed under the Workforce Innovation and Opportunity Act (as required by the assurance under Section 676(b)(5) of the CSBG Act)?

Yes No

Note: This response will link to the corresponding CSBG assurance, item 14.5.

9.4a If the State selected “yes” under item 9.4, provide the CSBG-specific information included in the State’s WIOA Combined Plan. This information includes a description of how the State and the eligible entities will coordinate the provision of employment and training activities through statewide and local WIOA workforce development systems. This information may also include examples

of innovative employment and training programs and activities conducted by community action agencies or other neighborhood-based organizations as part of a community antipoverty strategy. **[Narrative, 2500 Characters]**

9.4b. If the State selected “no” under item 9.4, describe the coordination of employment and training activities, as defined in Section 3 of WIOA, by the State and by eligible entities providing activities through the WIOA system. **[Narrative:** Annually, CSBG eligible entities must submit a Community Action Plan to the Department. As part of the Plan, if entities are providing employment and training activities, CSBG eligible entities must describe their coordination with WIOA offices in their service area. The Department encourages CSBG eligible entities to coordinate with their regional WIOA providers to develop ways to better coordinate services and collaborate to assist persons to transition out of poverty. Texas has twenty-eight Workforce Development Boards serving the State’s two-hundred and fifty-four counties. Each Workforce Board determines how to administer the WIOA grants. Therefore, close working relationships must be established at the local level by each CSBG eligible entity. The State is available, upon request, to facilitate any CSBG eligible entities collaborative efforts with their local WIOA office. Additional information on WIOA in Texas can be found at <https://twc.texas.gov/partners/workforce-development-boards-websites#texasWorkforceDevelopmentBoardWebsites>]

9.5. Emergency Energy Crisis Intervention: Describe how the State will assure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to Low-Income Home Energy Assistance) are conducted in each community in the State, as required by the assurance under Section 676(b)(6) of the CSBG Act). **[Narrative:** The Department administers the LIHEAP grant, which funds the Comprehensive Energy Assistance Program (CEAP). The CEAP provides utility assistance to low-income persons and includes an energy crisis component. LIHEAP also supports the Department’s weatherization program. The majority of the CSBG eligible entities administer both the CEAP and weatherization programs. The Department programs a portion of CSBG discretionary funds for assistance in the case of declared natural disasters. The funds may be used to provide emergency energy crisis intervention.]

Note: This response will link to the corresponding CSBG assurance, item 14.6.

9.6. State Assurance: Faith-based Organizations, Charitable Groups, Community Organizations: Describe how the State will assure local eligible entities will coordinate and form partnerships with other organizations, including faith-based organizations, charitable groups, and community organizations, according to the State’s assurance under Section 676(b)(9) of the CSBG Act. **[Narrative:** Annually, CSBG eligible entities must submit a Community Action Plan to the Department. As part of their plan, CSBG eligible entities describe the organizations with which they coordinate services including faith-based organizations, charitable groups, and community organizations. Close coordination

and referral takes place with these organizations. Training further reinforces this coordination.]

Note: this response will link to the corresponding assurance, item 14.9

9.7 Coordination of Eligible Entity 90 Percent Funds with Public/Private Resources: Describe how the eligible entities will coordinate CSBG 90 percent funds with other public and private resources, according to the assurance under Section 676(b)(3)(C) of the CSBG Act. **[Narrative:** Annually, CSBG eligible entities must submit a Community Action Plan to the Department. As part of their plan, CSBG eligible entities describe the organizations with which they coordinate services, including private and public organizations. Many of the CSBG eligible entities obtain either in-kind assistance or funds from local governments to support the programs that they administer, including donations of space in local government facilities to be utilized by eligible entities to provide CSBG supported services.]

Note: this response will link to the corresponding assurance, item 14.3c.

9.8. Coordination among Eligible Entities and State Community Action Association: Describe State activities for supporting coordination among the eligible entities and the State Community Action Association. **[Narrative:** The Department works closely with the state eligible entity association, the Texas Association of Community Action Agencies (TACAA). The Department meets with the association and their board on a regular basis to discuss ways that the Department can better meet the needs of the eligible entities. The Department receives their input on the development of the CSBG State Plan, training and technical assistance needs, rule revisions, use of CSBG discretionary funds, and other issues. The state association holds an annual conference for CSBG eligible entities and the Department provides staff to present training to CSBG eligible entities. When necessary, the Department also works with TACAA to form CSBG working groups to help the Department develop strategies on key issues. It should be noted that because not all eligible entities are members of TACAA, the Department ensures that all non-member eligible entities are included in all opportunities.]

9.9 Communication with Eligible Entities and the State Community Action Association: In the table below, describe the State’s plan for communicating with eligible entities, the State Community Action Association, and other partners under this State Plan. Include communication about annual hearings and legislative hearings, as described under Section 4, CSBG Hearing Requirements.

Communication Plan

Topic	Expected Frequency	Format (drop down)	Brief Description of “Other”
[Narrative: The Department continues to hold quarterly meetings via webinar that are open to the entire CSBG	Dropdown Options: <ul style="list-style-type: none"> • <input type="checkbox"/> Daily • <input type="checkbox"/> Weekly • <input type="checkbox"/> Twice-Monthly • <input type="checkbox"/> Monthly 	Dropdown Options: <ul style="list-style-type: none"> • <input type="checkbox"/> Newsletter • <input type="checkbox"/> Mailing • <input checked="" type="checkbox"/> Meetings/Presentation 	[Narrative, 2500 characters] If “Other” is selected in columns 2 and/or 3, describe in this column.

Topic	Expected Frequency	Format (drop down)	Brief Description of "Other"
<p>network. During these meetings, the Department discusses issues and announcements surrounding CSBG related topics (e.g., Organizational Standards, RFAs, NOFAs, rule revisions, CSBG funding, performance/expenditure report deadlines, the State Plan, public hearings and public comment periods, training announcements, due dates of action plans, needs assessments and strategic plans, and similar announcements and coordination with other Department programs such as utility assistance and weatherization. The Department may bring together periodic workgroups for Network input to state plans, rules, and T&TA needs.]</p>	<ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Quarterly • <input type="checkbox"/> Semi-Annually • <input type="checkbox"/> Annually • <input checked="" type="checkbox"/> Other (Periodically) 	<ul style="list-style-type: none"> • <input type="checkbox"/> Blog • <input type="checkbox"/> Email • <input type="checkbox"/> Website • <input type="checkbox"/> Social Media • <input checked="" type="checkbox"/> Other 	<p>Other: From time to time as necessary, workgroups or meetings may be formed to address key issues. Quarterly meetings with eligible entities and the State Association are held via webinar.</p>
Topic	Expected Frequency	Format (drop down)	Brief Description of "Other"
<p>[Narrative: The Department informs CSBG eligible entities of notices received from USHHS, the National Association for State Community Services Programs, and the Community Action Partnership. This occurs as notices and guidance arises. Many of these notices are shared in coordination with the Network by the State Association TACAA through their bi-monthly e-newsletter.]</p>	<p>Dropdown Options:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Daily • <input type="checkbox"/> Weekly • <input checked="" type="checkbox"/> Twice-Monthly • <input type="checkbox"/> Monthly • <input type="checkbox"/> Quarterly • <input type="checkbox"/> Semi-Annually • <input type="checkbox"/> Annually • <input type="checkbox"/> Other 	<p>Dropdown Options:</p> <ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Newsletter • <input type="checkbox"/> Mailing • <input type="checkbox"/> Meetings/Presentation • <input type="checkbox"/> Blog • <input checked="" type="checkbox"/> Email • <input type="checkbox"/> Website • <input type="checkbox"/> Social Media • <input type="checkbox"/> Other 	<p>[Narrative, 2500 characters]</p> <p>If "Other" is selected in columns 2 and/or 3, describe in this column</p>
<p>[Narrative: The Department develops guidance for the annual</p>	<p>Dropdown Options:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Daily • <input type="checkbox"/> Weekly 	<p>Dropdown Options:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Newsletter • <input type="checkbox"/> Mailing 	<p>[Narrative, 2500 characters]</p>

Topic	Expected Frequency	Format (drop down)	Brief Description of "Other"
<p>Community Action Plan and for the annual budget. Every 3 years, the Department issues guidance for the Community Assessment and for the Strategic Plan every 5 years. The Department also issues other program guidance on areas such as case management, self-sufficiency, program reporting, and administration.]</p>	<ul style="list-style-type: none"> • <input type="checkbox"/> Twice-Monthly • <input type="checkbox"/> Monthly • <input type="checkbox"/> Quarterly • <input type="checkbox"/> Semi-Annually • <input checked="" type="checkbox"/> Annually • <input checked="" type="checkbox"/> Other 	<ul style="list-style-type: none"> • <input checked="" type="checkbox"/> Meetings/Presentation • <input type="checkbox"/> Blog • <input checked="" type="checkbox"/> Email • <input checked="" type="checkbox"/> Website • <input type="checkbox"/> Social Media • <input checked="" type="checkbox"/> Other 	<p>If "Other" is selected in columns 2 and/or 3, describe in this column Other: The guidance that is developed is posted on the Department's website. The Department may also conduct regional workshops, individualized workshops, webinars or teleconferences. Information may also be presented at State Association Conferences.</p>
<p>[Narrative: The Department will conduct public hearings to obtain comment on the biennial CSBG State Plan and institution of rules. The Department will also accept public comment via e-mail or letters and at Governing Board meetings.]</p>	<p>Dropdown Options:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Daily • <input type="checkbox"/> Weekly • <input type="checkbox"/> Twice-Monthly • <input type="checkbox"/> Monthly • <input type="checkbox"/> Quarterly • <input type="checkbox"/> Semi-Annually • <input type="checkbox"/> Annually • <input checked="" type="checkbox"/> Other 	<p>Dropdown Options:</p> <ul style="list-style-type: none"> • <input type="checkbox"/> Newsletter • <input type="checkbox"/> Mailing • <input checked="" type="checkbox"/> Meetings/Presentation • <input type="checkbox"/> Blog • <input checked="" type="checkbox"/> Email • <input checked="" type="checkbox"/> Website • <input type="checkbox"/> Social Media • <input checked="" type="checkbox"/> Other 	<p>[Narrative, 2500 characters]</p> <p>If "Other" is selected in columns 2 and/or 3, describe in this column. Other: Information regarding the public hearings will be posted in the <i>Texas Register</i>.</p> <p>The hearings will be open to interested persons. Comments can be submitted in person at a hearing or in writing by e-mail or letter to the Department.</p>

9.10. Feedback to Eligible Entities and State Community Action Association: Describe how the State will provide feedback to local entities and State Community Action Associations regarding performance on State Accountability Measures. **[Narrative:** The Department will, within 60 calendar days of receiving feedback from OCS, provide eligible entities and the State Association, via an e-mail communication, the results of the ACSI Survey. The Department will also provide a synopsis of key concerns identified by eligible entities. The Department will also communicate with the State Association to discuss survey results and develop a plan to address concerns.]

Note: This information is associated with State Accountability Measure 5S(iii). The measure indicates feedback should be provided within 60 calendar days of the State getting feedback from OCS.

If this is the first year filling out the automated State Plan, skip the following question.

- 9.11. Performance Management Adjustment:** How is the State adjusting the Communication plan in this State Plan as compared to past plans? Any adjustment should be based on the State’s analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If the State is not making any adjustments, provide further detail. **[Narrative:** The Department works in partnership with the State Association regarding communications sent out to the Network. The State Association sends out a twice a month e-newsletter which compiles guidance from OCS, the Department, upcoming T&TA opportunities, and other information. The Department continually assesses the need to form workgroups with either the State Association or with eligible entities or both in order to receive input to rules, plans, guidance, or T&TA needs. Other ways the Department obtains the Network’s input is surveys and e-mail communications. One of the comments in the 2017 ACSI survey was the need for the Department to have consistent messages from all staff and divisions. The Community Affairs Division, which administers the CSBG grant, has continued to work more closely with the Compliance Division to share the results of monitoring reviews, and to develop and deliver training and technical assistance to address identified issues.]

Note: This information is associated with State Accountability Measures 7Sb; this response may pre-populate the State’s annual report form.

SECTION 10

Monitoring, Corrective Action, and Fiscal Controls

Monitoring of Eligible Entities (Section 678B(a) of the CSBG Act)

- 10.1.** Specify the proposed schedule for planned monitoring visits including: full on-site reviews; on-site reviews of newly designated entities; follow-up reviews – including return visits to entities that failed to meet State goals, standards, and requirements; and other reviews as appropriate.

This is an estimated schedule to assist States in planning. States may indicate “no review” for entities the State does not plan to monitor in the performance period.

For States that have a monitoring approach that does not fit within the table parameters, attach the State’s proposed monitoring schedule.

Note: This information is associated with State Accountability Measure 4Sa(i); this response may pre-populate the State’s annual report form.

CSBG Eligible Entity	Review Type	Target Date FY20-FY21(Quarter) (Note: the dates may change based on risk)	Date of Last Full Onsite Review (if applicable)	Brief Description of “Other”
El Paso Community Action program, Project BRAVO, Inc.	No Review		January 24, 2018	Risk Based and can change accordingly
Panhandle Community Services	Full on-site	FY20	November 1, 2017	Risk Based and can change accordingly
Brazos Valley Community Programs	Full on-site	FY20	August 28, 2018	Risk Based and can change accordingly
Rolling Plains Management Corp.	Full on-site	FY21	November 26, 2018	Risk Based and can change accordingly
Combined Community Action, Inc.	No Review		February 1, 2018	Risk Based and can change accordingly

CSBG Eligible Entity	Review Type	Target Date (Quarter)	Date of Last Full Onsite Review (if applicable)	Brief Description of "Other"
Hidalgo County Community Services Agency	Full on-site	FY21	December 31, 2018	Risk Based and can change accordingly
Community Action Social Services & Education	Full on-site	FY21	March 31, 2018	Risk Based and can change accordingly
South Texas Development Council	Full on-site	FY21	May 23, 2018	Risk Based and can change accordingly
Gulf Coast Community Services Assoc.	Full on-site	FY19-Q3	May 26, 2017	Risk Based and can change accordingly
Austin, City of	Full on-site	FY21	August 22, 2018	Risk Based and can change accordingly
Community Council of Greater Dallas, Inc.	Initial full on-site	FY19-Q4	No review performed yet-newly designated Entity	Risk Based and can change accordingly
Community Action Committee of Victoria Texas	No Review		May 22, 2018	Risk Based and can change accordingly
Cameron and Willacy Counties Community Projects, Inc.	Full on-site	FY20-Q1	July 20, 2017	Risk Based and can change accordingly
Tri-County Community Action, Inc.	Full on-site	FY21	November 16, 2018	Risk Based and can change accordingly
Community Services, Inc.	Full on-site	FY19-Q4	June 14, 2016	Risk Based and can change accordingly
Pecos County Community Action Agency	Full on-site	FY19-Q2	April 3, 2018	Risk Based and can change accordingly
Economic Opportunities Advancement Corp of PR XI	No Review		November 8, 2017	Risk Based and can change accordingly
Texas Neighborhood Services	Full on-site	FY19-Q3	September 21, 2015	Risk Based and can change accordingly
Aspermont Small Business Development Center, Inc.	Full on-site	FY20	June 25, 2017	Risk Based and can change accordingly
West Texas Opportunities, Inc.	Full on-site	FY20-Q1	March 23, 2018	Risk Based and can change accordingly
Greater East Texas Community Action Program	Full on-site	FY20-Q3	February 14, 2016	Risk Based and can change accordingly
Southeast Texas Regional Planning Commission	Full on-site	FY20-Q1	February 23, 2017	Risk Based and can change accordingly
City of San Antonio	No Review		November 1, 2017	Risk Based and can change accordingly
Central Texas Opportunities			March 29, 2018	Risk Based and can change accordingly
Concho Valley Community Action Agency	Full On-site	FY21	October 17, 2018	Risk Based and can change accordingly
Community Action Inc. of Central Texas	Full On-site	FY21	October 22, 2018	Risk Based and can change accordingly

CSBG Eligible Entity	Review Type	Target Date (Quarter)	Date of Last Full Onsite Review (if applicable)	Brief Description of "Other"
Community Services of Northeast Texas, Inc.	Full On-site	FY21	May 24, 2018	Risk Based and can change accordingly
South Plains Community Action Association	Full on-site	FY21	April 19, 2018	Risk Based and can change accordingly
City of Fort Worth	Full On-site	FY20	February 2, 2018	Risk Based and can change accordingly
City of Lubbock	Full on-site	FY19-Q2	October 27, 2016	Risk Based and can change accordingly
Economic Action Committee of the Gulf Coast	Full on-site	FY19-Q4	February 15, 2017	Risk Based and can change accordingly
Galveston County Community Action Council, Inc.	Risk based on-site	FY19-Q3	May 4, 2018	Risk Based and can change accordingly
Webb County Community Action Agency	No Review		December 8, 2017	Risk Based and can change accordingly
Williamson-Burnet County Opportunities	Full on-site	FY19-Q3	October 14, 2016	Risk Based and can change accordingly
Big Bend Community Action Committee, Inc.	Full on-site	FY19-Q3	May 3, 2017	Risk Based and can change accordingly
Community Action Corporation Of South Texas	Full on-site	FY19-Q4	March 8, 2017	Risk Based and can change accordingly
Community Council of South Central Texas	Full on-site	FY21	November 5, 2018	Risk Based and can change accordingly
Hill Country Community Action Association, Inc.	No Review		December 6, 2018	Risk Based and can change accordingly
Nueces County Community Action Agency	Full on-site	FY19-Q2	March 2, 2017	Risk Based and can change accordingly
Texoma Council of Governments	Full on-site	FY19-Q4	April 20, 2017	Risk Based and can change accordingly

10.2. Monitoring Policies: Provide a copy of State monitoring policies and procedures by attaching and/or providing a hyperlink. [Refer to Attachment A - The FY2020 and FY2021 monitoring schedule is aggregate in nature. The schedule is created on an at-risk assessed basis determined every quarter. The schedule is maintained on the Compliance Subrecipient Monitoring Tracking Database and Performance Records. The proposed schedule above can change each quarter depending on risk.]

10.3. Initial Monitoring Reports: According to the State’s procedures, by how many calendar days must the State disseminate initial monitoring reports to local entities? [It is the Department’s goal to submit CSBG monitoring reports within 30 calendar days from the last day of the monitoring visit. However, if extenuating circumstances are present, the CSBG monitoring report will be submitted within 60 days of the completion of the

monitoring review with the exception of those few reports requiring executive and legal review due to deficiencies.]

Note: This item is associated with State Accountability Measure 4Sa(ii) and may pre-populate the State’s annual report form.

Corrective Action, Termination and Reduction of Funding and Assurance Requirements
(Section 678C of the Act)

10.4. Closing Findings: Are State procedures for addressing eligible entity findings/deficiencies, and the documenting of closure of findings included in the State monitoring protocols attached above? Yes No

10.4a. If no, describe State procedures for addressing eligible entity findings/deficiencies, and the documenting of closure of findings. **[Narrative, 2500 characters]**

10.5. Quality Improvement Plans (QIPs): How many eligible entities are currently on Quality Improvement Plans? **[There is currently one CSBG entity under a QIP.]**

Note: The QIP information is associated with State Accountability Measures 4Sc.

10.6. Reporting of QIPs: Describe the State’s process for reporting eligible entities on QIPs to the Office of Community Services within 30 calendar days of the State approving a QIP? **[Narrative: The Department will contact the Office of Community Services either by phone or through e-mail to inform them of eligible entities on a Quality Improvement Plan.]**

Note: This item is associated with State Accountability Measure 4Sa(iii)).

10.7. Assurance on Funding Reduction or Termination: Does the State assure, according to Section 676(b)(8), that “any eligible entity that received CSBG funding the previous fiscal year will not have its funding terminated or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in Section 678C(b).” Yes No

Note: This response will link with the corresponding assurance under item 14.8.

Policies on Eligible Entity Designation, De-designation, and Re-designation

10.8. Does the State CSBG statute and/or regulations provide for the designation of new eligible entities? Yes No

10.8a. If yes, provide the citation(s) of the law and/or regulation. If no, describe State procedures for the designation of new eligible entities. **[Narrative: Texas Administrative Code**

[http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=208](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=208)]

10.9. Does the State CSBG statute and/or regulations provide for de-designation of eligible entities? Yes No

10.9a. If yes, provide the citation(s) of the law and/or regulation. If no, describe State procedures for de-designation of new eligible entities. **[Narrative:** Texas Administrative Code:

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=2&rl=202](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=2&rl=202)

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=2&rl=203](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=2&rl=203)

[http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=208](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=208)

10.10. Does the State CSBG statute and/or regulations specify a process the State CSBG agency must follow to re-designate an existing eligible entity? Yes No

10.10a. If yes, provide the citation(s) of the law and/or regulation. If no, describe State procedures for re-designation of existing eligible entities. **[Narrative:** Texas Administrative Code

[http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=208](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=208)]

Fiscal Controls and Audits and Cooperation Assurance

10.11. Fiscal Controls and Accounting: Describe how the State's fiscal controls and accounting procedures will a) permit preparation of the SF-425 Federal fiscal reports (FFR) and b) permit the tracing of expenditures adequate to ensure funds have been used appropriately under the block grant, as required by Block Grant regulations applicable to CSBG at 45 CFR 96.30(a). **[Narrative:** All expenditures are recorded in the Department's PeopleSoft accounting system. Indexes, grant numbers and fund numbers allow for identification of charges to a specific grant and cost categories. Policies and Procedures are in place to ensure compliance with statues and regulations. Independent annual financial audit and single audit are performed for the Department.

Every draw is reviewed by program staff upon submittal by contractor localities. All drawdowns must be consistent within the most current approved budget. Draws are then processed by accountants and approved by senior accountant or team leader. Back up to support draws are reviewed during on site monitoring.

The general ledger is the source for the SF-425 Federal fiscal reports. They are prepared by the grant accountant, reviewed by the financial team leader and approved by management prior to submittal. Reports are prepared according to program rules and regulations.]

10.12. Single Audit Management Decisions: Describe State procedures for issuing management decisions for eligible entity single audits, as required by Block Grant regulations applicable to CSBG at 45 CFR 75.521. If these procedures are described in the State monitoring protocols attached under item 10.2, indicate the page number. **[Narrative:** The Department requires each eligible entity to complete an Audit Certification form within 60 days from the end of the Entity’s fiscal year. This is used to determine if a Single Audit is required. Upon receipt of the Single Audit, a review is completed to determine if the packet submitted is complete and all opinions are provided. If the audit contains findings, it is reviewed and discussed by the director of Internal Audit, the Director of Compliance, the Director of Subrecipient Monitoring and staff to determine the appropriate steps to ensure the entity corrects the issues identified in the audit report or management letter. The Department will issue correspondence to the entity, identifying that corrective action measures must be performed and requiring support documentation to be provided. The entity will be provided a time frame to respond to complete the corrective action and to respond to the correspondence. At a maximum, the entity must correct all identified issues within six (6) months of the Single Audit being submitted to the Federal Clearing House.

Except for non-discretionary CSBG funds, the Department will not execute new contracts with the entity until issues with the single audit are resolved, unless the issue is a late audit submittal and the entity has provided documentation of an extension received from the federal cognizant agency.]

Note: This information is associated with State Accountability Measure 4Sd.

10.13. Assurance on Federal Investigations: Will the State “permit and cooperate with Federal investigations undertaken in accordance with Section 678D” of the CSBG Act, as required by the assurance under Section 676(b)(7) of the CSBG Act? Yes No

Note: This response will link with the corresponding assurance, item 14.7

If this is the first year filling out the automated State Plan, skip the following question.

10.14. Performance Management Adjustment: How is the State adjusting monitoring procedures in this State Plan as compared to past plans? Any adjustment should be based on the State’s analysis of past performance, and should consider feedback from eligible entities, OCS, and other sources, such as the public hearing. If this State is not making any adjustments, provide further detail. **[Narrative:** The Department closely reviewed the responses to the 2017 ACSI Survey related to monitoring and the Department’s Director of Subrecipient Monitoring continues to make concerted efforts to maintain a good working relationship with CSBG eligible entities. The Director ensures that monitoring staff receive directives and audit training as the need arises. Staff meetings are held regularly to promote consistency and increase knowledge between the monitoring staff. Community Affairs Training and Technical Assistance staff receive all monitoring reports from compliance monitors and work closely with each other so that training and technical assistance staff can provide eligible entities follow-up tips and resources to address findings or concerns identified in the monitoring reports.]

Note: This item is associated with State Accountability Measure 4Sb and may pre-populate the State’s annual report form.

SECTION 11

Eligible Entity Tripartite Board

- 11.1.** Which of the following measures are taken to ensure that the State verifies CSBG Eligible Entities are meeting Tripartite Board requirements under Section 676B of the CSBG Act? **[Check all that applies and narrative where applicable]**

- Attend Board meetings
- Review copies of Board meeting minutes
- Keep a register of Board vacancies/composition
- Other: [The Department reviews board rosters and Board member election/selection material. We also get information on board vacancies on their CSBG Monthly Performance Report. Through CSBG organizational standards reviews, we get information on board vacancies/composition also. Lastly, Department staff attends some Board meetings of entities.]

- 11.2.** How often does the State require eligible entities (which are not on TAPs or QIPs) to provide updates (e.g., copies of meeting minutes, vacancy alerts, changes to bylaws, low-income member selection process, etc.) regarding their Tripartite Boards? **[Check all that applies and narrative where applicable]**

- Annually
- Biannually
- Quarterly
- Monthly
- Other [We also get information on board vacancies on their CSBG Monthly Performance Report. Lastly, with CSBG organizational standards reviews, we get information on board vacancies/composition.]

- 11.3. Assurance on Eligible Entity Tripartite Board Representation:** Describe how the State will carry out the assurance under Section 676(b)(10) of the CSBG Act that the State will require eligible entities to have policies and procedures by which individuals or organizations can petition for adequate representation on an eligible entities’ Tripartite Board. **[Narrative:** The Department has instituted a rule, in the Texas Administrative Code, that requires an entity to have written procedures under which a low-income individual, community organization, religious organization, or representative of such may petition for adequate representation on the board of the eligible entity.]

Note: This response will link with the corresponding assurance, item 14.10.

11.4. Does the State permit public eligible entities to use, as an alternative to a Tripartite Board, “another mechanism specified by the State to assure decision-making and participation by low-income individuals in the development, planning, implementation, and evaluation of programs” as allowed under Section 676B(b)(2) of the CSBG Act.
 Yes No

11.4a. If yes, describe the mechanism used by public eligible entities as an alternative to a Tripartite Board. **[Narrative:** Public agencies have advisory boards and develop bylaws for the advisory board. The State requirements can be found at: [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=210](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=210)**]**

SECTION 12

Individual and Community Income Eligibility Requirements

12.1. Required Income Eligibility: What is the income eligibility threshold for services in the State? **[Check one item below.]**

- 125% of the HHS poverty line
- X % of the HHS poverty line (fill in the threshold): _____% **[insert up to a 3 digit percentage]**
- Varies by eligible entity

12.1a. Describe any State policy and/or procedures for income eligibility, such as treatment of income and family/household composition. **[Narrative:** Refer to State requirements at

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y)

12.2. Income Eligibility for General/Short Term Services: For services with limited in-take procedures (where individual income verification is not possible or practical), how does the State ensure eligible entities generally verify income eligibility for services? An example of these services is emergency food assistance. **[Narrative:** Refer to State requirements at

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=6&sch=A&rl=Y)

and

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=207](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=207)

12.3. Community-targeted Services: For services that provide a community-wide benefit (e.g., development of community assets/facilities, building partnerships with other organizations), how does the State ensure eligible entities' services target and benefit low-income communities? **[Narrative:** Refer to State requirements at [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=206](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=206)

SECTION 13

Results Oriented Management and Accountability (ROMA) System

- 13.1. ROMA Participation:** In which performance measurement system will the State and all eligible entities participate, as required by Section 678E(a) of the CSBG Act and the assurance under Section 676(b)(12) of the CSBG Act? **[Check one]**

Note: This response will also link to the corresponding assurance, item 14.12.

- The Results Oriented Management and Accountability (ROMA) System
- Another performance management system that meets the requirements of section 678E(b) of the CSBG Act
- An alternative system for measuring performance and results

- 13.1a.** If ROMA was selected in item 13.1, attach and/or describe the State’s written policies, procedures, or guidance documents on ROMA. **[Attachment and Narrative:**

The Department has incorporated ROMA principles in the areas of reporting, community action plans, strategic planning, community needs assessments, goal/target setting, case management, and Board trainings. Entities report monthly on outcomes for family, agency and community goals identified in their community action plan. These reports are then used to evaluate entity performance. An outcome matrix, tracking incremental change, is used as part of case management services; along with tools for capturing outcomes. TDHCA has 2 certified ROMA trainers on staff, and 1 NCRI with another beginning NCRI certification. Eligible entities now have 17 NCRTs on staff, of which 2 are Master NCRTs, and there are 28 NCRIs. All entities have been provided “Intro to ROMA” training and have access to a ROMA trainer. Refer to State requirements at [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=T&app=9&p_dir=P&p_rloc=193075&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=10&pt=1&ch=6&rl=207](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=T&app=9&p_dir=P&p_rloc=193075&p_tloc=&p_ploc=1&pg=2&p_tac=&ti=10&pt=1&ch=6&rl=207)

- 13.1b.** If ROMA was not selected in item 13.1, describe the system the State will use for performance measurement. **[Narrative:** The Department will employ the ROMA System as described above.

- 13.2.** Indicate and describe the outcome measures the State will use to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization, as required under Section 676(b)(12) of the CSBG Act? **[Narrative:** The State assigns eligible entities a goal for the number of persons to transition out of poverty (TOP) each year. TOP is defined as the household achieving an income above 125% FPIG. The State has issued requirements related to the systems that must be in place to assist households to TOP, refer to

[http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=207](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=10&pt=1&ch=6&rl=207)

The CSBG monthly performance report includes a section where CSBG entities report the number of persons working to TOP and the number of persons that successfully TOP. Entities are to target their CSBG resources to assist persons to transition out of poverty and move towards self-sufficiency consistent with identified gaps in need. The entities' efforts in self-sufficiency, family stability, and community revitalization are reported using the NPIs in their CSBG monthly performance report.]

Note: This response will also link to the corresponding assurance, item 14.12.

- CSBG National Performance Indicators (NPIs)
- NPIs and others
- Others

- 13.3.** How does the State support the eligible entities in using the ROMA system (or alternative performance measurement system)? **[Narrative:** The Department has designed the CSBG training curriculum with a focus on ROMA principals. The Department has 2 certified ROMA trainers and 1 NCRI. The state association has also assisted CSBG eligible entities in helping some of their staff to become Certified ROMA trainers. All trainings provided to entities are ROMA-focused and the Department's ROMA Certified staff members are available to provide training and technical assistance. Results achieved compared to CAP Plan are evaluated for the impact on implementation processes, re-assessment activities, and future plans. Entities can request training and technical assistance at any time and can submit questions on-line or can contact staff by phone or e-mail. The Department has developed a comprehensive video training module and accompanying materials on case management with the goal of assisting persons to transition out of poverty. This module is available on our website. The Department has set aside CSBG Discretionary funds to be used for network operational investments. Many entities awarded the CSBG Discretionary funds utilize the funds to pay for the costs of staff to become NCRTs or to obtain training to retain their NCRT or NCRI certifications.]

Note: The activities described under item 13.3 may include activities listed in "Section 8: Training and Technical Assistance." If so, mention briefly, and/or cross-reference as needed. This response will also link to the corresponding assurance, item 14.12.

- 13.4. Eligible Entity Use of Data:** How is the State validating that the eligible entities are using data to improve service delivery? **[Narrative:** The Department assigns each CSBG eligible entity a goal for the number of persons to transition out of poverty each program year. At the end of the program year, the Department reviews their performance and entities that did not meet their assigned goal are asked to provide a plan of action to improve performance. The Department also reviews the eligible entities' CSBG Performance Report each month and their end of the year final report. The Department does acknowledge that quite a few entities find it challenging to design and carry out community initiatives, as many just entered into this level of work. The Department will

continue to provide technical assistance to entities to improve their performance through data analysis, process mapping, and training materials. To assist with data use the Department provides the network with links to data sources that may be useful to them, such as the American Community Survey and the Community Action Partnership’s Community Needs Assessment Online Tool.]

Note: This response will also link to the corresponding assurance, item 14.12.

Community Action Plans and Needs Assessments

13.5. Describe how the State will secure a Community Action Plan from each eligible entity, as a condition of receipt of CSBG funding by each entity, as required by Section 676(b)(11) of the CSBG Act. **[Narrative:** The Department develops Community Action Plan Requirements and guidance and posts this information to our website at <https://www.tdhca.state.tx.us/community-affairs/csbg/additional-requirements.htm> . Annually, CSBG eligible entities must submit a Community Action Plan to the Department. Staff reviews the CAP Plans and provides technical assistance to eligible entities on improvements.]

Note: this response will link to the corresponding assurance, item 14.11.

13.6. State Assurance: Describe how the State will assure that each eligible entity includes a community needs assessment for the community served (which may be coordinated with community needs assessments conducted by other programs) in each entity’s Community Action Plan, as required by Section 676(b)(11) of the CSBG Act. **[Narrative:** The Department develops Community Needs Assessment guidance and posts this information to the Department’s website at <https://www.tdhca.state.tx.us/community-affairs/csbg/additional-requirements.htm> Entities are required to submit a community needs assessment every 3 years. During annual CAP development, the Department works with eligible entities in analyzing data from <https://engagementnetwork.org/>, their performance reports, and tying that to the most current Needs Assessment.]

Note: this response will link to the corresponding assurance, item 14.11.

SECTION 14

CSBG Programmatic Assurances and Information Narrative (Section 676(b) of the CSBG Act)

14.1 Use of Funds Supporting Local Activities

CSBG Services

14.1a. 676(b)(1)(A): Describe how the State will assure “that funds made available through grant or allotment will be used –

- (A) to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals--
 - (i) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act);
 - (ii) to secure and retain meaningful employment;
 - (iii) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;
 - (iv) to make better use of available income;
 - (v) to obtain and maintain adequate housing and a suitable living environment;
 - (vi) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;
 - (vii) to achieve greater participation in the affairs of the communities involved, including the development of public and private grassroots partnerships with local law enforcement agencies, local housing authorities, private foundations, and other public and private partners to –
 - (I) document best practices based on successful grassroots intervention in urban areas, to develop methodologies for widespread replication; and
 - (II) strengthen and improve relationships with local law enforcement agencies, which may include participation in activities such as neighborhood or community policing efforts;

[Narrative: The Department requires CSBG eligible entities to submit an annual Community Action Plan (CAP). The CAP outlines their proposed activities. Staff reviews the CAP Plan and ensures that the activities supported are eligible uses of CSBG funds and meet the noted assurances.]

Needs of Youth

- 14.1b. 676(b)(1)(B)** Describe how the State will assure “that funds made available through grant or allotment will be used –
- (B) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to the prevention of youth problems and crime, and promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative

community-based youth development programs that have demonstrated success in preventing or reducing youth crime, such as--

- (i) programs for the establishment of violence-free zones that would involve youth development and intervention models (such as models involving youth mediation, youth mentoring, life skills training, job creation, and entrepreneurship programs); and
- (ii) after-school child care programs;

[Narrative: The Department requires CSBG eligible entities to submit an annual Community Action Plan (CAP). The CAP outlines their proposed activities. Staff reviews the CAP Plan and ensures that the activities supported are eligible uses of CSBG funds. The Department requires that entities provide a referral to the Texas Attorney General’s Office for families for whom child support might be a needed resource.]

Coordination of Other Programs

14.1c. 676(b)(1)(C) Describe how the State will assure “that funds made available through grant or allotment will be used –

- (C) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts)

[Narrative: The Department requires CSBG eligible entities to submit an annual Community Action Plan (CAP). The CAP outlines their proposed activities. The CAP also includes several forms that address funding coordination, coordination with WIOA Programs, referrals to Child Support Office, and participation in social service coalitions. Staff reviews the CAP Plan and ensures that the activities supported are eligible uses of CSBG funds.]

State Use of Discretionary Funds

14.2 676(b)(2) Describe “how the State intends to use discretionary funds made available from the remainder of the grant or allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle.”

Note: The Department describes this assurance under “State Use of Funds: Remainder/Discretionary,” items 7.9-7.11.

[No response; links to items 7.9 and 7.10.]

Eligible Entity Service Delivery, Coordination, and Innovation

- 14.3. 676(b)(3)** “Based on information provided by eligible entities in the State, a description of...”

Eligible Entity Service Delivery System

- 14.3a. 676(b)(3)(A)** Describe “the service delivery system, for services provided or coordinated with funds made available through grants made under 675C(a), targeted to low-income individuals and families in communities within the State;

[Narrative: The Department requires CSBG eligible entities to submit an annual Community Action Plan (CAP). The CAP includes a description of the service delivery system, the counties served, the facilities where services are available, and information regarding how the eligible entity conducts outreach and delivers services in counties where service centers are not available. The CAP also describes how the eligible entity coordinates funds with other organizations.]

Eligible Entity Linkages – Approach to Filling Service Gaps

- 14.3b. 676(b)(3)(B)** Describe “how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and follow-up consultations.”

Note: The Department describes this assurance in the State Linkages and Communication section, item 9.3b.

[No response; links to 9.3b.]

Coordination of Eligible Entity Allocation 90 Percent Funds with Public/Private Resources

- 14.3c. 676(b)(3)(C)** Describe how funds made available through grants made under 675C(a) will be coordinated with other public and private resources.”

Note: The Department describes this assurance in the State Linkages and Communication section, item 9.7.

[No response; links to 9.7]

Eligible Entity Innovative Community and Neighborhood Initiatives, Including Fatherhood/Parental Responsibility

- 14.3d. 676(b)(3)(D)** Describe “how the local entity will use the funds [made available under 675C(a)] to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle, which may

include fatherhood initiatives and other initiatives with the goal of strengthening families and encouraging parenting.”

Note: The description above is about eligible entity use of 90 percent funds to support these initiatives. States may also support these types of activities at the local level using state remainder/discretionary funds, allowable under Section 675C(b)(1)(F). In this State Plan, the Department indicates funds allocated for these activities under item 7.9(f).

[Narrative: The Department requires CSBG eligible entities to submit an annual Community Action Plan (CAP). As part of the CAP, entities must complete a document which provides information regarding any innovative community and neighborhood-based initiatives related to the purpose of CSBG, which may include fatherhood initiatives and other initiatives which strengthen families and encourage effective parenting. A limited number of CSBG eligible entities have reported these types of initiatives. The Department will continue to work with CSBG eligible entities to promote these initiatives if such gaps are identified in their CAP. As the Department identifies information on webinars or funding opportunities related to this area, the Department shares this information with CSBG eligible entities.]

Eligible Entity Emergency Food and Nutrition Services

- 14.4. 676(b)(4)** Describe how the State will assure “that eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals.”

[Narrative: The Department requires CSBG eligible entities to submit an annual Community Action Plan (CAP). As part of the CAP, entities must complete a document which provides information related to how the CSBG eligible entity will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals. Most CSBG eligible entities work with either a local food pantry or the food bank to provide food in these circumstances. If there are no other resources available, then CSBG funds are utilized to provide nutritional support.]

State and Eligible Entity Coordination/linkages and Workforce Innovation and Opportunity Act Employment and Training Activities

- 14.5. 676(b)(5)** Describe how the State will assure “that the State and eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services, and [describe] how the State and the eligible entities will coordinate the provision

of employment and training activities, as defined in section 3 of the Workforce Innovation and Opportunity Act, in the State and in communities with entities providing activities through statewide and local workforce development systems under such Act.”

Note: The Department describes this assurance in the State Linkages and Communication section, items 9.1, 9.2, 9.3a, 9.4, 9.4a, and 9.4b.

[No response; links to items 9.1, 9.2, 9.3a, 9.4, 9.4a, and 9.4b]

State Coordination/Linkages and Low-income Home Energy Assistance

- 14.6. 676(b)(6)** Provide “an assurance that the State will ensure coordination between antipoverty programs in each community in the State, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community.”

Note: The Department describes this assurance in the State Linkages and Communication section, items 9.2 and 9.5.

[No response; links to 9.2 and 9.5]

Federal Investigations

- 14.7. 676(b)(7)** Provide “an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D.”

Note: The Department addresses this assurance in the Fiscal Controls and Monitoring section, item 10.13.

[No response; links to 10.13]

Funding Reduction or Termination

- 14.8. 676(b)(8)** Provide “an assurance that any eligible entity in the State that received funding in the previous fiscal year through a community services block grant made under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b).”

Note: The Department addresses this assurance in the Fiscal Controls and Monitoring section, item 10.7.

[No response; links to 10.7]

Coordination with Faith-based Organizations, Charitable Groups, Community Organizations

- 14.9. 676(b)(9)** Describe how the State will assure “that the State and eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including religious organizations, charitable groups, and community organizations.”

Note: The Department describes this assurance in the State Linkages and Communication section, item 9.6.

[No response; links to 9.6]

Eligible Entity Tripartite Board Representation

- 14.10. 676(b)(10)** Describe how “the State will require each eligible entity in the State to establish procedures under which a low-income individual, community organization, or religious organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation.”

Note: The Department describes this assurance in the Eligible Entity Tripartite Board section, 11.3

[No response; links to item 11.3]

Eligible Entity Community Action Plans and Community Needs Assessments

- 14.11. 676(b)(11)** Provide “an assurance that the State will secure from each eligible entity in the State, as a condition to receipt of funding by the entity through a community services block grant made under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs.”

[No response; links to items 13.5 and 13.6]

State and Eligible Entity Performance Measurement: ROMA or Alternate system

- 14.12. 676(b)(12)** Provide “an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system for which the Secretary facilitated development pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and [describe] outcome measures to

be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization.”

Note: The Department describes this assurance in the ROMA section, items 13.1, 13.2, 13.3, and 13.4.

[No response; links to 13.1, 13.2, 13.3, and 13.4]

Validation for CSBG Eligible Entity Programmatic Narrative Sections

14.13. 676(b)(13) Provide “information describing how the State will carry out the assurances described in this section.”

Note: The Department provides information for each of the assurances directly in section 14 or in corresponding items throughout the State Plan, which are included as hyperlinks in section 14.

[No response for this item]

By checking this box, the State CSBG authorized official is certifying the assurances set out above.

SECTION 15

Federal Certifications

The box after each certification must be checked by the State CSBG authorized official.

15.1 Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all entities shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete

and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

By checking this box, the State CSBG authorized official is providing the certification set out above.

15.2 Drug-Free Workplace Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645 (a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

- (1) By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
- (2) The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
- (3) For grantees other than individuals, Alternate I applies.
- (4) For grantees who are individuals, Alternate II applies.
- (5) Workplaces under grants, for grantees other than individuals, need to be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
- (6) Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).

- (7) If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
- (8) Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about - -
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and

- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will - -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within 10 calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted - -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code) **[Narrative:**

Texas Department of Housing and Community Affairs

221 East 11th Street

Austin, Travis County, Texas 78701-2410]

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

- By checking this box, the State CSBG authorized official is providing the certification set out above.

15.3 Debarment

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - -

Primary Covered Transactions

Instructions for Certification

- (1) By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
- (2) The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- (3) The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

- (4) The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (5) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- (6) The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- (7) The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusive-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (8) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
- (9) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (10) Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - -

Primary Covered Transactions

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - - Lower Tier Covered Transactions

Instructions for Certification

- (1) By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
- (2) The certification in this clause is a material representation of fact upon which reliance was
- (3) Placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- (4) The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier

participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

- (5) The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- (6) The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- (7) The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (8) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.
- (9) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- (10) Except for transactions authorized under paragraph five of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - - Lower Tier Covered Transactions

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

By checking this box, the State CSBG authorized official is providing the certification set out above.

15.4 Environmental Tobacco Smoke

Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1994, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity by signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act.

The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

By checking this box, the State CSBG authorized official is providing the certification set out above.

ATTACHMENTS

Attachment A
Response to Question 10.2 Monitoring Policies

Compliance Division
Subrecipient Monitoring Section

Standard Operating Procedures

1.0 Risks and Control Objectives

- 1.1** The risks associated with not having an SOP for Assignments and Risk Assessments and the control objectives to ensure that those risks are minimized, are illustrated in the following table:

Risks	Control Objectives
The risks associated with not having an SOP for monitoring procedures are that that monitoring reviews may not be conducted or be conducted in a consistent manner and within the requirements of the Department and/or Federal requirements.	This SOP will minimize the risks described by providing a comprehensive process for a monitoring risk assessment, monitoring assignment and for the completion of monitoring reports and responses.

2.0 Policy

- 2.1** It is the requirement of the Texas Department of Housing and Community Affairs and its Compliance Division to perform monitoring functions of federal and state funds, in a consistent manner that is compliant with Department and Funding source requirements. The Chief of Compliance oversees three (3) monitoring sections within the Compliance Division, one (1) of which is the Compliance Subrecipient Monitoring section. The Compliance Subrecipient Monitoring director oversees the section of employees that monitor the programs that are administered by the Community Affairs Division, Single Family, and Home and Homelessness Programs Divisions of the Department.

3.0 General

- 3.1** Abbreviations

- A. Texas Department of Housing and Community Affairs – Department
- B. Community Affairs Division – CAD
- C. Compliance Division - Compliance
- D. Compliance Division Subrecipient Monitoring Section - CMSM
- E. Compliance Subrecipient Monitoring Director – CMSM Director
- F. Subrecipient Monitor – Compliance Monitor or Monitor
- G. Community Affairs Division program awardees (Non-profit corporations, Counties, Cities, Council of Government’s) – Subrecipient
- H. Weatherization Assistance Program – WAP
- I. Comprehensive Energy Assistance Program – CEAP
- J. Community Services Block Grant - CSBG
- K. Department of Energy – DOE
- L. Emergency Solutions Grant – ESG
- M. HOME Investments Partnership – HOME
- N. Homeless Housing and Services Program – HHSP
- O. Housing Trust Fund – HTF
- P. Low Income Housing and Energy Assistance Program – LIHEAP
- Q. LIHEAP Weatherization Assistance Program – LI-WAP
- R. National Housing Trust Fund – NHTF
- S. Neighborhood Stabilization Program – NSP
- T. Quality Control Inspector - QCI

3.2 Purpose

- A. This SOP describes the Department’s methodology for monitoring Subrecipients.
- B. To comply with Department rules on the administration on program funds.
- C. To comply with Federal Funding source requirements for administering program funds.
- D. It establishes consistent processes and procedures when monitoring CAD programs.
- E. Monitoring activities are planned to focus on areas of highest risk and to help ensure the most effective use of monitoring resources.
- F. To ensure the CMSM Compliance Monitors completed monitoring reports and responses within a designated time frame to ensure Subrecipients address any corrective actions in a timely manner.

- G. To ensure monitoring responses are reviewed to ensure corrective actions were completed.

4.0 Responsibilities

- 4.1 The CMSM section is responsible for ensuring the CEAP, CSBG, ESG, HOME, HHSP, HTF, Multifamily Direct HOME Loans, NHTF, NSP and WAP programs (DOE and LIHEAP) are administered and funds are expended in accordance with contract provisions and applicable State and Federal rules, regulations, policies, and related statutes.
- 4.2 The CMSM Director will ensure a monitoring schedule is developed that identifies the Subrecipients that are to be monitored.
- 4.3 According to individual program requirements and/or standards, the CMSM section will develop a list of specific compliance requirements to be reviewed. The section will also develop a methodology to review each compliance requirement consistently.
- 4.4 The CMSM section will perform the respective monitoring to determine Subrecipient compliance.
- 4.5 The CMSM monitors will notify the CMSM Director and/or Chief of Compliance if a finding or concern of fraud, waste and/or abuse were noted during a Subrecipient's monitoring.
- 4.6 Within 30 days of the completion of the monitoring, the CMSM section will develop a report or correspondence, for the Subrecipient, reflecting the results of the monitoring.
- 4.7 The CMSM section will address the Subrecipient's response to the report and/or close out the monitoring process.
- 4.8 The CMSM section will notify and work with the CAD Training section to address any findings consistent within the Subrecipient network.

5.0 Subrecipient Monitoring Selection

- 5.1 The CMSM section will complete a Subrecipient monitoring review schedule, at least quarterly each year. The schedule will identify the quarter in which the Subrecipient will be monitored.
- 5.2 The CMSM section utilizes the most efficient use of its travel and monitoring budget, as its methodology in developing the Subrecipient monitoring review schedule. The schedule takes into account the program contract periods and may require Compliance Monitors to review multiple programs during the review.
- 5.3 The Department's schedule is used as a planning tool and is subject to change. The CMSM Section may encounter situations that arise and cause Subrecipients to be monitored in

a different month or more frequently than what is identified in the schedule. These situations may include:

1. Subrecipient who may not or have not met the minimum on-site monitoring threshold.
 2. There is low production in the program(s) selected for monitoring.
 3. Monitor(s) attempt to schedule a monitoring and provides proposed monitoring dates. However, the Subrecipient is unable to accommodate the monitoring during the proposed dates.
 4. The Department receives fraud, waste and/or abuse concerns against a Subrecipient.
 5. The Department receives a credible complaint against a Subrecipient.
- 5.4 As needed, the CMSM will also factor in the results of a Subrecipient's prior monitoring review and/or Single Audit findings when determining the monitoring schedule. Subrecipient's with prior and/or repetitive monitoring and/or Single Audit findings are a priority to be monitored.
- 5.5 At a minimum:
- A. DOE (July-June) and LIHEAP WAP (Jan. – Dec.) Subrecipients will be monitored at least once each year;
 - B. LIHEAP Subrecipients will be monitored at least once every three (3) years (Triennial).
 - C. CSBG Subrecipients will be monitored at least once every three (3) years (Triennial).

6.0 Determining Compliance Requirements

- 6.1 The CMSM section will review Subrecipient's compliance with program requirements, contract provisions and Federal, State, local government rules and regulations.
- A. The CMSM section will determine compliance on specific contract provisions, rules, regulations and/or program requirements are most applicable to be reviewed or required to be reviewed by the funding source. The CMSM section will verify if the Subrecipients have complied with the requirements. The CMSM section will utilize a monitoring tool (instrument) that identifies the areas of compliance that will be reviewed. The monitoring tool will have a methodology to reflect the process used to

determine compliance of each selected contract provision, rule, regulation and/or requirement.

- B. The monitoring tool will be in electronic format and the CMSM section will enter the selected compliance requirements into the document.
- C. The monitoring tool will be maintained in the Department's monitoring software (Teammate).

6.2 The monitoring tool and the list of compliance requirements that are to be reviewed may be revised, updated, or changed from period to period due to program, legislative and/or budget changes.

- A. The listed monitoring tool is reviewed on a continual basis, during the federal fiscal year or Subrecipient program year (as applicable), to account for changes in rules and/or program requirements.

7.0 Monitoring Announcement

7.1 After it has been determined which Subrecipients will be monitored, the CMSM Director will assign monitors, to the Subrecipients who will be monitored. The CMSM Director will determine the method of distributing the Subrecipients to the Monitors.

7.2 After a review of risk factors utilized in previous risk assessments the following factors have been identified by staff consensus as the set of indicators that most accurately present the highest degree of program and fiscal risk:

- ◇ Program Activity Type
- ◇ Number of months remaining on the contract;
- ◇ Time Since Most Recent Monitoring Evaluation of the elapsed length of time since a Subrecipient has received an on-site visit or desk review;
- ◇ Results of previous on-site visit(s) and/or desk review;
- ◇ Total Funds Budgeted – Evaluation of the total amount of funds awarded to a Subrecipient;
- ◇ Total Funds Committed – Evaluation of the percentage of funds committed to the projects of the contract(s);
- ◇ Total Cumulative Draws – Evaluation of the percentage of contract funds drawn;
- ◇ Match obligation for contract;
- ◇ Set-aside Type;
- ◇ Construction Activities – A review to determine if subrecipient's performing activities with a construction component have incurred Davis-Bacon Labor Standards requirements; and

- ◇ Details of any reported complaints (internal and external).

Risk Factors may be revised, updated, or changed from period to period due to program, legislative, or budget changes. *The Risk Factors utilized may also be governed or restricted by constraints inherent in the architecture of the central data base system. It may not be 100% accurate or cost-effective to include some risk factors because of this constraint. An example is Single Audit Status.*

Other Risk Factors may include:

- ◇ Multiple funding sources for a contract;
- ◇ Significant gaps between expected and actual results of previous contracts;
- ◇ Multiple contracts for an individual subrecipient; and
- ◇ Instability in the management environment.

- 7.3 The Monitor will contact each of the assigned Subrecipients and schedule future on-site monitoring. The Monitor will make every attempt to provide the Subrecipient with a minimum of 30 days' notice prior to the monitoring review.
- A. On occasions, the monitoring may occur with fewer than 30 days' notice. Situations that may warrant a monitoring occurring with fewer than 30 days' notice include:
1. The Subrecipient notifies the Department that it is not able to be monitored the proposed week and chooses the monitoring date.
 2. The Department receives credible fraud, waste and/or abuse concerns against a Subrecipient requiring little to no notice of the monitoring.
 3. The Department receives a credible complaint against a Subrecipient requiring little to no notice of the monitoring.
- 7.4 After the monitoring date has been confirmed, the Monitor will complete a Monitoring Announcement letter.
- 7.5 When the announcement letter has been completed, the document will be scanned and saved to the Subrecipient's respective Monitoring file within the computerized Monitoring Software.
- 7.6 The scanned version will be emailed to the Subrecipient. If applicable, a copy of the announcement letter will be sent to appropriate individuals.

- 7.7 The Monitoring Announcement letter should be sent to the Subrecipient as soon as the monitoring dates have been set, but no less than two (2) weeks prior to the monitoring.
- 7.8 In some instances a Monitoring Announcement letter may be submitted less than two (2) weeks from the scheduled monitoring. This may occur when 7.2 A (1) is met.
- 7.9 In some instances a Monitoring Announcement letter may not be submitted to the Subrecipient prior to the monitoring. This may occur when 7.2 A (2) and (3) are met.

8.0 Performing the On-site Monitoring

- 8.1 The CMSM section will utilize electronic monitoring tool to review the selected compliance requirements and to document the Subrecipients compliance with the specific requirement.
- 8.2 If the appropriate Subrecipient staff is available, the Monitor will have an Entrance Conference prior to the start of the monitoring. In the Entrance Conference the Monitor will provide a brief summary of the on-site monitoring process and/or the on-site monitoring plan. The Monitor will also utilize this time to answer Subrecipient questions that are specific to the monitoring and/or the programs.
- 8.4 After the Entrance conference, the Monitor will review the compliance requirements and perform the methodology to determine compliance with the selected requirements. The monitor will complete each question and section of the selected compliance requirements on electronic testing documents. The CMSM section will document the reason for the inability to verify any of the selected compliance requirements.
 - A. Weatherization Assistance Program (“WAP”) Monitorings- may be performed as a Full Monitoring or as a Unit Inspection.
 - a. A Full WAP Monitoring will consist of the Compliance Monitor performing a review to determine compliance with Financial and Expenditure requirements, Administrative requirements, client eligibility requirements and performing an inspection of weatherized units.
 - b. Unit Inspection monitoring consists of the Compliance Monitor(s) reviewing weatherization client files for compliance and eligibility requirements and performing an inspection of the weatherized units.

c. Client file reviews and Unit Inspections will vary according to the funding source used to weatherize the unit. When units are weatherized with LIHEAP funding only, the Compliance Monitor(s) will review the weatherized work based on an established Priority Rating sheet. When units are weatherized with DOE funding only, or with DOE and LIHEAP funds, the Compliance Monitor(s) will review the weatherized work based on an approved Energy Audit. Compliance Monitors will be required to have all applicable field tests performed during the Unit Inspection. The Compliance Monitor(s) may supervise a Subrecipient's performance of the field test. The Compliance Monitor(s) must document the results of the field tests.

d. The Compliance Monitor will utilize the following as a guide when determining the number of units to inspect. The actual number of units inspected will vary according to the number of QCI staff employed by the Subrecipient and the process the Subrecipient follows for their Assessments and Final Inspections.

- a. When a Compliance Monitor is conducting a monitoring visit, in which the Subrecipient has limited QCI staff therefore the same QCI staff will perform more than one function in the unit, the Compliance Monitor(s) will perform a minimum of:
 - i. Ten percent (10%) unit inspections of the total units completed
- b. When a Compliance Monitor is conducting a monitoring visit, in which the Subrecipient has multiple QCI staff therefore the QCI staff performing the final inspection will not perform any other function in the unit, Compliance Monitor(s) will perform a minimum of:
 - i. Five percent (5%) unit inspections of the total units completed

e. The CMSM Section will be required to monitor a minimum of 5% of all completed weatherized units (at the time of the monitoring) that are funded by DOE and inspected by a QCI who was not involved in the assessment of the weatherized unit. The CMSM Section will monitor a minimum of 10% of all completed weatherized units (at the time of the monitoring) that were inspected by a QCI that was involved in the assessment of the weatherized unit. The CMSM section will utilize the monitoring tracking database to track the number of units that have been inspected. The Department will also review Monthly Expenditure Reports to track the number of total completed units and will adjust the monitoring schedule to ensure that it meets the minimum number of units inspected.

- a. A Compliance Monitor may not be able to monitor the minimum number of weatherized units if:
 - i. the Subrecipient does not have enough completed weatherized units;

- ii. the geographical location of the weatherized homes prohibits the ability to inspect units;
- iii. inclement weather persists.

B. Community Services Block Grant

- 1. A CSBG Monitoring review will consist of the Compliance Monitor performing a review to determine compliance with Financial and Expenditure requirements, Administrative requirements and client eligibility requirements.
- 2. The monitoring tool's methodology identifies the minimum number of expenditures and client files to review.

C. Comprehensive Energy Assistance Program

- 1. A CEAP Monitoring review will consist of the Compliance Monitor performing a review to determine compliance with Financial and Expenditure requirements, Administrative requirements and client eligibility requirements.
- 2. The monitoring tool's methodology identifies the minimum number of expenditures and client files to review.

- 8.5 When the respective methodology is not enough to determine compliance, the Monitor(s) will make every effort to determine if the requirement is compliant. This may require the Monitor(s) to perform additional testing, request additional information or clarification from Subrecipient staff and/or request assistance from peer Monitors, CA Division staff, the CMSM Director or the Chief of Compliance.
- 8.6 The Monitor will obtain and maintain the appropriate documentation to justify any finding, disallowed and/or questioned cost.
- 8.7 The Monitor will notify the CA Trainers of the Subrecipient's need for Training and/or Technical Assistance if necessary.
- 8.8 If the Monitor(s) is unable to complete the monitoring during the specified period, the Monitor(s) must notify the CMSM Director of the circumstance(s) that resulted in the inability to complete the monitoring. The CMSM Director will determine the appropriate course of action to complete the monitoring. The Monitor must notify the Subrecipient that additional time is required to complete the monitoring and of the course of action that was determined by the CMSM Director. The inability to complete the monitoring and the course of action must be documented in the computerized Monitoring Software or the Monitoring Instrument.
- 8.9 Time permitting and if the appropriate Subrecipient staff are available, the Monitor will make every attempt to provide the Subrecipient with an on-site Exit Conference. The Exit Conference is intended to explain, to the Subrecipient, the preliminary results of the

monitoring. In some situations the Subrecipient may be provided a few days to submit documentation, if the documentation was not readily available during the onsite visit. In this situation, an Exit conference may not be conducted on-site.

- 8.10 If an on-site exit conference cannot be completed, the Monitor will schedule an Exit conference via conference call. The call will typically occur within 5 business days from the last day the monitoring.
- 8.11 The Monitor(s) will create electronic copies of all applicable monitoring documents and/or Finding support documentation obtained during the review. The Monitor will save the electronic copies to the monitoring file within the computerized Monitoring Software.

9.0 Monitoring Report

- 9.1 The Monitor(s) will be required to develop a report, detailing the results of the monitoring. Each Monitoring Report will contain general program information and/or a brief description of the monitoring process that was performed. If applicable, the monitoring report will contain:
 - A. Finding/Deficiency (CSBG only)
 - 1. A brief and concise description of the lack of compliance of a specific program requirement;
 - 2. A brief description of the program requirement;
 - 3. A description of any disallowed or questioned cost; and
 - 4. The respective reference for program compliance.
 - B. Action Required for a Finding/Deficiency
 - 1. A brief requirement for the Subrecipient to meet;
 - 2. A requirement for the Subrecipient to complete a specific action to resolve the finding;
 - 3. A requirement for the Subrecipient to provide a reimbursement, documents, an assurance and/or a response to the monitoring report.
 - C. If there were findings or deficiencies of noncompliance, a 30 calendar day corrective action deadline. If there were no Findings or Required Action, the Monitoring Report

will reflect that no response is required and that the Monitoring Review is considered closed.

D. A Concern

1. A brief and concise description of the lack of compliance of a specific program requirement;
2. A brief description of the program requirement;
3. The respective reference for program compliance.

E. Action Required for a Concern

1. A brief requirement for the Subrecipient to meet;
2. A requirement for the Subrecipient to complete a specific action to resolve the Concern;

F. Observation

1. A brief and concise description of the policy, practice or procedure observed through the course of monitoring that may lead to a lack of compliance of a specific program requirement.

9.2 Monitors are expected to, on average, complete monitoring letters within 30 calendar days from the last day of the onsite visit. However, DOE-WAP monitoring letters must be completed within 30 calendar days.

9.3 The Monitor(s) will make an electronic copy of the Monitoring Report and save the copy to the Subrecipient's respective monitoring file within the computerized Monitoring Software. The scanned version will be emailed. A hard copy report will be mailed to the Subrecipient if email is not an option.

9.4 At a minimum, the Monitor will e-mail the Monitoring Report to the Subrecipient and a copy of the report to the Subrecipient's Board Chair or the assigned Board representative.

9.5 The date the monitoring report is considered complete and submitted to the Subrecipient, is when the report is emailed to the Subrecipient.

10.0 Response to the Monitoring Report

10.1 The Subrecipient will be provided a 30 day corrective action period which can be extended for good cause by the Chief of Compliance.

10.2 The Monitor(s) is responsible for tracking corrective action due dates. If the Department has not received the Subrecipient's response, the Monitor(s) will submit a letter to the

Subrecipient, notifying them of the delinquent response. The Monitor will document that a letter was sent to the Subrecipient, in the “Notes” area of the Monitoring Tracking System.

10.3 If the Subrecipient’s response is submitted as a paper document, the Monitor will make an electronic copy of the response. The Monitor will then save the copy to the Subrecipient’s respective Monitoring File within the electronic software.

10.4 The Monitor(s) will review the Subrecipient’s response to the report for compliance with the specific Finding’s required action and program rules, regulations and requirements.

10.5 Within 45 business days of the receipt of the response, the Monitor(s) will provide correspondence to the Subrecipient addressing each Finding and/or required action. For each Finding, the monitor(s) will:

- A. Briefly state the Finding that occurred;
- B. The Subrecipient’s response and/or documentation;
- C. Any concern or question posed in the Subrecipient’s response;
- D. The results of the Department’s review of the response and/or documentation;
- E. Necessary information to address the Subrecipient’s concern or question;
- F. If the response and/or documentation is acceptable to resolve the Finding;
- G. If the Finding is resolved;
- H. If applicable, the Finding is closed;
 - i. A Finding will not be considered resolved, but closed when the Department believes the Subrecipient’s required action is not obtainable. The Subrecipient will no longer be required to complete the required action.
 - ii. The Department should consider the efforts the Subrecipient made to resolve the Finding.
 - iii. A “Closed” Finding will not be used on the Required Action of a Subrecipient to reimburse the Department for disallowed expenditures.
- I. If applicable, the additional required action to resolve the Finding.

- 10.6 The Monitor(s) will make an electronic copy of the document addressing the Subrecipient's response to the report. The Monitor will save the copy to the Subrecipient's respective monitoring file in the computerized Monitoring Software. The scanned version will be emailed to the Subrecipient. If applicable, a copy of the document will be sent to appropriate individuals.
- 10.7 If the Subrecipient's response did not resolve the Findings and/or required actions of the monitoring report, the Monitor(s) will keep abreast of the Subrecipient's 30 day response period. If the Department has not received the Subrecipient's response, the Monitor(s) will submit a letter to the Subrecipient, notifying them of the delinquent response. The Monitor will document that a letter was sent to the Subrecipient, in the Monitoring Tracking System.
- 10.8 When the Subrecipient submits the response from 10.7, the Monitor(s) will continue at 10.2 of the Monitoring SOP. If the Monitor completes Section 10.5 of the SOP and determines the Subrecipient's response to Finding(s) to remain unresolved, the Monitor will continue with 10.6 and 10.7 of the SOP. However, unless prior approval from the Chief of Compliance, the original Corrective Action deadline is not amended. The Subrecipient must resolve the Finding(s) as soon as possible. If the Department has not received the Subrecipient's response, the Monitor(s) will submit a letter to the Subrecipient, notifying them of the delinquent response. The Monitor will document that a letter was sent to the Subrecipient, in the Monitoring Tracking System.
- 10.9 Similarly, when the Subrecipient submits the response from 10.8, the Monitor(s) will continue at 10.2 of the Monitoring SOP. If the Monitor completes Section 10.5 of the SOP and determines the Subrecipient's response to Finding(s) to remain unresolved, the CMSM Director will notify the Chief of Compliance. The Chief of Compliance may determine if the matter should be referred to the Department's Enforcement Committee in accordance with Department Rules and SOPs.
- 10.10 If a Subrecipient has submitted its second response and is still not able to comply with the required action(s), the Monitor(s) will note in its subsequent correspondence that the Subrecipient is able to request a meeting with the Department's Compliance committee. The Subrecipient may request the committee to review the validity of the Finding or to appeal the required action.
- A. The Subrecipient must include in its subsequent response that it request a meeting with the Compliance committee.
 - B. Once the request has been received, the Department will follow the rules and the SOP's pertaining to the Compliance committee.

APPROVAL:

Earnest Hunt
Compliance Subrecipient Monitoring Director

2/12/2019

6c

BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on release of the draft Federal Fiscal Year 2019 Low Income Home Energy Assistance Program State Plan for public comment

RECOMMENDED ACTION

WHEREAS, the U.S. Department of Health and Human Services (USHHS) requires that the Department submit a State Plan every year in order to receive its allotment of Low Income Home Energy Assistance Program (LIHEAP) funds;

WHEREAS, the Department has prepared a draft Federal Fiscal Year (FFY) 2020 LIHEAP State Plan (the Plan); and

WHEREAS, USHHS requires that a draft Plan be released for public comment and the State requires a public hearing prior to the submission of the Plan to USHHS;

NOW, therefore, it is hereby

RESOLVED, that the draft Plan, in the form presented to this meeting, is hereby approved to be released for public comment, public hearing, posted on the Department's website and published in the *Texas Register*;

RESOLVED, that if USHHS releases different guidance after Board approval, the Board authorizes staff to make needed conforming changes and non-substantive changes to the Plan, and to change the public hearing dates and the comment period; and

FURTHER RESOLVED, that the final Plan with consideration for final grant guidance, public comment and technical corrections made by staff, along with award recommendations for subrecipients will be presented to the Board no later than July 2019.

BACKGROUND

USHHS requires that the State of Texas submit a LIHEAP State Plan each year on or before September 1st in order to receive its allotment of LIHEAP funds. In response to this requirement, the Department has prepared a draft FFY 2020 LIHEAP State Plan. This draft Plan was released to the subrecipient network specifically for the purpose of garnering feedback on its development prior to it going to the Board in draft form. Staff considered the feedback received, but did not make any changes to the Plan. The feedback received requested that the Department 1) make SNAP and TANF categorically eligible, 2) provide clarification on how a subrecipient identifies the existence of life sustaining equipment in a

household and 3) increase the LIHEAP Weatherization Assistance Program (WAP) cost per unit from \$6,500 to \$10,500 to better address Heating Ventilation and Air Conditioning (HVAC) replacement and repairs. Responses to the individual feedback explaining the reason for not making the change to the Plan were sent to each commenter. In response to 1, SNAP and TANF eligibility is determined at the state level rather than at the federal level, making eligibility requirements for these two programs different than CEAP. In response to 2, the Department recognizes that this is an item that may benefit from clarity in a future rulemaking. In response to 3, raising the cost per unit by \$4,000 would allow approximately 40% fewer households to be served in total. Furthermore, the upcoming proposed changes to the priority list guidance may allow greater flexibility to address HVAC measures, and this is an area the Department may consider for future rulemaking.

The Plan, upon approval by the Board, will be posted on the Department's website, published in the *Texas Register*, released for public comment and four public hearings will be held around the state. Public hearings provide the opportunity for comment from the public and the subrecipient network. Public hearings for the Plan will be held as follows:

- Austin - Tuesday, May 28, 2019, 2:00 p.m.-3:00 p.m. in room 116, TDHCA Headquarters, 221 East 11th Street, Austin, TX 78701
- Fort Worth – Tuesday, May 28, 2019, 6:00 p.m.-7:00 p.m. at Southside Community Center, 959 E. Rosedale, Fort Worth, TX 76104
- Odessa - Wednesday, May 29, 2019, 2:00 p.m.- 3:00 p.m. at West Texas Opportunities, 1415 East 2nd, Odessa, TX 79762
- Houston – Thursday, May 30, 2019, 6:00 p.m.-7:00 p.m. at Baker Ripley, Inc., 3838 Aberdeen Way, Houston, TX 77025

The public comment period to accept comments regarding the Plan will be open from Friday, May 10, 2019, through Monday, June 10, 2019, at 5:00 p.m. Austin local time. Written comments concerning the Plan may be submitted to the Texas Department of Housing and Community Affairs, Community Affairs Division, P.O. Box 13941, Austin, TX 78711-3941, or by email to gavin.reid@tdhca.state.tx.us, or by fax to (512) 475-3935. Comments are due no later than 5:00 p.m. Austin local time, Monday, June 10, 2019.

Upon completion of the public hearings and public comment period, staff may modify the Plan, if appropriate, based on public comment. Staff will also include any changes required by federal guidance, although staff anticipates they will be minimal, if any. Staff anticipates presenting the revised Plan with consideration for final grant guidance, public comment, technical corrections made by staff, along with recommendations for subrecipient awards to the Board for review and final approval no later than July 2019.

LIHEAP funds, as reflected in the Plan, are utilized in the following three ways:

- The Department allocates at least 75% of the LIHEAP funds to the Comprehensive Energy Assistance Program (CEAP), which provides utility assistance to eligible households, including crisis assistance and services to reduce home energy needs.

- The Department allocates up to 15% of the LIHEAP funds to the WAP. There is generally greater flexibility with LIHEAP weatherization funds than U.S. Department of Energy (DOE) weatherization funds, so continuing to allocate some portion of these funds for this activity allows households to receive more comprehensive assistance than were they to be served solely by DOE WAP funds.
- The Department allocates 10% of LIHEAP funds for Department and subrecipient administration.

In review of the Plan, attached, it should be noted that the Plan follows a template and series of required responses pre-determined by USHHS with character limitations and specific instructions.

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FEDERAL FISCAL YEAR 2020

GRANTEE: Texas Department of Housing and Community Affairs

EIN: 17426105429

**ADDRESS: P.O. Box 13941
Austin, Texas 78711-3941**

LIHEAP COORDINATOR: Michael DeYoung

EMAIL: michael.deyoung@tdhca.state.tx.us

TELEPHONE: (512) 475-2125 FAX: (512) 475-3935

CHECK ONE: TRIBE / TRIBAL ORGANIZATION _____ STATE X _____ INSULAR AREA _____

**Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, DC 20447**

August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01

OMB Approval No. 0970-0075

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which the grantee is not permitted to file an abbreviated plan. Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The Texas Department of Housing and Community Affairs agrees to:

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under this title including leveraging programs, and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed an amount equal to 150 percent of the poverty level for such State; or

(i) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a Federal fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle

B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that--

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the Federal fiscal year preceding the Federal fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to--

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendor payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that--

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a Federal fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15) beginning in Federal fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

* This assurance is applicable only to States, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Neither territories with annual allotments of \$200,000 or less nor Indian tribes/tribal organizations are subject to Assurance 15.

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary

concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended. By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.

Signature: _____

Title: Acting Director, Texas Department of Housing and Community Affairs

Date: August, 2019

The Governor of Texas has delegated the responsibility of signing this document to the Executive Director of the Texas Department of Housing and Community Affairs. A copy of the letter is attached.

The EIN (Entity Identification Number) of the Texas Department of Housing & Community Affairs, which receives the grant funds, appears on the cover of this application.

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

Section 1¹

Program Components, 2605(a), 2605(b)(1) – Assurance 1, 2605(c)(1)(C)

1.1 Check which components you will operate under the LIHEAP program. (Note: You must provide information for each component designated here as requested elsewhere in this plan.)

	<u>Dates of Operation²</u>		
<input checked="" type="checkbox"/>	Heating assistance	Start date: 10/01/2019	End date: 09/30/2021
<input checked="" type="checkbox"/>	Cooling assistance	Start date: 10/01/2019	End date: 09/30/2021
<input checked="" type="checkbox"/>	Crisis assistance	Start date: 10/01/2019	End date: 09/30/2021
<input checked="" type="checkbox"/>	Weatherization assistance	Start date: 10/01/2019	End date: 09/30/2021

Estimated Funding Allocation, 2604(c), 2605(k)(1), 2605(b)(9), 2605(b)(16) – Assurances 9 and 16

1.2 Estimate what amount of available LIHEAP funds will be used for each component that you will operate: **The total of all percentages must add up to 100%**

10% heating assistance

40% cooling assistance

25% crisis assistance

Up to 15% weatherization assistance³

0% carryover to the following Federal fiscal year

10% administrative and planning costs

0% services to reduce home energy needs including needs assessment (Assurance 16)

0% used to develop and implement leveraging activities

100% **TOTAL**

¹ Capitalized terms are defined in Title 10, Chapters 1, 2, or 6 (as applicable) of the Texas Administrative Code or by federal law.

² Dates of operation signify periods in which we most expect seasonal usage. Identification of these periods does not limit the payment of assistance on any “seasonal” basis.

³ If 15% is not used for weatherization assistance, the balance will be added to heating, cooling, or crisis assistance as needed.

Alternate Use of Crisis Assistance Funds, 2605(c)(1)(C)

1.3 The funds reserved for winter crisis assistance that have not been expended by March 15 will be reprogrammed to:

- Heating assistance
- Weatherization assistance
- Cooling assistance
- Other (specify): funds are utilized for all eligible components

Categorical Eligibility, 2605(b)(2)(A) – Assurance 2, 2605(c)(1)(A), 2605(b)(8A) – Assurance 8

1.4 Do you consider households categorically eligible if one household member receives one of the following categories of benefits in the left column below? Yes No

Program	Cooling	Heating	Crisis	Weatherization
Temporary Assistance for Needy Families	No	No	No	No
Supplemental Security Income	Yes	Yes	Yes	Yes
Supplemental Nutrition Assistance Program	No	No	No	No
Means-tested Veterans Programs	Yes	Yes	Yes	Yes

1.5 Do you automatically enroll households without a direct annual application?
 Yes No

1.6 How do you ensure there is no difference in the treatment of categorically eligible households from those not receiving other public assistance when determining eligibility and benefit amounts?

Texas provides Categorical Eligibility for SSI and Means-Tested Veterans Programs into its program. State rules have a provision that there is to be no difference in the treatment of Categorically Eligible Households. The Department has a system for persons to submit complaints, and the monitoring reviews would also note any differences in treatment of persons that are or are not Categorically Eligible.

SNAP Nominal Payments

1.7 Do you allocate LIHEAP funds toward a nominal payment for SNAP households? If you answered “yes” to question 1.71 you must provide a response to 1.7b, 1.7c, 1.7d.

a. Yes No

b. Amount of Nominal Assistance: \$ ___ NA _____

c. Frequency of Assistance:

Once per year

Once every five years

Other (describe): _____ NA _____

d. How do you confirm that the household receiving a nominal payment has an energy cost or need?

Determination of Eligibility – Countable Income

1.8 In determining a household's income eligibility for LIHEAP, do you use gross income or net income?

- Gross Income (except for self-employment or farm income or gambling/lottery winnings) ⁴
 Net Income

1.9. Select all of the applicable forms of countable income used to determine a household's income eligibility for LIHEAP.

- Wages (except as prohibited by the Workforce Investment Act of 1998)
 Self-employment income
 Contract income
 Payments from mortgage or sales contracts
 Unemployment Insurance
 Strike pay
 Social Security Administration (SSA) benefits
 Including Medicare deduction Excluding Medicare deduction
 Supplemental Security Income (SSI)
 Retirement / pension benefits
 General Assistance benefits (except as excluded by federal law or 10 TAC §6.4-)
 Temporary Assistance for Needy Families (TANF) benefits (except for one-time payments)
 Supplemental Nutrition Assistance Program (SNAP) benefits
 Women, Infants, and Children Supplemental Nutrition Program (WIC) benefits
 Loans that need to be repaid
 Cash gifts
 Savings account balance
 One-time lump-sum payments, such as rebates/credits, refund deposits, etc.
 Jury duty compensation
 Rental income
 Income from employment through Workforce Investment Act (WIA)
 Income from work study programs
 Alimony
 Child support
 Interest, dividends, or royalties
 Commissions
 Legal settlements
 Insurance payments made directly to the insured
 Insurance payments made specifically for the repayment of a bill, debt, or estimate
 Veterans Administration (VA) benefits (except for 38 USC 1315, 1521, 1541, 1542)
 Earned income of a child under the age of 18
 Balance of retirement, pension, or annuity accounts where funds cannot be withdrawn without a penalty.
 Income tax refunds
 Stipends from senior companion programs, such as VISTA
 Funds received by household for the care of a foster child
 AmeriCorps Program payments for living allowances, earnings, and in-kind aid.
 Reimbursements (for mileage, gas, lodging, meals, etc.)
 Other Any item not excluded in 10 TAC §6.4 or by other federal law

⁴ Exceptions on use of net income are provided for in 10 TAC §6.4.

Section 2 - HEATING ASSISTANCE

Eligibility, 2605(b)(2) – Assurance 2

2.1 Designate the income eligibility threshold used for the heating component:

<i>Household Size</i>	<i>Eligibility Guidelines</i>	<i>Eligibility Threshold</i>
All Household Sizes	USHHS Poverty Guidelines	150%
All Household Sizes	State Median Income	60% ⁵

2.2 Do you have additional eligibility requirements for **HEATING ASSISTANCE**?

Yes No ⁶

2.3 Check the appropriate boxes below and describe the policies for each.

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| ● Do you require an assets test? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Do you have additional/differing eligibility policies for: | | |
| ● Renters? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Renters living in subsidized housing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Renters with utilities included in the rent? ⁷ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Do you give priority in eligibility to: | | |
| ● Elderly? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Disabled? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Young children? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Households with high energy burdens? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Other? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Households with high energy consumption | | |

Determination of Benefits, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

⁵ In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, Texas will use the highest of 150% of the poverty guidelines or 60% of the State's median income (SMI). The State may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department's Executive Director. Texas will communicate this designation to affected Subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.

⁶ 10 TAC §6.307(e) states: "A Dwelling Unit cannot be served if the meter is utilized by another Household that is not part of the application for assistance. In instances where separate structures share a meter and the applicant is otherwise eligible for assistance, Subrecipient must provide services if: (1) the members of the separate structures that share a meter meet the definition of a Household per §6.2 of this Chapter (relating to Definitions); (2) the members of the separate structures that share a meter submit one application as one Household; and (3) all persons and applicable income from each structure are counted when determining eligibility."

⁷ Per 10 TAC §6.309(h)(9), Subrecipient may make payments to landlords on behalf of eligible renters who pay their utility and/or fuel bills indirectly. Subrecipient shall notify each participating household of the amount of assistance paid on its behalf. Subrecipient shall document this notification. Subrecipient shall maintain proof of utility or fuel bill payment. Subrecipient shall ensure that amount of assistance paid on behalf of customer is deducted from customer's rent.

2.4 Describe how you prioritize the provision of heating assistance to vulnerable households, e.g., benefit amounts, application period, etc.

Subrecipients use a rating system which determines priority based on persons in Households who are particularly vulnerable such as the Elderly, Persons with Disabilities, Households with Young Children, Households with High Energy Burden, and Households with High Energy Consumption. Benefit amounts are determined on a sliding scale based on the Household's income. The number of benefit payments is based on the presence of a vulnerable member such as the Elderly, Persons with Disabilities, and Households with Young Children. The maximum benefit amount is determined per program year based on Household need, is split between heating and cooling assistance, and is not required to be applied equally to heating and cooling costs.

2.5 Check the variables you use to determine your benefit levels. (Check all that apply):

- Income
- Family (household) size
- Home energy cost or need:
 - Fuel type
 - Climate/region
 - Individual bill
 - Dwelling type
 - Energy burden (% of income spent on home energy)
 - Energy need
 - Other (Describe: Alternative Billing Method)

Other Description: Other - Utility assistance payment can be based on the previous twelve (12) month's home energy consumption history or, if this data is unavailable, payments may be based on payments of the current program year's bill or utilize an alternative billing method (ABM) for clients with incomplete billing histories. The Department recommends an alternative billing method where the subrecipient determines the average consumption amount (kWh, therms, MCF, gallons, etc.) per month, for each household size and type based on a minimum sample size of 30 files that contain complete billing histories. Subrecipients can propose other types of ABMs. The ABM proposed by the subrecipient must be approved by the Department prior to utilization.

The amount of benefit/assistance that an applicant is eligible for is based on their level of household income. Per 10 TAC §6.309(e), Households with incomes 0-50% of Federal Poverty Income Guidelines (FPIG) have a maximum of \$1,200 for the Utility Payment Assistance Component and the Household Crisis Component; Households with incomes at 51%-75% FPIG have a maximum of \$1,100 per Component; Households with incomes 76%-150% FPIG have a maximum of \$1,000 per Component; and there is a maximum of up to \$3,000 for Service and Repair of heating and cooling units. The maximum total eligible assistance is \$5,400.

Benefit Levels, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

2.6 Describe estimated benefit levels for FY 2020:

\$1 Minimum benefit \$5,400 Maximum benefit

Note: Households are eligible for \$1,200 under utility assistance component and \$1,200 under Household Crisis Component. Non-vulnerable population households may be eligible for an additional \$3,000 for service and repair of existing heating and cooling units when the county is experiencing Extreme Weather Conditions. Vulnerable Population Households, regardless of weather conditions, that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000 or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions. If any component of the heating or cooling, or heating and cooling system cannot be repaired using parts, Subrecipients can replace the component in order to repair the heating or cooling, or heating and cooling system under the Household Crisis component.

The State of Texas does not have a minimum benefit amount. The amount of benefit/assistance indicates \$1.00, because the OLDC system requires that a figure be inserted in the minimum amount.

The amount of benefit/assistance that an applicant is eligible for is based on their level of household income. Households with incomes 0-50% of Federal Poverty Income Guidelines (FPIG) have a maximum of \$1,200 for the Utility Payment Assistance Component and the Household Crisis Component, incomes at 51%-75% FPIG up to \$1,100 per Component; incomes 76%-150% FPIG up to \$1,000 per Component; and up to \$3,000 for Service and Repair of heating and cooling units. The maximum total eligible assistance is \$5,400.

The maximum benefit amount per household is \$5,400 per program year and could be reached if a household received up to \$1,200 in Crisis Assistance, \$1,200 in Utility Assistance, and a \$3,000 repair or replacement of a heating or cooling unit or crisis-related purchase of portable heating and cooling units (the later limited to periods when the county is experiencing Extreme Weather Conditions). Vulnerable Households that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000 or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions.

2.7 Do you provide in-kind (e.g., blankets, space heaters) and/or other forms of benefits?

Yes No -- If yes, describe.

Under energy crisis, a non-vulnerable Household may receive service and repair of existing heating and cooling units not to exceed \$3,000 when the county is experiencing Extreme Weather Conditions. Vulnerable Households that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000 or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions.

Eligible Households may receive temporary shelter not to exceed the annual household expenditure limit for the duration of the contract period in the limited instances when natural disasters result in energy supply shortages or other energy-related emergencies. Eligible Households may receive emergency deliveries of fuel up to 250 gallons per crisis per Household, at the prevailing price. This benefit may include coverage for tank pressure testing. When natural disasters result in energy supply shortages or other energy-related emergencies, LIHEAP will allow home energy related expenditures as described in 10 TAC §6.310 (e), which include blankets, fans, air conditioners, and generators.

Section 3: COOLING ASSISTANCE

Eligibility, 2605(c)(1)(A), 2605(b)(2) – Assurance 2

3.1 Designate the income eligibility threshold used for the cooling component:

#	Household Size	Eligibility Guidelines	Eligibility Threshold
1	All Household Sizes	USHHS Poverty Guidelines	150%
2	All Household Sizes	State Median Income	60% ⁸

3.2 Do you have additional eligibility requirements for **COOLING ASSISTANCE**

Yes No

3.3 Check the appropriate boxes below and describe the policies for each.

- | | <u>Yes</u> | <u>No</u> |
|--|-------------------------------------|-------------------------------------|
| ● Do you require an assets test? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Do you have additional/differing eligibility policies for: | | |
| ● Renters? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Renters living in subsidized housing? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Renters with utilities included in the rent? ⁹ | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Do you give priority in eligibility to: | | |
| ● Elderly? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Disabled? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Young children? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Households with high energy burdens? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Other? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Households with high energy consumption | | |

3.3 Check the appropriate boxes below and describe the policies for each.

Explanations of policies for each “yes” checked above:

⁸ In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, Texas will use the highest of 150% of the poverty guidelines or 60% of the State’s median income. Texas may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department’s Executive Director. The State will communicate this designation to affected Subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.

⁹ Per 10 TAC §6.309(h)(9), Subrecipient may make payments to landlords on behalf of eligible renters who pay their utility and/or fuel bills indirectly. Subrecipient shall notify each participating household of the amount of assistance paid on its behalf. Subrecipient shall document this notification. Subrecipient shall maintain proof of utility or fuel bill payment. Subrecipient shall ensure that amount of assistance paid on behalf of customer is deducted from customer’s rent.

10 TAC §6.307(d) states “Subrecipients must establish a written procedure to serve Households that have a Vulnerable Population Household member, Households with High Energy Burden, and Households with High Energy Consumption. High Energy Burden shall be the highest rated item in sliding scale priority determinations. The Subrecipient must maintain documentation of the use of the criteria.”

Priority must be given to Elderly, Disabled, Households with Young Children, and Households with High Energy Burden and High Energy Consumption.

3.4 Describe how you prioritize the provision of cooling assistance to vulnerable households, e.g., benefit amounts, application periods, etc.

Subrecipients use a rating system which determines priority based on persons in Households who are particularly vulnerable such as the Elderly, Persons with Disabilities, Families with Young Children, Households with High Energy Burden, and Households with High Energy Consumption. Benefit amounts are determined on a sliding scale based on the Household’s income. The number of benefit payments is based on the presence of a vulnerable member such as the Elderly, Persons with Disabilities, and Households with Young Children. The maximum benefit amount is determined per-program year based on Household need, is split between heating and cooling assistance, and is not required to be applied equally to heating and cooling costs.

Determination of Benefits, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

3.5 Check the variables you use to determine your benefit levels. (Check all that apply):

- Income
- Family (household) size
- Home energy cost or need
 - Fuel type
 - Climate/region
 - Individual bill
 - Dwelling type
 - Energy burden (% of income spent on home energy)
 - Energy need
 - Other (describe)

Benefit Levels, 2605(b)(5) – Assurance 5, 2605(c)(1)(B)

3.6 Describe benefit levels:

\$1 Minimum benefit \$5,400 Maximum benefit

Note: Households are eligible for \$1,200 under utility assistance component and \$1,200 under Household Crisis Component. Non-vulnerable population households may be eligible for an additional \$3,000 for service and repair of existing heating and cooling units when the county is experiencing Extreme Weather Conditions. Vulnerable Population Households, regardless of weather conditions, that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000

or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions . If any component of the heating or cooling, or heating and cooling system cannot be repaired using parts, Subrecipients can replace the component in order to repair the heating or cooling, or heating and cooling system under the Household Crisis component.

The State of Texas does not have a minimum benefit amount. The amount of benefit/assistance indicates \$1.00, because the OLDC system requires that a figure be inserted in the minimum amount.

The amount of benefit/assistance that an applicant is eligible for is based on their level of household income. Households with incomes at 0-50% of Federal Poverty Income Guidelines (FPIG) have a maximum of \$1,200 for the Utility Payment Assistance Component and the Household Crisis Component; Households with incomes at 51%-75% FPIG have a maximum of \$1,100 per Component; Households with incomes 76%-150% FPIG have a maximum of \$1,000 per Component; and there is a maximum of up to \$3,000 for Service and Repair of heating and cooling units. The maximum total eligible assistance is \$5,400.

The maximum benefit amount per household is \$5,400 per program year and could be reached if a household received up to \$1,200 in Crisis Assistance, \$1,200 in Utility Assistance, and a \$3,000 repair or replacement of a heating or cooling unit or crisis-related purchase of portable heating and cooling units (the latter limited to periods when the county is experiencing Extreme Weather Conditions). Vulnerable Households that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000 or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions.

3.7 Do you provide in-kind (e.g., fans, air conditioners) and/or other forms of benefits?

Yes No -- If yes, describe.

Under energy crisis, a non-vulnerable Household may receive service and repair of existing heating and cooling units not to exceed \$3,000 when the county is experiencing Extreme Weather Conditions. Vulnerable Households that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000 or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions.

Eligible Households may receive temporary shelter not to exceed the annual household expenditure limit for the duration of the contract period in the limited instances when natural disasters result in energy supply shortages or other energy-related emergencies. Eligible Households may receive emergency deliveries of fuel up to 250 gallons per crisis per Household, at the prevailing price. This benefit may include coverage for tank pressure testing. When natural disasters result in energy supply shortages or other energy-related emergencies, LIHEAP will allow home energy related expenditures as described in 10 TAC §6.310 (e), which include blankets, fans, air conditioners, and generators.

Repair of existing heating and cooling units, purchase of portable heating/cooling units: Only as a result of natural disasters, provision of temporary shelter, blankets, fans, costs for certain transportation, air conditioners, and generators is allowed under conditions specified in 10 TAC §6.309 and §6.310.

Section 4: CRISIS ASSISTANCE,

Eligibility - 2604(c), 2605(c)(1)(A)

4.1 Designate the income eligibility threshold used for the crisis component:

#	Household Size	Eligibility Guidelines	Eligibility Threshold
1	All Household Sizes	USHHS Poverty Guidelines	150%
2	All Household Sizes	State Median Income	60% ¹⁰

4.2 Provide your LIHEAP program's definition for determining a crisis.

A bona fide Household Crisis exists when extraordinary events or situations resulting from extreme weather conditions and/or fuel supply shortages have depleted or will deplete Household financial resources and/or have created problems in meeting basic Household expenses, particularly bills for energy so as to constitute a threat to the well-being of the Household, particularly Vulnerable Population Households (the Elderly, Persons with Disabilities, or Children age 5 and younger). A utility disconnection notice may constitute a Household energy crisis.

4.3 What constitutes a life-threatening crisis?

A life threatening crisis exists when at least one person in the applicant Household would be adversely affected without the Subrecipient's utility assistance, because there is a shut-off notice or a delivered fuel source is below a ten (10) day supply (by customer report) to the degree that, in the opinion of a reasonable person, the effect could cause loss of life. Examples of life-sustaining equipment include, but are not limited to, kidney dialysis machines, oxygen concentrators, cardiac monitors, and in some cases heating and air conditioning when ambient temperature control is prescribed by a medical professional. Documentation must not be requested about the medical condition of the applicant/customer but must state that such a device is required in the Dwelling Unit to sustain life.

Per 10 TAC §6.310 (f): Time Limits for Assistance. Subrecipients shall ensure that for customers who have already lost service or are in immediate danger of losing service, some form of assistance to resolve the crisis shall be provided within a 48-hour time limit (18 hours in life-threatening situations). The time limit commences upon completion of the application process. The application process is considered to be complete when an agency representative accepts an application, and completes the eligibility process.

Per 10 TAC §6.310(g): Subrecipients must maintain written documentation in customer files showing the crises resolved within appropriate timeframes. Subrecipients must maintain documentation in customer files showing that a utility bill used as evidence of a crisis was received by the Subrecipient during the effective contract term. The Department may disallow improperly documented expenditures.

¹⁰ In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, Texas will use the highest of 150% of the poverty guidelines or 60% of the State's median income ("SMI"). Texas may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department's Executive Director. Texas will communicate this designation to affected Subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.

Acceptable means of intervention would be entering into an agreement with the vendor to accept a pledge and continue service or in cases where the vendor requires other payment arrangements, arrangements can be made. Crisis assistance, whether for utility payment assistance, disconnection notice, life threatening crisis, temporary shelter, emergency fuel deliveries, assistance related to natural disasters shall be considered part of the total maximum Household allowable assistance. Service and repair or purchase of heating or cooling, or heating and cooling units for up to \$3,000 will not be counted towards the total maximum Household allowable assistance under the utility assistance and crisis components

Crisis Requirements, 2604(c)

4.4 Within how many hours do you provide an intervention that will resolve the energy crisis for eligible households? 48 Hours

4.5 Within how many hours do you provide an intervention that will resolve the energy crisis for eligible households in life-threatening situations? 18 Hours¹¹

Crisis Eligibility, 2605(c)(1)(A)?

4.6 Do you have additional eligibility requirements for **CRISIS ASSISTANCE?**

Yes No

4.7 Check the appropriate boxes below and describe the policies for each.

- | | <u>Yes</u> | <u>No</u> |
|--|-------------------------------------|-------------------------------------|
| ● Do you require an assets test? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Do you give priority in eligibility to: | | |
| ● Elderly? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Disabled? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Young children? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Households with high energy burdens? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ● Other? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Households with high energy consumption | | |
| ● In order to receive crisis assistance: ¹² | | |
| ● Must the household have received a shut-off notice or have a near empty tank? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Must the household have been shut off or have an empty tank? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Must the household have exhausted their regular heating benefit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ● Must renters with heating costs included in their rent have received an eviction notice? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

¹¹ Pursuant to §2604(c)(2) of the LIHEAP Statute, the Department provides “some form of assistance that will resolve the energy crisis” not later than 18 hours after a household applies for crisis benefits if such household is eligible to receive such benefits and is in a life-threatening situation.

¹² The program has different requirements depending on whether the household contains a member of a priority group.

- Must heating/cooling be medically necessary?
- Must the household have non-working heating or cooling equipment?
- Other?

● Do you have additional/differing eligibility policies for:

- Renters?
- Renters living in subsidized housing?
- Renters with utilities included in the rent? ¹³

Determination of Benefits

4.8 How do you handle crisis situations?

- Separate component
- Fast Track
- Other

4.9 If you have a separate component, how do you determine crisis assistance benefits?

- Amount to resolve crisis, up to a maximum of \$1200
- Other
Heating and cooling equipment repair or replace up to \$3,000

Crisis Requirements, 2604(c)

4.10 Do you accept applications for energy crisis assistance at sites that are geographically accessible to all households in the area to be served?

- Yes No

Explain: 10 TAC §6.313(d): “Subrecipients shall accept applications at sites that are geographically and physically accessible to all Households requesting assistance. If Subrecipient's office is not accessible, Subrecipient shall make reasonable accommodations to ensure that all Households can apply for assistance.”

4.11 Do you provide individuals who have physical disabilities the means to:

- Submit applications for crisis benefits without leaving their homes?
 Yes No If no, explain.

¹³ Per 10 TAC §6.309(h)(9), Subrecipient may make payments to landlords on behalf of eligible renters who pay their utility and/or fuel bills indirectly. Subrecipient shall notify each participating household of the amount of assistance paid on its behalf. Subrecipient shall document this notification. Subrecipient shall maintain proof of utility or fuel bill payment. Subrecipient shall ensure that amount of assistance paid on behalf of customer is deducted from client's rent.

Applications can be mailed in. In some cases, applications may be completed online or the organization will go to the applicant's home to take the application.

■ Travel to the sites at which applications for crisis assistance are accepted?
 Yes No If yes, explain.

If you answered "No" to both questions 4.11, please explain alternative means of intake to those who are homebound or physically disabled.

Benefit Levels, 2605(c)(1)(B)

4.12 Indicate the maximum benefit for each type of crisis assistance offered.

Winter Crisis \$ 0 maximum benefit

Summer Crisis \$ 0 maximum benefit

Year-round Crisis \$1200 maximum benefit

4.13 Do you provide in-kind (e.g., blankets, space heaters, fans) and/or other forms of benefits?
 Yes No If yes, describe.

Under energy crisis, a non-vulnerable Household may receive service and repair of existing heating and cooling units not to exceed \$3,000 when the county is experiencing Extreme Weather Conditions. Vulnerable Households that include at least one member that is Elderly, Disabled, or a Child age 5 or younger, may receive service and repair of existing heating and cooling units not to exceed \$3,000 or a portable air conditioning/evaporative coolers and heating units (portable electric heaters are allowable only as a last resort) regardless of weather conditions.

Eligible Households may receive temporary shelter not to exceed the annual household expenditure limit for the duration of the contract period in the limited instances when natural disasters result in energy supply shortages or other energy-related emergencies. Eligible Households may receive emergency deliveries of fuel up to 250 gallons per crisis per Household, at the prevailing price. This benefit may include coverage for tank pressure testing. When natural disasters result in energy supply shortages or other energy-related emergencies, LIHEAP will allow home energy related expenditures as described in 10 TAC §6.310(e).

Repair of existing heating and cooling units, purchase of portable heating/cooling units. Only as a result of natural disasters, provision of temporary shelter, blankets, fans, costs for certain transportation, air conditioners, and generators is allowed under conditions specified in 10 TAC §6.309 and §6.310.

4.14 Do you provide for equipment repair or replacement using crisis funds?
 Yes No

4.15 Check appropriate boxes below to indicate type(s) of assistance provided:

Type of Assistance	Winter Crisis	Summer Crisis	Year-round Crisis
Heating system repair			X
Heating system replacement (only components of a central HVAC system)			X
Cooling system repair			X
Cooling system replacement (only components of a central HVAC system)			X
Wood stove purchase			
Pellet stove purchase			
Solar panel(s)			
Utility poles / Gas line hook-ups			
Other (Specify): For Households which include a member of a Vulnerable Population, service and repair or purchase of portable heating and cooling units can be provided if a system is non-existent up to \$3000. For Households who do not have a member of a Vulnerable Population, such assistance is limited to times when the county is experiencing Extreme Weather Conditions.			X

4.16 Do any of the utility vendors you work with enforce a winter moratorium on shut offs? If you respond "Yes" to question 4.16, you must respond to question 4.17. Yes No

4.17 Describe the terms of the moratorium and any special dispensation received by LIHEAP clients during or after the moratorium period.

Specific to energy assistance clients, §25.483(i) of the Texas Public Utilities Commission rules provides that a Retail Electric Provider (REP) shall not authorize a disconnection for nonpayment of electric service to a delinquent residential customer for a billing period in which the REP receives a pledge, letter of intent, purchase order, or other notification that the energy assistance provider is forwarding sufficient payment to continue service provided that such pledge, letter of intent, purchase order, or other notification is received by the due date stated on the disconnection notice, and the customer, by the due date on the disconnection notice, either pays or makes payment arrangements to pay any outstanding debt not covered by the energy assistance provider. Additionally, the rule provides that if an energy assistance provider has requested monthly usage data pursuant to §25.472(b)(4) (relating to Privacy of Customer Information), the REP shall extend the final due date on the disconnection notice, day for day, from the date the usage data was requested until it is provided; and that a REP shall allow at least 45 days for an energy assistance provider to honor a pledge, letter of intent, purchase order, or other notification before submitting the disconnection request to the TDU.

There are protections for several other categories of clients and situations applicable to LIHEAP clients served:

§25.483(g) provides that a REP shall not authorize a disconnection for nonpayment of electric service at a permanent, individually metered dwelling unit of a delinquent Critical Care Residential Customer when that customer establishes that disconnection of service will cause some person at that residence to become seriously ill or more seriously ill.

§25.483(h) provides that a REP shall not authorize a disconnection for nonpayment of electric service at a permanent, individually metered dwelling unit of a delinquent customer when that customer has been designated as a Chronic Condition Residential Customer pursuant to 25.497 with noted rule exceptions.

§25.483(j) provides that a REP shall not authorize a disconnection for nonpayment of electric service for any customer in a county in which an extreme weather emergency occurs. A REP shall offer residential customers a deferred payment plan upon request by the customer that complies with the requirements of 25.480 (relating to Bill Payment and Adjustments) for bills that become due during the weather emergency. The term “extreme weather emergency” shall mean a day when:

(A) the previous day’s highest temperature did not exceed 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next 24 hours anywhere in the county, according to the nearest National Weather Service (NWS) reports; or

(B) the NWS issues a heat advisory for a county, or when such advisory has been issued on any one of the preceding two calendar days in a county.

Section 5: WEATHERIZATION ASSISTANCE

Eligibility, 2605(c)(1)(A), 2605(b)(2) – Assurance 2

5.1 Designate the income eligibility threshold used for the weatherization component:

#	Household Size	Eligibility Guidelines	Eligibility Threshold
1	All Household Sizes	USHHS Poverty Guidelines	150%
2	All Household Sizes	State Median Income	60% ¹⁴

5.2 Do you enter into an interagency agreement to have another government agency administer a **WEATHERIZATION component**? Yes No

5.3 If yes, name the agency. N/A

5.4 Is there a separate monitoring protocol for weatherization? Yes No

¹⁴ In the county of a major disaster or emergency designated by the Secretary of the Department of Health and Human Services or by the President under the Disaster Relief Act of 1974, Texas will use the highest of 150% of the poverty guidelines or 60% of the State’s median income (“SMI”). Texas may also use this flexibility to set poverty guidelines in a local crisis as defined by the Department’s Executive Director. TDHCA will communicate this designation to affected Subrecipients through email and by website posting. Subrecipients must receive prior written approval before using 60% SMI. Place based assistance must be performed in the county, but person based assistance for those displaced by a disaster or emergency may be in other counties.

WEATHERIZATION - Types of Rules

5.5 Under what rules do you administer LIHEAP weatherization? (Check only one.)

- Entirely under LIHEAP (not DOE) rules
- Entirely under DOE WAP (not LIHEAP) rules
- Mostly under LIHEAP rules with the following DOE WAP rule(s) where LIHEAP and WAP rules differ: (Check all that apply.)

- Income Threshold
- Weatherization of entire multi-family housing structure is permitted if at least 66% of units (50% in 2- & 4-unit buildings) are eligible units or will become eligible within 180 days.
- Weatherization of shelters temporarily housing primarily low income persons (excluding nursing homes, prisons, and similar institutional care facilities).
- Other (describe): TDHCA uses a priority list for LIHEAP households at 150% or below USHHS poverty income level. Energy-related home repair: TDHCA will allow the use of LIHEAP weatherization funds for structural and ancillary repairs only if required to enable effective weatherization. If LIHEAP funds are included in a DOE unit, the SIR/audit must be used to justify all measures.

Under what rules do you administer LIHEAP weatherization? (Check only one.)

- Mostly under DOE WAP rules, with the following LIHEAP rule(s) where LIHEAP and WAP rules differ: (Check all that apply.)

- Income Threshold.
- Weatherization not subject to DOE WAP maximum statewide average cost per dwelling unit.
- Weatherization measures are not subject to DOE Savings to Investment Ratio (SIR) standards.
- Other (describe)

Eligibility, 2605(b)(5) – Assurance 5

5.6 Do you require an assets test? Yes No

5.7 Do you have additional/differing eligibility policies for:

- Renters?
- Renters living in subsidized housing?

5.8 Do you give priority in eligibility to:

- Elderly?
 - Disabled?
 - Young children?
 - Households with high energy burdens?
 - Other?
- Explanation: Households with high energy consumption

Benefit Levels

5.9 Do you have a maximum LIHEAP weatherization benefit/expenditure per household?

5.10 If yes, what is the maximum amount? \$6,500

NOTE: unless additional expenditure is authorized in writing by the Department. **Types of Assistance, 2605(c)(1), (B) & (D)**

5.11 What LIHEAP weatherization measures do you provide? (Check all categories that apply.)

Weatherization needs/assessments/audits

Cooling system replacement

Caulking and insulation

Other (describe)

Storm windows

Solar screens or window film. Smart thermostats, miscellaneous repairs up to \$500 for structural and ancillary only if required to enable effective weatherization; Window screens to help prevent exposure to the Zika virus for Households with pregnant women.

Furnace/heating system modifications/repairs

Furnace replacement

Cooling system modifications/repairs

Water conservation measures

If any of the questions require further explanation or clarification that could not be made in the fields provided, attach a document with said explanation here.

Compact fluorescent light bulbs

Energy related roof repair

Major appliance repairs

Major appliance replacement

Windows/sliding glass doors

Doors

Water Heater

Section 6: Outreach, 2605(b)(3) – Assurance 3, 2605(c)(3)(A)

6.1 Select all outreach activities that you conduct that are designed to assure that eligible households are made aware of all LIHEAP assistance available:

- Place posters/flyers in local and county social service offices, offices of aging, Social Security offices, VA, etc.
- Publish articles in local newspapers or broadcast media announcements.
- Include inserts in energy vendor billings to inform individuals of the availability of all types of LIHEAP assistance.
- Mass mailing(s) to prior-year LIHEAP recipients.
- Inform low income applicants of the availability of all types of LIHEAP assistance at application intake for other low-income programs.
- Execute interagency agreements with other low-income program offices to perform outreach to target groups.
- Other (specify):

Section 7: Coordination, 2605(b)(4) – Assurance 4

7.1 Describe how you will ensure that the LIHEAP program is coordinated with other programs available to low-income households (TANF, SSI, WAP, etc.)

- Joint application for multiple programs
- Intake referrals to/from other programs
- One-stop intake centers
- Other – describe:

Section 8: Agency Designation, 2605(b)(6) – Assurance 6

8.1 How would you categorize the primary responsibility of your State agency?

- Administration Agency
- Commerce Agency
- Community Services Agency
- Energy/Environment Agency
- Housing Agency
- Welfare Agency
- Other – describe:

Alternate Outreach and Intake, 2605(b)(15) – Assurance 15

8.2 How do you provide alternate outreach and intake for HEATING ASSISTANCE?

Report of available services at various workgroup meetings with community stakeholders (disability, health services, homeless, etc), and presentation at area events.

8.3 How do you provide alternate outreach and intake for COOLING ASSISTANCE?

Report of available services at various workgroup meetings with community stakeholders (disability, health services, homeless, etc), and presentation at area events.

8.4 How do you provide alternate outreach and intake for CRISIS ASSISTANCE?

In instances of natural disaster, subrecipients coordinate with other assistance organizations (shelters, Red Cross, etc.). Report of available services at various workgroup meetings with community stakeholders (disability, health services, homeless, etc), and presentation at area events.

Question 8.5	Heating	Cooling	Crisis	Weatherization
8.5a. Who determines client eligibility?	Local governments, CAAs and Other Nonprofits	Local governments, CAAs and Other Nonprofits	Local governments , CAAs and Other Nonprofits	Local governments, CAAs and Other Non-profits
8.5b. Who processes benefit payments to gas and electric vendors?	Local governments, CAAs and Other Nonprofits	Local governments, CAAs and Other Nonprofits	Local governments , CAAs and Other Nonprofits	N/A
8.5c. Who processes benefit payments to bulk fuel vendors?	Local governments, CAAs and Other Nonprofits	Local governments, CAAs and Other Nonprofits	Local governments , CAAs and Other Nonprofits	N/A
8.5d. Who performs installation of weatherization measures?	N/A	N/A	N/A	Local governments, CAAs and Other Nonprofits-most subcontract with local contractors

Note for 8.5: In the USHHS-OLDC system where the State Plan is entered, it only allows states to select one type of entity. The Department will select Nonprofits; although we will also contract with Units of government and CAAs.

8.6 What is your process for selecting local administering agencies?

The Department ensures that to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of Title 42 U.S.C. §§8621, et seq. special consideration is given to any local public or private nonprofit agency which was receiving CSBG or LIHEAP funds.

(1) The Department before giving such special consideration, determines that the agency involved meets program and fiscal requirements established by law and by the Department; and

(2) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the Department gives special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made.

Currently, the Department administers all aspects of program delivery through subrecipients that have demonstrated that they are operating the program in accordance with the Economic Opportunity Act of 1964, the Low-Income Home Energy Assistance Act of 1981, as amended (42 U.S.C. §§8621, et seq.), and Department rules. If subrecipients are successfully administering the program, the Department may offer to renew the contract.

Under this model, if the Department determines that an organization is not administering the program satisfactorily, corrective actions are taken to remedy the problem. Thereafter, if a subrecipient fails to administer the program correctly, the Department will proceed with the process provided for in Department rules of removing funds and reassign the service area or a portion to another existing subrecipient or conduct solicitation or selection of a new subrecipient in accordance with the Low-Income Home Energy Assistance Act of 1981. The affected subrecipient may request a hearing in accordance with §2105.204 of the Texas Government Code.

However, the Department retains the right to go through a procurement process for some or all aspects of the LIHEAP program.

8.7 How many local administering agencies do you use? 37

8.8 Have you changed any local administering agencies from last year? Yes No

8.9 If so, why?

- Agency was in noncompliance with grantee requirements for LIHEAP
- Agency is under criminal investigation
- Added agency
- Agency closed
- Other – describe – voluntary relinquishment

Section 9: Energy Suppliers, 2605(b)(7) – Assurance 7

9.1 Do you make payments directly to home energy suppliers?

Heating Yes No

Cooling Yes No

Crisis Yes No

Are there exceptions? Yes No

If yes, describe:

9.2 How do you notify the client of the amount of assistance paid?

The administering agency informs them once the determination is made.

9.3 How do you assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment?

Vendor agreements are used in all components. The Department provides subrecipients with a Department approved Vendor Agreements to utilize. The document can be found at the Department's website at <https://www.tdhca.state.tx.us/community-affairs/ceap/guidance.htm>

9.4 How do you assure that no household receiving assistance under this title will be treated adversely because of their receipt of LIHEAP assistance?

Vendor Agreements are used in all components. The Department provides subrecipients with a Department approved Vendor Agreement to utilize. The document can be found at the Department's website at <https://www.tdhca.state.tx.us/community-affairs/ceap/guidance.htm>

9.5 Do you make payments contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households? Yes No. If so, describe the measures unregulated vendors may take.

Section 10: Program, Fiscal Monitoring, and Audit, 2605(b)(10) – Assurance 10

10.1. How do you ensure good fiscal accounting and tracking of LIHEAP funds?

1. Review annual audits
2. Monitor fiscal records
3. Review current and prior year monthly expenditure and performance reports

Audit Process

10.2. Is your LIHEAP program audited annually under the Single Audit Act and OMB Circular A-133? Yes No

10.3. Describe any audit findings rising to the level of material weakness or reportable condition cited in the A-133 audits, Grantee monitoring assessments, inspector general reviews, or other government agency reviews of the LIHEAP agency from the most recently audited federal fiscal year.

Finding ¹⁵	Type	Brief Summary	Resolved?	Action Taken
Additional controls are needed for expenditure of LIHEAP funds.	Non Compliance	Department charged LIHEAP grant \$57.19 related to travel to a meeting held for Texas Interagency for the Homeless. Expense was not related to LIHEAP and is therefore disallowed.	Pending HHS Response to Close Review	In regards to travel, the Department has provided a copy of the Department's internal employee travel policies and procedures which instructs both the program area (employee and management) and the financial administration area to review invoices for proper charging to each of the federal grants. Additionally, the Department has reversed the charges to the LIHEAP grant for \$57.19, and has provided the backup documentation for the reversal of the accounting record. Subgrantee contracts reflect that they are held to the guidelines in the Department's rules. For LIHEAP CEAP Program, those rules are found at 10 TAC §6.308, Allowable Subrecipient Administrative and Program Service Costs. For Weatherization activities with LIHEAP funds, 10 TAC §6.409(a) and (b) under the LIHEAP Weatherization Requirements.

¹⁵ Based on USHHS-OCS LIHEAP Compliance Review Letter of July 2018. The word subgrantee is used in this chart to reflect the language in the review letter, but the entity type described is called a Subrecipient in the Department's rules.

<p>Additional controls are needed for revision to LIHEAP State Plan</p>	<p>Non Compliance</p>	<p>FY 2016 LIHEAP State Plan estimated using zero percent LIHEAP funds. At the beginning of 2016, TDHCA was not providing Assurance 16 activities; however, after public feedback started providing it. Though TDHCA revised the budgets in subgrantee contracts to allocate 5% for Assurance 16 activities, the FY 2016 LIHEAP plan was not updated to reflect the change.</p>	<p>Pending HHS Response to Close Review</p>	<p>The Department has revised our standard operating procedures to reflect a revised internal process that coordinates programmatic decisions (such as the one cited in the LIHEAP program) with an internal conversation designed to provide a review of the existing plan with any proposed changes that may necessitate an amendment to the plan. The revised process is designed to ensure that LIHEAP funds are programmed in a compliant manner and in accordance with the LIHEAP Plan. In addition to the revision of the plan, the revised operating procedure contemplates any additional internal action (such as receiving Board approval) for the requested change and provides for coordination among Department divisions in order to remain compliant with the federal grant award.</p>
<p>Additional controls needed regarding waste, fraud, and abuse</p>	<p>Non Compliance</p>	<p>TDHCA does not provide its subgrantees with guidance on preventing, detecting or reporting LIHEAP-related instances of suspected waste, fraud, and abuse. TDHCA stated each</p>	<p>Pending HHS Response to Close Review</p>	<p>The Department has revised its guidance to the subgrantee network and has conducted a training webinar in the fall of 2018 and reviewed the guidance, expectations, and next steps for subgrantee agencies in regards to reporting fraud, waste, and abuse. During the</p>

		<p>subgrantee is responsible for deciding how to handle fraud, waste, and abuse. This can lead to inconsistent procedures among subgrantees. There is also an increased risk that subgrantees are unaware of the expectations with regard to preventing, detecting and reporting suspected waste, fraud, and abuse or the consequences of such activities.</p>		<p>webinar, the Department facilitated discussion about proper Fraud, Waste, and Abuse controls and establishing and maintaining a culture that identifies risks provides mitigations, and properly follows through on allegations of fraud, waste, and abuse.</p>
<p>Lack of supporting documentation for general ledger transactions</p>	<p>Non Compliance</p>	<p>TDHCA was unable to provide adequate documentation for some of the transactions that were tested and monitors were unable to determine that LIHEAP funds were used for necessary and allowable purposes.</p>	<p>Pending HHS Response to Close Review</p>	<p>The Department provided documentation for general ledger transactions for five (#3,4,5,6,8, 13) of the six transactions from identified Subgrantees. The sixth transaction, (#15) in the amount of \$103 was incorrectly coded and the Department has reversed the \$103 charge to correct the coding error.</p>

10.4. Audits of Local Administering Agencies

What types of annual audit requirements do you have in place for local administering agencies/district offices?

Local agencies/district offices are required to have an annual audit in compliance with 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).¹⁶

Local agencies/district offices are required to have an annual audit (other than 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)).

10.4 (continued)

Local agencies/district offices 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) or other independent audits are reviewed by Grantee as part of compliance process.

Grantee conducts fiscal and program monitoring of local agencies/district offices.

Compliance Monitoring

10.5. Describe the Grantee’s strategies for monitoring compliance with the Grantee’s and Federal LIHEAP policies and procedures by:

Grantee employees:

Internal program review

Departmental oversight

Secondary review of invoices and payments

Other program review mechanisms are in place. Describe: Cross Division peer review of documents

Local Administering Agencies/District Offices:

On-site evaluation

Annual program review

Monitoring through Central Database

Desk reviews

Client File Testing/Sampling

Other program review mechanisms are in place. Describe: Desk review of 2 CFR 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance); A review of the Subrecipient’s resolution of prior monitoring or Single Audit reports is performed prior to awarding new contracts.

10.6. Explain, or attach a copy of, your local agency monitoring schedule and protocol.

See attached monitoring schedule and monitoring instruments.

Describe how you select local agencies for monitoring reviews?

On-site monitoring visits and desk reviews are mechanisms used for in-depth investigation and overall assessment, respectively. The Department will conduct on-site monitoring reviews and desk reviews of contracts based on an assessment of risk of non-compliance and failure to achieve performance outcomes. Subrecipient monitors review necessary program documents and financial records through

¹⁶ For 2019, Subrecipients will follow the audit requirements in 45 CFR 75 Subpart F, as applicable, and the requirements in the Texas Single Audit Act.

desk reviews and on-site reviews to ascertain compliance with program requirements. Selection of contracts for monitoring is primarily based on risk assessment. LIHEAP subrecipients are monitored at least once every three years. This is a component of the risk assessment score. If a subrecipient also has Community Service Block Grant funds, the LIHEAP monitoring may be done at the same time. subrecipients that leverage LIHEAP funds with DOE funds for weatherization are subject to an inspection review according to the DOE monitoring schedule (once a year). Contracts may also be selected for monitoring based on other factors, such as prior findings, complaints, or special requests.

10.7. Site Visits: Onsite monitoring visits are conducted at least once every three years. The Department will inspect a minimum of 5% of all LIHEAP weatherized units reported as complete.

Desk Reviews: Some materials are requested and reviewed at the Department's office prior to the onsite visit.

10.8. How often is each local agency monitored? At least once every three years.

10.9. What is the combined error rate for eligibility determinations? (Optional question) Optional

10.10. What is the combined error rate for benefit determinations? (Optional question)
Optional

10.11. How many local agencies are currently on corrective action plans for eligibility and/or benefit determination issues? (Number only) -1

10.12. How many local agencies are currently on corrective action plans for financial accounting or administrative issues? (Number only) -1

Section 11: Timely and Meaningful Public Participation, 2605(b)(12) – Assurance 12, 2605(c)(2)

11.1 How did you obtain input from the public in the development of your LIHEAP plan?

Check all that apply:

- Tribal Council meeting(s)
- Public Hearing(s)
- Draft Plan posted to website and available for comment
- Hard copy of plan is available for public view and comment
- Comments from applicants are recorded
- Request for comments on draft Plan is advertised
- Stakeholder consultation meeting(s)
- Comments are solicited during outreach activities
- Other, describe:

11.2 What changes did you make to your LIHEAP plan as a result of this participation?

TBD

Public Hearings, 2605(a)(2)

11.3 List the date(s) and location(s) that you held public hearing(s) on the proposed use and distribution of your LIHEAP funds?

Date	Event Description
Tuesday, May 28, 2019 from 2:00 p.m. - 3:00 p.m.	LIHEAP Plan Public Hearing – TDHCA Headquarters, Room 116, 221 East 11 th Street, Austin, Texas 78701
Tuesday, May 28, 2019 from 6:00 - 7:00 p.m.	LIHEAP Plan Public Hearing –Southside Community Center, 959 E. Rosedale, Fort Worth, TX 76104
Wednesday, May 29, 2019 from 2:00 p.m.-3:00 p.m.-:	LIHEAP Plan Public Hearing – West Texas Opportunities Offices, 1415 East 2 nd Street, Odessa, TX 79762
Thursday, May 30, 2019 form 6:00 p.m.-7:00 p.m.	LIHEAP Plan Public Hearing –Baker Ripley Office, 3838 Aberdeen Way, Houston, TX 77025

11.4 How many parties commented on your plan at the hearing(s)? TBD

11.5 Summarize the comments you received at the hearing(s).

COMMENT SUMMARY #1: TBD

General Comments:

COMMENT SUMMARY #2-4: To be determined (TBD) once public hearings are held.

11.6 What changes did you make to your LIHEAP plan as a result of the comments received at the public hearing(s)? TBD once public hearings are held.

Section 12: Fair Hearings, 2605(b)(13) – Assurance 13

12.1 How many fair hearings did the grantee have in the prior Federal fiscal year?
None at this time.

12.2 How many of those fair hearings resulted in the initial decision being reversed? N/A

12.3 Describe any policy and/or procedural changes made in the last Federal fiscal year as a result of fair hearings? None

12.4 Describe your fair hearing procedures for **households whose applications are denied**.
Subrecipient contracts include the following section:

SECTION 39. APPEALS PROCESS

In compliance with the LIHEAP Act, Subrecipient must provide an opportunity for a fair administrative hearing to individuals whose application for assistance is denied, terminated or not acted upon in a timely manner. Subrecipient must establish a denial of service complaint procedure in accordance with 10 TAC §6.8 of the State Rules. The rule states:

(b) Subrecipient shall establish a denial of service complaint procedure to address written complaints from program applicants/customers. At a minimum, the procedures described in paragraphs (b)(1) - (8) of this subsection shall be included:

(1) Subrecipients shall provide a written denial of assistance notice to applicant within ten (10) calendar days of the determination. Such a determination is defined as a denial of assistance, but does not include a level of assistance lower than the possible program limits or a reduction in assistance, as long as such process is in accordance with the Subrecipient's written policy. This notification shall include written notice of the right of a hearing and specific reasons for the denial by program. The applicant wishing to appeal a decision must provide written notice to Subrecipient within twenty (20) days of receipt of the denial notice.

(2) A Subrecipient must establish an appeals committee composed of at least three persons. Subrecipient shall maintain documentation of appeals in their customer files.

(3) Subrecipients shall hold a private appeal hearing (unless otherwise required by law) by phone or in person in an accessible location within ten (10) business days after the Subrecipient received the appeal request from the applicant and must provide the applicant notice in writing of the time/location of the hearing at least seven (7) calendar days before the appeal hearing.

(4) Subrecipient shall record the hearing.

(5) The hearing shall allow time for a statement by Subrecipient staff with knowledge of the case.

(6) The hearing shall allow the applicant at least equal time, if requested, to present relevant information contesting the decision.

(7) Subrecipient shall notify applicant of the decision in writing. The Subrecipient shall mail the notification by close of business on the third calendar day following the decision (three day turn-around).

(8) If the denial is solely based on income eligibility, the provisions described in paragraphs (2) - (7) of this subsection do not apply and the applicant may request a recertification of income eligibility based on initial documentation provided at the time of the original application. The recertification will be an analysis of the initial calculation based on the documentation received with the initial application for services and will be performed by an individual other than the person who performed the initial determination. If the recertification upholds the denial based on income eligibility documents provided at the initial application, the applicant is notified in writing.

(c) If the applicant is not satisfied, the applicant may further appeal the decision in writing to the Department within ten (10) days of notification of an adverse decision.

(d) Applicants/customers who allege that the Subrecipient has denied all or part of a service or benefit in a manner that is unjust, violates discrimination laws, or without reasonable basis in law or fact, may request a contested hearing under Tex. Gov't Code, Chapter 2001.

(e) The hearing under subsection (d) shall be conducted by the State Office of Administrative Hearings on behalf of the Department in the locality served by the Subrecipient, for which the procedures are further described in §1.13, relating to Contested Case Hearing Procedures, of this title.

(f) If the applicant/customer appeals to the Department, the funds should remain encumbered until the Department completes its decision.

12.5 When and how are applicants informed of these rights?

Within ten days of the determination, the subrecipient must provide written notification to the applicant..

12.6 Describe your fair hearing procedures for **households whose applications are not acted on in a timely manner.**

The LIHEAP Comprehensive Energy Assistance Program contract has a provision stating that applicants have an opportunity for a fair administrative hearing for persons whose application for assistance is denied, terminated, or not acted upon in a timely manner. Refer to attachment "Section 12 Question 12.6 & 12.7_2018_LIHEAP_contract_Section38_appealsprocess.

Subrecipients are required to have a written policy and to inform applicants and clients of their right to a hearing. Applicants or clients who request a hearing will be granted one by the subrecipient. If the applicant or client is not satisfied with the decision, they can appeal the decision in writing to the Department. Applicants/customers who allege that the subrecipient has denied all or part of a service or benefit in a manner that is unjust, violates discrimination laws, or without reasonable basis in law or fact, may request a contested hearing under Texas Government Code, Chapter 2001.

Additionally, the Department has an online complaint system and staff phone numbers are posted online. In general, applicants who have a complaint are given contact information for TDHCA at the time the subrecipient receives the complaint. Applicants who call are encouraged to use the online system. Staff documents the complaint and proceeds as if the complaint were a denial of services appeal. Staff researches the complaint and work with the subrecipient and/or complainant to resolve the complaint. Complainants will then receive a final determination from staff.

10 TAC §6.8, relating to Potential Applicant/Applicant/Customer Denials and Appeals Rights was amended in 2018 to add hearing rights for potential applicants. 10 TAC §1.13 describes the Contested Case Hearing Procedures. Please refer to the attachment for question 12.6 and 12.7.

12.7 When and how are applicants informed of these rights?

Subrecipient shall provide a written denial of assistance notice to applicant within ten (10) calendar days of the determination. This notification shall include written notice of the right of a hearing and specific reasons for the denial by program. The applicant wishing to appeal a decision must provide written notice to Subrecipient within twenty (20) calendar days of receipt of the denial notice. Subrecipients must establish a written procedure for the handling of denials of service and shall establish a denial of service complaint procedure to address written complaints from program applicants/customers.

Applicants who have a complaint are given contact information for TDHCA at the time the complaint is received by the Subrecipient.

Please refer to the attachment of Texas Administrative Code related to question 12.6 and 12.7. Applicants are to be provided a written denial of assistance notice within ten (10) calendar days of the determination and shall include written notice of the right of a hearing. 10 TAC §6.8 (b)(1).

Section 13: Reduction of home energy needs, 2605(b)(16) – Assurance 16

13.1 Describe how you use LIHEAP funds to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance?

N/A- The State does not use funds under Assurance 16.

13.2 How do you ensure that you don't use more than 5% of your LIHEAP funds for these activities?

NA-The State does not use funds under Assurance 16.

13.3 Describe the impact of such activities on the number of households served in the previous Federal fiscal year.

NA-The State does not use funds under Assurance 16.

13.4 Describe the level of direct benefits provided to those households in the previous Federal fiscal year.

NA-The State does not use funds under Assurance 16.

13.5 How many households applied for these services?

NA-The State does not use funds under Assurance 16.

13.6 How many households received these services?

NA-The State does not use funds under Assurance 16.

Section 14: Leveraging Incentive Program, 2607A

14.1 Do you plan to submit an application for the leveraging incentive program?

Yes No

14.2 Describe instructions to any third parties and/or local agencies for submitting LIHEAP leveraging resource information and retaining records. NA

14.3 For each type of resource and/or benefit to be leveraged in the upcoming year that will meet the requirements of 45 C.F.R. § 96.87(d)(2)(iii), describe the following:

Resource	What is the type of resource or benefit?	What is the source(s) of the resource?	How will the resource be integrated and coordinated with LIHEAP?
NA	NA	NA	NA

Section 15: Training

15.1 Describe the training you provide for each of the following groups:

a. Grantee Staff:

Formal training on grantee policies and procedures

How often?

Annually

Biannually

As needed

Other – Describe:

Employees are provided with policy manual

Other – Describe:

Employees are provided with a notebook with plans, rules, the contract, and budget. The Department training team provides grantee staff with programmatic training. New staff are provided an orientation training, and invited to attend Subrecipient trainings as well.

b. Local Agencies:

Formal training conference

How often?

Annually

Biannually

As needed

Other – Describe: The Department offers a manager training for newly hired managers or Executive Directors, as needed, which is then followed up with individualized technical assistance. The Department conducts quarterly network calls and/or webinars to update Subrecipients on changes. The Department provides training at an annual conference which is sponsored by the Texas Association of Community Action Agencies. The Department provides Energy Audit training to agencies as needed, along with Department posted Energy Audit Student Guide and Best Practices on its website. The Department provides a template for developing the Annual Service Delivery Plan and a guide for developing it. The Department develops data tools and trains agencies on how to analyze their data to improve efficiency and productivity.

On-site training

How often?

Annually

Biannually

As needed

Other –

The Department identifies key areas for training needs based upon monitor reports and Sub-grantee requests. The Department provides on-site training as needed to individual agencies or through regional trainings on a variety of topics such as: process mapping, production, data analysis, intake, client file documentation, weatherization assessments, audits, final inspections, working with contractors, and reporting.

- Employees are provided with policy manual
- Other – Describe: The Department uses an online portal that agencies use daily for quick responses to questions or for requesting training. The Department schedules a webinar each quarter to provide information, training, and technical assistance to the local agencies. The Department hosts an additional weatherization quarterly webinar to provide updates on rules, regulations, and technical issues that are identified. The Department creates tools, guides, best practices, and FAQs that are posted on program webpages.

c. Vendors

- Formal training conference
 - How often?
 - Annually
 - Biannually
 - As needed
 - Other – Describe:
- Policies communicated through vendor agreements
- Policies are outlined in a vendor manual
- Other – Describe:

15.2 Does your training program address fraud reporting and prevention?

- Yes
- No

Section 16: Performance Goals and Measures, 2605(b)

16.1 Describe your progress toward meeting the data collection and reporting requirements of the four required LIHEAP performance measures. Include timeframes and plans for meeting these requirements and what you believe will be accomplished in the coming federal fiscal year.

The Department was able to meet the four LIHEAP performance measures.

The Department currently requires subrecipients to upload data related to the four performance measures into our State reporting system. The Department has made this reporting a contractual requirement for all LIHEAP subrecipients. The Department periodically reviews uploaded summary reports and offers technical assistance to subrecipients who may not understand what to report or may not upload the data in a timely fashion. The Department is currently working on merging the uploaded data with our current reporting system and capturing client level data in addition to performance measure data. We hope to have this project completed for use in reporting PY2019 data in 2020. We will continue to work on implementing this project, which will include testing, prior to roll out of the new system.

Section 17: Program Integrity, 2605(b)(10)

17.1 Fraud Reporting Mechanisms

a. Describe all mechanisms available to the public for reporting cases of suspected waste, fraud, and abuse. Select all that apply.

- Online Fraud Reporting
- Dedicated Fraud Reporting Hotline
- Report directly to local agency/district office or Grantee office

- Report to State Inspector General or Attorney General
- Forms and procedures in place for local agencies/district offices and vendors to report fraud, waste, and abuse.
- Other – describe:

Note: TDHCA’s website has a webpage named “Report Fraud, Waste, and Abuse by TDHCA Management and Staff” directing persons who suspect fraud, waste, and abuse by TDHCA management and staff to report to the State Auditor’s Office at <https://sao.fraud.texas.gov/ReportFraud/>. Subrecipients are required to establish fraud, waste, and abuse procedures.

17.1 (continued)

b. Describe strategies in place for advertising the above-referenced resources. Select all that apply.

- Printed outreach materials
- Addressed on LIHEAP application
- Website
- Other – describe:

17.2 Identification Documentation Requirements

a. Indicate which of the following forms of identification are required or requested to be collected from LIHEAP applicants or their household members.

Type of Identification Collected	Collected from Whom?		
	Applicant Only	All Adults in HH	HH Members Seeking Assistance*
Social Security Card is photocopied and retained	Required <input type="checkbox"/>	Required <input type="checkbox"/>	Required <input type="checkbox"/>
	Requested <input type="checkbox"/>	Requested <input type="checkbox"/>	Requested <input type="checkbox"/>
Social Security Number (without actual card)	Required <input type="checkbox"/>	Required <input type="checkbox"/>	Required <input type="checkbox"/>
	Requested <input type="checkbox"/>	Requested <input type="checkbox"/>	Requested <input type="checkbox"/>
Government-issued identification card (e.g.,: driver’s license, state ID, Tribal ID, passport, etc.)	Required <input checked="" type="checkbox"/>	Required <input checked="" type="checkbox"/>	Required <input checked="" type="checkbox"/>
	Requested <input type="checkbox"/>	Requested <input type="checkbox"/>	Requested <input type="checkbox"/>

#	Other	Applicant Only Required	Applicant Only Requested	All Adults in Household Required	All Adults in Household Requested	All Household Members Required	All Household Members Requested
1	Other: clients provide identification to the subrecipients at the time of application. See attachment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Households may include members who are not seeking assistance and may not be included in the household count. A live in aide or attendant is not considered part of the Household for purposes of determining Household income, but is considered for a benefit based on the size of the Household.

b. Describe any exceptions to the above policies: NA

17.3 Identification Verification

Describe what methods are used to verify the authenticity of identification documents provided by clients or household members. Select all that apply.

- Verify SSNs with Social Security Administration
- Match SSNs with death records from Social Security Administration or state agency
- Match SSNs with state eligibility/management system (e.g., SNAP, TANF)
- Match with state Department of Labor system
- Match with state and/or federal corrections system
- Match with state child support system
- Verification using private software (e.g., The Work Number)
- In-person certification by staff (for tribal grantees only)
- Match SSN/Tribal ID number with tribal database or enrollment records (for tribal grantees only)
- Other – describe:

Subrecipients verify the authenticity of identification documents provided by clients who are not U.S. citizens or nationals. That verification is made through the Systematic Alien Verification for Entitlements (SAVE) system.

17.4 Citizenship/Legal Residency Verification

What are your procedures for ensuring that household members are U.S. citizens or aliens who are qualified to receive LIHEAP benefits?

- Clients sign an attestation of citizenship or legal residency
- Clients' submission of Social Security cards is accepted as proof of legal residency
- Noncitizens must provide documentation of immigration status
- Citizens must provide a copy of their birth certificate, naturalization papers, or passport
- Noncitizens are verified through the SAVE system
- Tribal members are verified through Tribal database/Tribal ID card
- Other – describe: U.S. Nationals will have to provide documentation of that status.

17.5 Income Verification

What methods does your agency utilize to verify household income?

- Require documentation of income for all adult household members
 - Pay stubs
 - Social Security award letters
 - Bank statements
 - Tax statements
 - Zero-income statements
 - Unemployment Insurance letters
 - Other – describe: Court Documents or government benefit statements as applicable.

- Computer data matches:
 - Income information matched against state computer system (e.g., SNAP, TANF)
 - Proof of unemployment benefits verified with state Department of Labor
 - Social Security income verified with SSA
 - Utilize state directory of new hires
- Other – describe:

17.6 Protection of Privacy and Confidentiality

Describe the financial and operating controls in place to protect client information against improper use or disclosure.

- Policy in place prohibiting release of information without written consent
- Grantee LIHEAP database includes privacy/confidentiality safeguards
- Employee training on confidentiality for:
 - Grantee employees
 - local agencies/district offices
- Employees must sign confidentiality agreement
 - Grantee employees
 - local agencies/district offices
- Physical files are stored in a secure location
- Other – describe: Grantee contracts include the following section:

SECTION 9. RECORD KEEPING REQUIREMENTS

Subrecipient acknowledges that all information collected, assembled, or maintained by subrecipient pertaining to this Contract, except records made confidential by law, is subject to the Texas Public Information Act (Chapter 552 of Texas Government Code) and must provide citizens, public agencies, and other interested parties with reasonable access to all records pertaining to this Contract subject to and in accordance with the Texas Public Information Act.

Texas Administrative Code, Title 10 Chapter 1, Subchapter D §1.409 requires that:

(a) Client Records including Multifamily Development Owners. The Department requires subrecipient organizations to document client services and assistance. Subrecipient organizations must arrange for the security of all program-related computer files through a remote, online, or managed backup service. Confidential client files must be maintained in a manner to protect the privacy of each client and to maintain the same for future reference. Subrecipient organizations must store physical client files in a secure space in a manner that ensures confidentiality and in accordance with Subrecipient organization policies and procedures. To the extent that it is financially feasible, archived client files should be stored offsite from Subrecipient headquarters, in a secure space in a manner that ensures confidentiality and in accordance with organization policies and procedures.

(b) Records of client eligibility must be retained for five (5) years starting from the date the Household activity is completed, unless otherwise provided in federal regulations governing the program.

(c) Other records must be maintained as described in the Contract or the LURA, and in accordance with federal or state law for the programs described in the Chapters of this Part.

17.7 Verifying the Authenticity of Energy Vendors

What policies are in place for verifying vendor authenticity?

- All vendors must register with the State/Tribe

- All vendors must supply a valid SSN or TIN/W-9 form
- Vendors are verified through energy bills provided by the household
- Grantee and/or local agencies/district offices perform physical monitoring of vendors
- Other – describe, and note any exceptions to policies above:

17.8 Benefits Policy – Gas and Electric Utilities

What policies are in place to protect against fraud when making benefit payments to gas and electric utilities on behalf of clients? Select all that apply.

- Applicants required to submit proof of physical residency
- Applicants must submit current utility bill
- Data exchange with utilities that verifies:
 - Account ownership
 - Consumption
 - Balances
 - Payment history
 - Account is properly credited with benefit
 - Other – describe:
- Centralized computer system/database tracks payments to all utilities
- Centralized computer system automatically generates benefit level
- Separation of duties between intake and payment approval
- Payments coordinated among other heating assistance programs to avoid duplication of payments
- Payments to utilities and invoices from utilities are reviewed for accuracy
- Computer databases are periodically reviewed to verify accuracy and timeliness of payments made to utilities
- Direct payment to households are made in limited cases only
- Procedures are in place to require prompt refunds from utilities in cases of account closure
- Vendor agreements specify requirements selected above, and provide enforcement mechanism
- Other – describe:

17.9 Benefits Policy — Bulk Fuel Vendors

What procedures are in place for averting fraud and improper payments when dealing with bulk fuel suppliers of heating oil, propane, wood, and other bulk fuel vendors? Select all that apply.

- Vendors are checked against an approved vendors list
- Centralized computer system/database is used to track payments to all vendors
- Clients are relied on for reports of non-delivery or partial delivery
- Two-party checks are issued naming client and vendor
- Direct payment to households are made in limited cases only
- Vendors are only paid once they provide a delivery receipt signed by the client
- Conduct monitoring of bulk fuel vendors
- Bulk fuel vendors are required to submit reports to the Grantee
- Vendor agreements specify requirements selected above, and provide enforcement mechanism
- Other – describe:

17.10 Investigations and Prosecutions

Describe the Grantee's procedures for investigating and prosecuting reports of fraud, and any sanctions placed on clients/staff/vendors found to have committed fraud. Select all that apply.

- Refer to state Inspector General

- Refer to local prosecutor or state Attorney General
- Refer to US DHHS Inspector General (including referral to OIG hotline)
- Local agencies/district offices or Grantee conduct investigation of fraud complaints from public
- Grantee attempts collection of improper payments. If so, describe the recoupment process.
- Clients found to have committed fraud are banned from LIHEAP assistance. For how long is a household banned?
- Contracts with local agencies require that employees found to have committed fraud are reprimanded and/or terminated
- Vendors found to have committed fraud may no longer participate in LIHEAP
- Other — describe: A Subrecipient may be referred to the Department's Enforcement Committee or proposed for debarment.

Section 18: Certification Regarding Debarment, Suspension, and Other Responsibility Matters

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and

information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters--Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used

in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility an Voluntary Exclusion--Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

By checking this box, the prospective primary participant is providing the certification set out above.

Section 19: Certification Regarding Drug-Free Workforce Requirements

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988: 45 CFR Part 76, Subpart, F. Sections 76.630(c) and (d)(2) and 76.645(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, SW Washington, DC 20201.

Certification Regarding Drug-Free Workplace Requirements (Instructions for Certification)

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

Controlled substance means a controlled substance in Schedules I through V of the Controlled

Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

Criminal drug statute means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

Employee means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All direct charge employees; (ii) All indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) Temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of Subrecipients or subcontractors in covered workplaces).

Certification Regarding Drug-Free Workplace Requirements

Alternate I. (Grantees Other Than Individuals)

The grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --(1)The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
(1) Abide by the terms of the statement; and
(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)(2), with respect to any employee who is so convicted -

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

221 East 11th Street

Austin, Travis County, Texas, 78701

Check if there are workplaces on file that are not identified here.

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

[55 FR 21690, 21702, May 25, 1990]

By checking this box, the prospective primary participant is providing the certification set out above.

Section 20: Certification Regarding Lobbying

The submitter of this application certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

By checking this box, the prospective primary participant is providing the certification set out above.

REQUIRED ATTACHMENTS

The following documents must be attached to this application:

- Assurances signature page
- Designation letter for signature to Assurances is required if someone other than the Governor or Tribal Chairperson signs the Assurances.
- Heating component benefit matrix. (Attachment 3)
- Cooling component benefit matrix. (Attachment 3)
- Local Agency Monitoring Schedule (Attachment 4)

Attachment 3

Benefit Matrix

Program rules found at 10 Texas Administrative Code, §6.309(e) and (f). All benefits are determined based on a sliding scale:

(e) Benefit determinations for the Utility Payment Assistance Component and the Household Crisis Component cannot exceed the sliding scale described in paragraphs (1) - (3) of this subsection:

(1) Households with Incomes of 0 to 50% of Federal Poverty Guidelines may receive an amount not to exceed \$1,200 per Component;

(2) Households with Incomes of 51% to 75% of Federal Poverty Guidelines may receive an amount not to exceed \$1,100 per Component; and

(3) Households with Incomes of 76% to at or below 150% of Federal Poverty Guidelines may receive an amount not to exceed \$1,000 per Component; and

(f) Service and Repair of existing heating and cooling units: Households may receive up to \$3,000 for service and repair of existing heating and cooling units when the Household has an inoperable heating or cooling system based on requirements in §6.310, relating to Household Crisis Component.

Attachment 4

Monitoring Schedule for FY 2020

	SUBRECIPIENT	REVIEW TYPE	Date of Next Monitoring Review	DATE OF LAST FULL ONSITE REVIEW (IF APPLICABLE)
1	Aspermont Small Business Development Center, Inc.	On-Site		June 2017
2	BakerRipley	On-Site	FY19-Q4	October 2016
3	Bexar County Community and Development Programs	On-Site	FY20	February 2018
4	Big Bend Community Action Committee, Inc.	On-Site	FY19-Q3	May 2017
5	Brazos Valley Community Action Agency	On-Site		June 2018
6	Central Texas Opportunities, Inc.	On-Site		March 2018
7	City of Fort Worth	On-Site		February 2018
8	City of Lubbock Community Development Department	On-Site	FY19-Q2	October 2016
9	Combined Community Action, Inc.	On-Site		February 2018
10	Community Action Committee of Victoria, Texas	On-Site		May 2018
11	Community Action Corporation of South Texas	On-Site	FY19-Q4	March 2017
12	Community Action Inc. of Central Texas	On-Site		October 2018
13	Community Council of South Central Texas	On-Site		November 2018
14	Community Services Northeast Texas, Inc.	On-Site		May 2018
15	Concho Valley Community Action Agency	On-Site		October 2018
16	County of Hidalgo Community Services Agency	On-Site		December 2018
17	Dallas County Department of Health and Human Services	On-Site	FY20	February 2018
18	Economic Action Committee of the Gulf Coast	On-Site	FY19-Q4	February 2017
19	Economic Opportunities Advancement Corporation of Planning Region XI	On-Site		November 2017
20	El Paso Community Action Program-Project BRAVO	On-Site		January 2018
21	Galveston County Community Action Council, Inc.	On-Site	FY19-Q3	May 2018
22	Greater East Texas Community Action Program	On-Site	FY20-Q3	February 2019
23	Hill Country Community Action Association, Inc.	On-Site		December 2018
24	Kleberg County Human Services	On-Site	FY20-Q1	September 2016
25	Nueces County Community Action Agency	On-Site	FY19-Q2	March 2016
26	Panhandle Community Services	On-Site		November 2017
27	Pecos County Community Action Agency	On-Site	FY19-Q2	April 2018
28	Rolling Plains Management Corporation	On-Site		November 2018
29	South Plains Community Action Association, Inc.	On-Site		April 2018
30	South Texas Development Council	On-Site		May 2018
31	Texas Neighborhood Services	On-Site	FY19-Q3	September 2015
32	Texoma Council Of Governments	On-Site	FY19-Q4	April 2017
33	Travis County Health and Human Services	On-Site	FY20	April 2018
34	Tri-County Community Action, Inc.	On-Site		November 2018
35	Webb County Community Action Agency	On-Site		December 2017
36	West Texas Opportunities, Inc.	On-Site	FY20-Q1	March 2019
37	Williamson-Burnet Counties Opportunities, Inc.	On-Site	FY19-Q3	January 2017

7a

PULLED FROM THE AGENDA

7b

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action regarding refinancing for Legend Oaks (HTC #00115/ State HTF #85100) with TCAP Repayment Funds reserved for workouts

RECOMMENDED ACTION

WHEREAS, Llano DMA Housing, L.P. (Applicant) submitted an application for Direct Loan funds under the 2018-1 Multifamily Direct Loan Notice of Funding Availability (2018-1 NOFA) for the refinancing of the permanent debt on a 48-unit multifamily Development known as Legend Oaks in the City of Llano;

WHEREAS, the Applicant previously received an allocation of 9% Housing Tax Credits and award of \$350,000 in State Housing Trust Fund (SHTF) in 2001, both of which restricted 36 of the 48 units to low income households;

WHEREAS, if the Application were to progress under the 2018-1 NOFA and 2018 Uniform Multifamily Rules and Multifamily Direct Loan Rule, multiple waivers/amendments would be necessary and the Department does not have the ability to provide an amendment to the NOFA, as the 2018-1 NOFA closed on November 30, 2018;

WHEREAS, the Applicant is seeking to refinance approximately \$431,000 in the form of a balloon payment due to NorthMarq Capital, the first lien lender;

WHEREAS, the Applicant requested waivers of the applicable rules and NOFA since the primary activity that would be funded with a potential award of Direct Loan funds is refinancing of existing non-federal debt, and not the traditional new construction or rehabilitation activities contemplated by the MFDL Rule, Uniform Multifamily Rules, and the NOFA;

WHEREAS, on November 13, 2012, the Department's Governing Board authorized the use of a certain amount of Tax Credit Assistance Program Repayment Funds (TCAP RF) to acquire, redevelop, and/or finance rental developments previously financed with the Department's federal or state funds that have lost or are at risk of losing their affordability requirements;

WHEREAS, the existing State Housing Trust Fund (SHTF) loan in combination with the risk of foreclosure and loss of affordability requirements if not for Department assistance, meet the requirements for an award of TCAP RF under the Department's work out authority as described above;

WHEREAS, such an award would preserve and extend the property's affordability requirements and fulfill the Department's requirements for using workout funds; and

WHEREAS, programming \$636,857 from currently unobligated TCAP RF funds into the workout budget will maintain level funding of this important resource;

NOW, therefore, it is hereby

RESOLVED, that the Board hereby approves staff's recommendation to use \$636,857 TCAP RF under the workout scenario to preserve Legend Oaks' affordability requirements.

BACKGROUND

Legend Oaks is an existing 48-unit multifamily development serving an Elderly population in the City of Llano. The Applicant originally requested \$480,000 in Direct Loan funds primarily to make the balloon payment on the existing NorthMarq loan since the original Property Condition Assessment (PCA) provided with the Application indicated that only \$8,300 worth of immediate repairs needed to be made. However, since the original request, staff informed the Applicant that, in order for the Department to invest any funds in the property, the Applicant would have to bring the property into compliance with the Uniform Federal Accessibility Standards (UFAS) or the 2010 Americans with Disabilities Act (ADA) Standards, which resulted in the Applicant's PCA provider completing an Accessibility Compliance Review (ACR). The ACR revealed that \$111,775 in rehabilitation that is necessary in order to bring the property into compliance with 2010 ADA Standards; this amount is now included in the the Applicant's revised request for \$636,857 in Direct Loan funds. The Applicant has proposed restricting 40 of the 48 units in the Development to 80% AMI and below households under the TCAP RF Land Use Restriction Agreement (LURA) in connection with this Direct Loan request. Of the 12 Market Rate units for housing tax credit (HTC) purposes, two units will be restricted to 80% AMI and two units will be restricted to 60% AMI under the TCAP RF LURA. Additionally, eight units at 60% AMI for HTC purposes will now be restricted to 50% AMI for TCAP RF purposes.

The TCAP RF LURA will encumber the property for 30 years from loan closing, resulting in seven additional years of affordability beyond the Extended Use Period in the HTC LURA. With the additional Department funding, the property will also be brought up to 2010 Americans with Disabilities Act (ADA) Standards with the exceptions outlined in *79 Federal Register 29671* and as further described in 10 TAC Chapter 1, Subchapter B (2010 ADA Standards).

The \$636,857 TCAP RF loan will be structured as a first lien hard repayable loan at 0% interest rate with a 35-year amortization and 10-year term.

Total Housing Development Costs include making the \$431,000 balloon payment on the NorthMarq Capital loan, paying off the remaining balance of \$186,857 on the SHTF loan, \$111,775 in rehabilitation in order to bring the property up to 2010 ADA Standards, and \$118,839 in contingency, soft costs, and reserves equal \$848,471, with the Applicant providing \$147,500 in owner equity and exhausting their \$64,114 in reserves.

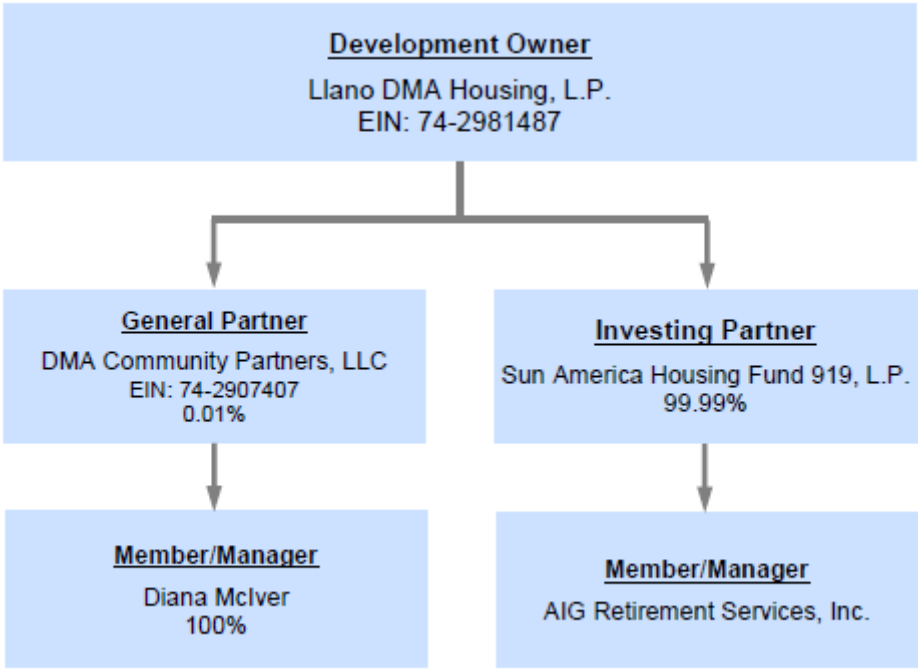
The scope of the waivers/amendments that would be necessary under the 2018-1 NOFA the Application was submitted under, combined with the existing SHTF loan with requisite SHTF-restricted units at risk, makes an award out of the General set-aside in the 2018-1 Multifamily Direct Loan NOFA problematic at best and potentially prohibited. As such, staff recommends that the Board consider an award for this Application from the funds available for workout transactions as established by the Board on November 13, 2012. Board action from that meeting authorized the Executive Director or his designee “to take such actions as they or any of them may deem necessary or advisable to effectuate the use of program income from TCAP to acquire, redevelop, and/or finance previously funded rental developments that have lost or are at risk of losing their affordability requirements.”

10 TAC §11.302(h) in the Underwriting Rules discusses how, with the Board’s approval, staff may characterize Work Out Developments that do not adhere to the underwriting guidelines as “the best available option’ or ‘acceptable available option’ as long as the option analyzed and recommended is more likely to achieve a better financial outcome for the property and the Department than the status quo.” The Multifamily Direct Loan rule at 10 TAC §13.3(d), states that “[Multifamily Direct Loan Funds] may be used to assist distressed developments previously funded by the Department when approved by specific action of the Board.” The underwriting guidelines that this development does not adhere to include debt coverage ratio (2.08 in year 1 instead of the maximum 1.35 required by 10 TAC §11.302(d)(4)(D)) and income-to-expense ratio (88% instead of the maximum 65% required by 10 TAC §11.302(i)(4)(A)).

This development, while fully occupied, has not been able to achieve maximum program rents and has had its net operating income further reduced in the past fifteen months or so by increased water rates (an additional \$20,000 per year or approximately 30% increase in total annual utilities costs) from the City of Llano. As a result, refinancing into a conventional or agency loan at a 4-6% interest rate is not financially feasible. The Applicant has made multiple extension payments on the NorthMarq Capital loan, but are now facing a hard deadline of June 1, 2019. Because a foreclosure could occur if not for Department funding, this application meets the guidelines for workout transactions established by the Board in 2012, and the Work Out guidelines in 10 TAC §11.302(h).

Organizational Structure and Previous Participation: The borrower is Llano DMA Housing, LP and includes entities and principals as indicated in the organization chart below. At the time of the Previous Participation Review, the applicant was an Extra Large Portfolio Category 2; EARAC recommends approval without conditions.

Public Comment: There have been no letters of support or opposition received by the Department in connection with this current application.





Addendum to Underwriting Report

TDHCA Application #: **18507** Program(s): **MDL**

Legend Oaks

Address/Location: 101 Legend Hills Boulevard

City: Ilano County: Ilano Zip: 78643

APPLICATION HISTORY	
Report Date	PURPOSE
04/10/19	MDL Work Out/ Refinance

ALLOCATION

TDHCA Program	Request				RECOMMENDATION				
	Amount	Rate	Amort	Term	Amount	Rate	Amort	Term	Lien
MF Direct Loan Perm. (Repayable)	\$636,857	0.00%	35	10	\$636,857	0.00%	35	10	1

SET-ASIDES

TDHCA SET-ASIDES for HTC LURA		
Income Limit	Rent Limit	Number of Units
30% of AMI	30% of AMI	3
60% of AMI	60% of AMI	33

TDHCA SET-ASIDES for DIRECT LOAN LURA		
Income Limit	Rent Limit	Number of Units
50% of AMFI	Low HOME	10
60% of AMFI	High HOME	28
80% of AMFI	High HOME	2

ANALYSIS

Legend Oaks (#00155) is an existing 48 unit tax credit development serving seniors. The owner, Llano DMA Housing, LP has requested TCAP funds for refinancing of the Fannie Mae permanent debt which must be repaid by May 30, 2019.

The property has experienced a \$20k annual increase in water rates since November 2017. This reduction in NOI eliminated any conventional refinancing opportunities because there is insufficient cash flow to support a \$431,000 replacement loan at market interest rates.

The property also has an outstanding \$186,857 MDL loan at 1% sourced from State Housing Trust Funds (HTF) in 2001.

Applicant is requesting a 0% MDL loan under the authority granted by the Board on November 13, 2012 that authorized the Department to use a certain amount of TCAP Repayment Fund (TCAP RF received through August 31, 2013) for the purpose of pursuing workout solutions to properties which have previously received a loan from the Department. The Applicant has asserted that, if not for these funds, the property would be foreclosed upon.

All unit income restrictions from the current HTC and HTF LURA's will be maintained or expanded upon.

Operating Pro Forma

The property has historically not achieved full 60% rents; currently the 33 60% units are renting for \$177 - \$187 below 60% net rents. The 12 market units rent for about \$120 -\$160 less than full 60% gross rents. The neighboring affordable family property is achieving similar rents.

Many of the residents have been living at this property for some time; they are fixed income elderly tenants and it is unrealistic, and unprecedented at this property, that rents can be raised over time to achieve full 60% rents.

Underwriter's pro forma is used for analysis. 4% vacancy rate is assumed based on historical occupancy.

DMA Properties, LLC's management fee shall be limited to 4.0% of gross collected rents payable from operating income, and that any amount in excess of 4.0% of gross collected rents is subordinate to debt service on the TDHCA Direct Loan.

Per Applicant, the City of Llano implemented city-wide water rate increases in October 2017 to help the city pay for community water/sewer infrastructure improvements. The City of Llano utilizes residential water rates that treats each apartment unit as if it were a single family home, rather than charging a per building rate.

Per Applicant, they have made several attempts to work with the City of Llano to obtain water rate reductions, as has the neighboring Park Ridge Apartments (TDHCA #09948). Unfortunately, the City of Llano has pledged projected utility income to secure infrastructure bonds that have already been issued to pay for the water/sewer line improvements. A reduction in water rates is not expected.

2018 is the first full year of the increased water rates; the 2018 annual WST expense was \$74,927 (\$1,561/unit). In comparison, the TDHCA database average for WST in that area is \$724/unit. TDHCA database average is based on 38 similar sized developments in the Austin area/Region 7.

Given the lower achievable rents and the high water expense, the expense to income ratio is 86%. If we assumed the TDHCA database average for WST, the ratio would decrease to less than 72%.

The pro forma assumes 2% income growth and 3% expense growth; this produces a first year DCR of 2.37, 10-year DCR of 1.35, but the DCR dips below 1.00 in year 13 (0.88) suggesting there is not enough annual cash flow to pay the debt service on the proposed MDL loan.

Development Cost

The development does not require substantial rehabilitation, and this is not a new construction or acquisition application. At TDHCA's request an Accessibility Compliance Review was completed by the PCA Provider; the report indicates there is \$111,775 in accessibility related repairs (\$2,329 per unit).

The property will be brought up to 2010 Americans with Disabilities Act (ADA) Standards in accordance with 28 CFR Part 36, Subpart D and 10 TAC §1.207. The accessibility repairs include adding accessible routes, correcting sidewalk, ramp, and parking slopes, reconfiguring common area and dwelling unit restrooms and kitchens to accessible standards.

Other development costs include \$475k to pay off the outstanding Fannie loan/extension fees and \$186k to pay off the outstanding MDL.

Sources of Funds

Applicant is requesting a \$636,857 MDL loan at 0% interest, 10 year term and 35 year amortization, funded through TCAP Repayment Funds. These funds would be used to pay off the current Fannie Mae loan and TDHCA MDL and finance the accessibility upgrades.

Applicant will provide \$147,500 of capital to show their commitment to the project. This is over 17% of total sources. \$64k of existing reserves are shown as a source as well.

Assuming average current rents at the property and growing them at 2% produces a positive DCR through year 12, therefore producing a positive cash flow throughout the term (10 years) of the MDL.

The underwriting does not meet several other feasibility indicators, including the first year expense to income ratio less than 65%, first year Debt Coverage ratio below 1.35, and Debt Coverage Ratio remaining above 1.15 during years two through fifteen.

It is assumed the property will not be able to repay the balloon payment at the 10 year maturity date, but that the project will be refinanced.

Per (10 TAC 11.302(h)) , "Developments that are underwritten subsequent to Board approval in order to refinance or gain relief from restrictions may be considered infeasible based on the guidelines in this section, but may be characterized as "the best available option" or "acceptable available option" depending on the circumstances and subject to the discretion of the Underwriter as long as the option analyzed and recommended is more likely to achieve a better financial outcome for the property and the Department than the status quo. "

Given the age of the long term tenants at the property, it is not realistic to assume the owner can consistently increase rents over time to reach full program rents. The property has had historically high occupancy. With income not increasing at the rate of expenses, especially due to the large increase in water expense through no fault of the owner, Underwriter recommends refinancing with a new MDL loan at 0%. The underwriting suggests this will allow the property to keep operating for at least 10 years, providing housing for the low income seniors in Llano who rely on this property for housing.

Underwriter recommends a hard payable \$636,857 MDL at 0% interest for a term of 10 years, with an amortization of 35 years. The loan will be awarded out of the TCAP Repayment Fund and include hard debt service payments.

Underwriter:	<u>Jeanna Rolsing</u>
Manager of Real Estate Analysis:	<u>Thomas Cavanagh</u>
Director of Real Estate Analysis:	<u>Brent Stewart</u>

UNIT MIX/RENT SCHEDULE

Legend Oaks, Llano, MDL #18507

LOCATION DATA	
CITY:	Llano
COUNTY:	Llano
Area Median Income	\$64,400
PROGRAM REGION:	7

UNIT DISTRIBUTION							
# Beds	# Units	% Total	Assisted	MDL	Income	# Units	% Total
Eff	-	0.0%	0	0	30%	3	6.3%
1	30	62.5%	0	27	40%	-	0.0%
2	18	37.5%	0	13	50%	-	0.0%
3	-	0.0%	0	0	60%	33	68.8%
4	-	0.0%	0	0	MR	12	25.0%
TOTAL	48	100.0%	-	40	TOTAL	48	100.0%

Pro Forma ASSUMPTIONS	
Revenue Growth	2.00%
Expense Growth	3.00%
Basis Adjust	130%
Applicable Fraction	73.51%
APP % Acquisition	3.39%
APP % Construction	3.39%
Average Unit Size	757 sf

UNIT MIX / MONTHLY RENT SCHEDULE

HTC		TDHCA Direct Loan Program		UNIT MIX				APPLICABLE PROGRAM RENT			APPLICANT'S PRO FORMA RENTS				TDHCA PRO FORMA RENTS				MARKET RENTS		
Type	Gross Rent	Type	Gross Rent	# Units	# Beds	# Baths	NRA	Gross Rent	Utility Allow	Max Net Program Rent	Delta to Max	Rent psf	Net Rent per Unit	Total Monthly Rent	Total Monthly Rent	Rent per Unit	Rent psf	Delta to Max	Underwritten	Market Rents in Rent Roll	
TC 30%	\$362	LH/50%	\$604	3	1	1	675	\$362	\$58	\$304	(\$0)	\$0.45	\$304	\$912	\$900	\$300	\$0.44	(\$4)	\$565	\$0.84	\$575
TC 60%	\$725	LH/50%	\$604	5	1	1	675	\$604	\$58	\$546	(\$0)	\$0.81	\$546	\$2,730	\$2,450	\$490	\$0.73	(\$56)	\$565	\$0.84	\$575
TC 60%	\$725	HH/60%	\$625	16	1	1	675	\$625	\$58	\$567	(\$0)	\$0.84	\$567	\$9,072	\$7,840	\$490	\$0.73	(\$77)	\$565	\$0.84	\$575
MR		HH/60%	\$625	2	1	1	675	\$625	\$58	\$567	\$0	\$0.84	\$567	\$1,135	\$980	\$490	\$0.73	NA	\$565	\$0.84	\$575
MR		HH/80%	\$625	1	1	1	675	\$625	\$58	\$567	\$0	\$0.84	\$567	\$567	\$565	\$565	\$0.84	NA	\$565	\$0.84	\$575
MR				3	1	1	675	\$0	\$58		NA	\$0.96	\$650	\$1,950	\$1,695	\$565	\$0.84	NA	\$565	\$0.84	\$575
TC 60%	\$870	LH/50%	\$725	2	2	1	876	\$725	\$75	\$650	\$0	\$0.74	\$650	\$1,300	\$1,216	\$608	\$0.69	(\$42)	\$747	\$0.85	\$750
TC 60%	\$870	HH/60%	\$804	10	2	1	876	\$804	\$75	\$729	\$0	\$0.83	\$729	\$7,290	\$6,080	\$608	\$0.69	(\$121)	\$747	\$0.85	\$750
MR		HH/80%	\$804	1	2	2	929	\$804	\$75	\$729	\$0	\$0.78	\$729	\$729	\$747	\$747	\$0.80	NA	\$747	\$0.80	\$750
MR				5	2	2	929	\$0	\$75		NA	\$0.86	\$800	\$4,000	\$3,735	\$747	\$0.80	NA	\$747	\$0.80	\$750
TOTALS/AVERAGES:				48			36,336				(\$0)	\$0.82	\$618	\$29,685	\$26,208	\$546	\$0.72	(\$59)	\$633	\$0.84	\$641

ANNUAL POTENTIAL GROSS RENT:		\$356,224	\$314,496
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STABILIZED PRO FORMA

Legend Oaks, Ilano, MDL #18507

STABILIZED FIRST YEAR PRO FORMA

	COMPARABLES		APPLICANT				TDHCA				VARIANCE	
	Database	Profit and Loss YE 9/19 (p 143 app)	% EGI	Per SF	Per Unit	Amount	Amount	Per Unit	Per SF	% EGI	%	\$
POTENTIAL GROSS RENT				\$0.82	\$618	\$356,224	\$314,496	\$546	\$0.72		13.3%	\$41,728
Total Secondary Income					\$0.00		\$0	\$0.00			0.0%	\$0
POTENTIAL GROSS INCOME						\$356,224	\$314,496				13.3%	\$41,728
Vacancy & Collection Loss				4.0% PGI		(14,249)	(12,580)	4.0% PGI			13.3%	(1,669)
Rental Concessions						(44,316)	-				0.0%	(44,316)
EFFECTIVE GROSS INCOME		\$0				\$297,659	\$301,916				-1.4%	(\$4,257)

General & Administrative	\$22,434	\$467/Unit	22,930	\$478	7.82%	\$0.64	\$485	\$23,280	\$23,280	\$485	\$0.64	7.71%	0.0%	-
Management	\$24,082	5.2% EGI	18,208	\$379	5.04%	\$0.41	\$313	\$15,000	\$12,077	\$252	\$0.33	4.00%	24.2%	2,923
Payroll & Payroll Tax	\$56,077	\$1,168/Unit	52,767	\$1,099	19.49%	\$1.60	\$1,208	\$58,000	\$58,000	\$1,208	\$1.60	19.21%	0.0%	-
Repairs & Maintenance	\$41,567	\$866/Unit	31,883	\$664	10.81%	\$0.89	\$670	\$32,168	\$32,168	\$670	\$0.89	10.65%	0.0%	-
Electric/Gas	\$13,891	\$289/Unit	11,357	\$237	3.86%	\$0.32	\$240	\$11,500	\$11,500	\$240	\$0.32	3.81%	0.0%	-
Water, Sewer, & Trash	\$35,498	\$740/Unit	74,927	\$1,561	25.94%	\$2.12	\$1,608	\$77,200	\$77,200	\$1,608	\$2.12	25.57%	0.0%	-
Property Insurance	\$16,009	\$0.44 /sf	13,218	\$275	4.87%	\$0.40	\$302	\$14,500	\$14,500	\$302	\$0.40	4.80%	0.0%	-
Property Tax (@ 100%)	\$38,177	\$795/Unit	8,857	\$185	2.65%	\$0.22	\$164	\$7,882	\$8,857	\$185	\$0.24	2.93%	-11.0%	(975)
Reserve for Replacements	\$16,563	\$345/Unit		\$0	4.03%	\$0.33	\$250	\$12,000	\$12,000	\$250	\$0.33	3.97%	0.0%	-
Cable TV			954	\$20	0.46%	\$0.04	\$29	\$1,380	\$1,380	\$29	\$0.04	0.46%	0.0%	-
Supportive Services			8,881	\$185	2.15%	\$0.18	\$133	\$6,400	\$6,400	\$133	\$0.18	2.12%	0.0%	-
TDHCA LIHTC/HOME Compliance Fees			900	\$19	0.30%	\$0.02	\$19	\$900	\$1,360	\$28	\$0.04	0.45%	-33.8%	(460)
TOTAL EXPENSES					87.42%	\$7.16	\$5,421	\$ 260,210	\$258,722	\$5,390	\$7.12	85.69%	0.6%	\$ 1,488
NET OPERATING INCOME ("NOI")					12.58%	\$1.03	\$780	\$37,449	\$43,195	\$900	\$1.19	14.31%	-13.3%	\$ (5,745)

CONTROLLABLE EXPENSES	\$4,211/Unit	\$4,211/Unit
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CAPITALIZATION / TOTAL DEVELOPMENT BUDGET / ITEMIZED BASIS
Legend Oaks, Ilano, MDL #18507

DEBT / GRANT SOURCES														
APPLICANT'S PROPOSED DEBT/GRANT STRUCTURE								AS UNDERWRITTEN DEBT/GRANT STRUCTURE						
	Cumulative DCR		Pmt	Rate	Amort	Term	Principal	Principal	Term	Amort	Rate	Pmt	Cumulative	
TDHCA (Perm repayable)	2.57	2.23	\$16,797	0.00%	35	10	\$636,857	\$636,857	10	35	0.00%	\$18,196	2.37	75.1%
			\$16,797				\$636,857	\$636,857				\$18,196	2.37	75.1%
NET CASH FLOW	\$26,398	\$20,652						TDHCA	NET OPERATING INCOME	\$43,195	\$24,999			NET CASH FLOW

EQUITY SOURCES											
APPLICANT'S PROPOSED EQUITY STRUCTURE						AS UNDERWRITTEN EQUITY STRUCTURE					
EQUITY / DEFERRED FEES	DESCRIPTION	% Cost	Annual Credit	Credit Price	Amount	Amount	Credit Price	Annual Credit	% Cost	Annual Credits per Unit	Allocation Method
Existing Reserves		7.6%			\$64,114	\$64,114			7.6%		
Additional (Excess) Funds Req'd		0.0%			\$0	\$0			0.0%		
TOTAL EQUITY SOURCES		24.9%			\$211,614	\$211,614			24.9%		
TOTAL CAPITALIZATION					\$848,471	\$848,471				15-Yr Cash Flow after Deferred Fee:	\$152,048

DEVELOPMENT COST / ITEMIZED BASIS											
APPLICANT COST / BASIS ITEMS					TDHCA COST / BASIS ITEMS					COST VARIANCE	
	Eligible Basis		Total Costs		Total Costs	Eligible Basis					
	Acquisition	New Const. Rehab				New Const. Rehab	Acquisition				%
Payoff of Outstanding MDL Loan			\$3,893 / Unit	\$186,857	\$186,857	\$3,893 / Unit				0.0%	\$0
Payoff of Outstanding Fannie Loan and Extension Fees			\$9,886 / Unit	\$474,548	\$474,548	\$9,886 / Unit				0.0%	\$0
Building Cost			\$3.08 /sf	\$2,329/Unit	\$111,775	\$111,775	\$2,329/Unit	\$3.08 /sf		0.0%	\$0
Contingency			1.91%	\$11,177	\$11,177	1.91%	#DIV/0!			0.0%	\$0
Reserves			\$1,336 / Unit	\$64,114	\$64,114	\$1,336 / Unit				0.0%	\$0
TOTAL HOUSING DEVELOPMENT COST			\$17,676 / Unit	\$848,471	\$848,471	\$17,676 / Unit				0.0%	\$0
TOTAL HOUSING DEVELOPMENT COSTS BASED ON 3RD PARTY PCA/CNA				\$848,471							

Long-Term Pro Forma

Legend Oaks, Ilano, MDL #18507

	Growth Rate	Year 1	Year 2	Year 3	Year 4	Year 5	Year 10	Year 15	Year 20	Year 25	Year 30	Year 35
EFFECTIVE GROSS INCOME	2.00%	\$301,916	\$307,954	\$314,114	\$320,396	\$326,804	\$360,818	\$398,372	\$439,835	\$485,613	\$536,156	\$591,960
TOTAL EXPENSES	3.00%	\$258,722	\$266,363	\$274,230	\$282,331	\$290,673	\$336,248	\$389,008	\$450,087	\$520,803	\$602,681	\$698,431
NET OPERATING INCOME ("NOI")		\$43,195	\$41,592	\$39,883	\$38,064	\$36,130	\$24,569	\$9,364	(\$10,252)	(\$35,190)	(\$66,525)	(\$106,472)
EXPENSE/INCOME RATIO		85.7%	86.5%	87.3%	88.1%	88.9%	93.2%	97.6%	102.3%	107.2%	112.4%	118.0%
MUST -PAY DEBT SERVICE												
TDHCA (Perm repayable)		\$18,196	\$18,196	\$18,196	\$18,196	\$18,196	\$18,196	\$18,196	\$18,196	\$18,196	\$18,196	\$18,196
DEBT COVERAGE RATIO		2.37	2.29	2.19	2.09	1.99	1.35	0.51	-0.56	-1.93	-3.66	-5.85
ANNUAL CASH FLOW		\$24,999	\$23,396	\$21,687	\$19,868	\$17,935	\$6,373	(\$8,832)	(\$28,448)	(\$53,386)	(\$84,721)	(\$124,668)
Deferred Developer Fee Balance		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
CUMULATIVE NET CASH FLOW		\$24,999	\$48,395	\$70,082	\$89,951	\$107,885	\$164,194	\$152,048	\$50,976	(\$163,747)	(\$521,883)	(\$1,061,451)



October 30, 2018
January 3, 2019 (REV)

Mr. Andrew Sinnott
Multifamily Loan Programs Administrator
Texas Department of Housing & Community Affairs
221 E. 11th Street
Austin, TX 78701

Subject: Llano DMA Housing, L.P./Legend Oaks, Llano, Texas
#00155

Dear Mr. Sinnott,

On behalf of Llano DMA Housing, LP ("Llano DMA") and in connection with a Multifamily Direct Loan application submitted simultaneously with this letter, we are submitting a waiver request pursuant to Section 10.207 of the Multifamily Rules for various items required by the MFDL application.

The application seeks a TCAP loan in the amount of \$480,000 to refinance the existing permanent loan for the above mentioned tax credit development. Legend Oaks is an existing tax credit development, funded under the FY2000 Qualified Allocation Plan, which operates under an existing LURA dated October 31, 2002, and amended December 4, 2004.

Llano DMA is unable to refinance its expiring permanent loan due to increased operational costs outside of the owner's control which have reduce net operating income \$20,000 per year and rendered conventional debt refinancing options infeasible. Specifically, the City of Llano implemented city-wide water rate increases in October 2017 to help the city pay for community water/sewer infrastructure improvements. Legend Oaks, along with two other affordable apartment communities, were the most egregiously impacted as the City of Llano utilizes residential water rates that treats each unit as if it were a single family home, rather than charging per building. Because Legend Oaks is rent restricted and maximum tax credit rents are historically unachievable in Llano in order to maintain stabilized occupancy, we are unable to increase rents to cover the increased utility expense and maintain a positive cash flow to support debt service on conventional debt. DMA has made several unsuccessful efforts to work w/ the City of Llano to obtain water rate reductions, as have the neighboring Park Ridge Apartments (TDHCA #09948). Unfortunately, there is no relief in the foreseeable future as the City of Llano has pledged projected utility income to secure infrastructure bonds that have already been issued to pay for the water/sewer line improvements.

DMA was in process of refinancing the existing permanent loan with a Fannie Mae Express Loan product when the ongoing water expense derailed the underwriting process. We are applying to TDHCA as a last resort in order maintain project viability and continue operating Legend Oaks as affordable rental housing for the foreseeable future.



Specifically, we are requesting a waiver of Chapter 13.5(d) of the Multifamily Direct Loan Program Rules which requires MFDL Applicants to follow the requirements Chapter 10, Subchapter C, Application Submission Requirements:

- §10.204(9) Architectural Drawings, 10.204(3) Architect Certification and §10.205 Third Party Reports; Phase I ESA, Appraisal, Market Study, Site Development Report. The application is not requesting loan funds for new construction, renovation or acquisition. The property was originally funded in 2000 with tax credits and Housing Trust Funds and has been well maintained since it was completed in 2002 and there are no significant renovations needed at this time. A full set of architectural plans are available. Legend Oaks meets all the requirements FY 2018 Mandatory Common and Unit amenities, and continues to meet site, parking and unit accessibility requirements including the 5% mobility and additional 2% hearing/visual impaired units, as confirmed by the Development Owner in the MFDL Application.

A new Property Condition Assessment was provided which noted only two minor recommendations totaling \$8,300; \$8,000 window replacements planned by the owner as part of the 2019 capital expenditure budget and \$300 for a 3 vertical ADA parking signs. Llano DMA has recently installed new roofs, and repaved and restriped the parking lot. Capital improvements have been made to the units, common areas and grounds over the years as part of a standard preventative maintenance program. The original Phase I ESA and lender commissioned Appraisal were provided. As the application does not contemplate acquisition, renovation or new construction, we respectfully request a waiver of the above requirements.

- We are requesting a waiver of the 5% Match requirement. Owner funded matches are typically an unacceptable match source and there are no other funding sources available. We respectfully request that in lieu of newly issued match funds, TDHCA accept the amount permanent loan maturity extension fees which is approximately \$20,000 to date. The GP will continue to fund any operating deficits resulting from water utility expenses increases.
- Financial Capacity (10 TAC §13.8(c)(5), & Owner Equity and Appraisal Requirements (10 TAC §13.8(c)(6). We request a waiver of these requirements which apply if the Direct Loan is more than 50% of the Total Development Cost and/or is the only source of Department funding, which is the case here but not because there are construction or rehabilitation development costs which would require owner financial participation. The Development Cost shown is the amount of the existing permanent debt seeking to be refinanced, plus closing costs and a replacement reserves deposit – no renovation or new construction dollars are requested. There are no “development activities” that necessitates the Owner providing a line of credit or short term loan to use during the development period.

Similarly, because the purpose of the MFDL loan request is to refinance the existing permanent debt and does not propose new construction or rehabilitation, we request a waiver of the owner to provide equity in the amount of 20% of the Total Housing Development Cost and an appraisal showing a loan to value not greater than 80 percent after rehab or new construction. The owner has already made significant equity contributions with little to no recourse for repayment; specifically, the general partner paid \$170,000 into the partnership in 2014 to pay-in outstanding deferred developer fee as required by the Limited Partnership

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www.dmacompanies.com



Agreement. This amount is amount is nearly double the 20% equity requirement. And while outdated, the initial appraisal provided indicated an as-restricted market value as constructed of \$1,260,000, which with a \$480,000 loan request results in a loan to value of approximately 38%, far lower than the 80% maximum.

The waivers are needed because this application does not fall into a traditional MFDL application in that we are not seeking funds for new construction, rehabilitation or acquisition whereby as an Applicant we would typically submit new architectural plans, 3rd party reports and provide the owner equity or 5% match. The reason for submitting the MFDL application in the first place and subsequently needing the waivers is due to unforeseen circumstances completely outside of the owner's control- i.e. city imposed utility increases that have increased operating expenses \$20,000 per year on a development that historically ran at or below a 1.15 debt service coverage.

Granting the waivers best serves the policies and purposes articulated in Texas Government Code Sections 2306.001 and 2306.6701 in that it "contributes to the preservation.....of neighborhoods and communities, including the cooperation in the preservation of government-assisted housing occupied by individuals and families of very low and extremely low incomes". Granting the waivers and approving the relatively small loan request of \$480,000 will allow Llano DMA to refinance its expiring permanent loan to provide for continued operation of this important existing affordable housing development in rural Llano County. This supports the departments purposes under Section 2306.6701, "to administer the low income housing tax credit program to prevent losses to the state's supply of suitable, affordable residential units by.....providing other preventative financial support under this subchapter." Not granting the waiver would jeopardize the Owner's ability to continue to operate 48-units of affordable senior housing.

As mentioned above, Legend Oaks generally operates at or below a 1.15 debt service coverage. Its debt service payments include payments on an existing Housing Trust Fund loan with TDHCA, which runs \$1,126 monthly. The current principal balance is approximately \$198,000. The loan carries a 1% interest rate, and has a 30 year amortization and with a maturity date of September 1, 2033. Concurrently with this application, DMA respectfully requests TDHCA allow Llano DMA Housing, LLC to restructure its existing Housing Trust Fund loan, if needed, in order to lower the monthly debt service payments. This could be accomplished by recasting the current principal amount over the original loan duration, or to coincide with the 30 year term of the new TCAP loan. A reduced interest rate from 1% to 0% is another option. DMA would like to set up a meeting with TDHCA to discuss any options available. We contend a multi-prong approach to resolving the existing debt service shortfall is warranted.

DMA has a successful 18 year history with TDHCA and the housing tax credit program. We will continue to operate Legend Oaks with the highest standards and will fund any operating deficits resulting from water utility expenses increases or other. I can reached at joellens@dmacompanies.com or 512.328.3232, x4506.



Sincerely,

A handwritten signature in blue ink, appearing to read "JoEllen Smith".

JoEllen Smith
Executive Vice President

cc: Lee Ann Chance, TDHCA

**FORBEARANCE AGREEMENT
(SECOND)**

Fannie Mae Loan No.: 1702046818

THIS FORBEARANCE AGREEMENT (“Agreement”) is effective as of the 1st day of February, 2019, by and between Llano DMA Housing, L.P., a Texas limited partnership (the “Borrower”), and FANNIE MAE, a corporation organized and existing under the laws of the United States of America.

WHEREAS, Borrower is the maker of that certain Promissory Note, dated June 14, 2001 (the “Original Note”), evidencing a loan (the “Loan”) in the original principal amount of One Million Four Hundred Twenty-Five Thousand and 00/100 Dollars (\$1,425,000.00) and payable to the order of Compass Bank, an Alabama state banking association (“Compass”); and

WHEREAS, the Original Note is secured by a first lien Deed of Trust, Security Agreement, Assignment of Leases and Rents and Financing Statement, dated June 14, 2001, on a certain real property and improvements thereon known as the Legend Oaks Apartments (the “Property”), located in Llano County, Texas and recorded in the Official Public Records, Llano County, Texas (“Land Records”), in Volume 1122, Page 23 (the “Original Security Instrument”); and

WHEREAS, the Original Security Instrument, in order to further secure the payment of the indebtedness evidenced by the Original Note, included a Security Agreement conveying to Compass a security interest in the personal property located on or about the Property; and

WHEREAS, Compass assigned, negotiated and transferred its interest in the Original Note, and Original Security Instrument to SA Affordable Housing, LLC, a limited liability company (“SA Affordable Housing”), as more fully set out in that certain Assignment of Deed of Trust, Assignment of Leases and Rents, and Security Agreement dated March 22, 2005 and recorded in the Land Records in Volume 1304 at Page 415; and

WHEREAS, the Loan was reduced to Five Hundred Two Thousand and 00/100 Dollars (\$502,000.00), and the Original Note was amended and restated by an Amended And Restated Promissory Note dated September 1, 2006 (together with the Original Note, the “Note”), in the original principal amount Five Hundred Two Thousand and 00/100 Dollars (\$502,000.00), payable to the order of SA Affordable Housing; and

WHEREAS, Borrower and SA Affordable Housing entered into a Replacement Reserve Agreement dated September 1, 2006 whereby Borrower is required to pay to Lender for deposit into the Replacement Reserve Fund the monthly Replacement Reserve Deposits (as each such term is defined in the Replacement Reserve Agreement); and

WHEREAS, the Original Security Instrument was amended and restated by an Amended and Restated Deed of Trust, Security Agreement, Assignment of Leases and Rents and Financing Statement dated as of August 1, 2006 and recorded in the Land Records in Book 1390, Page 534

(collectively with the Original Security Instrument, the “Security Instrument”) for the benefit of SA Affordable Housing; and

WHEREAS, SA Affordable Housing further assigned, negotiated and transferred its interest in the Note, and Security Instrument to SunAmerica Affordable Housing Partners, Inc., a California corporation (“SunAmerica”), as more fully set out in that certain Assignment of Deed of Trust, Assignment of Leases and Rents, and Security Agreement dated September 3, 2006 and recorded in the Land Records in Volume 1390 at Page 583; and

WHEREAS, SunAmerica further assigned, negotiated and transferred its interest in the Note and Security Instrument to Fannie Mae, as more fully set out in that certain Assignment of Security Instrument dated September 28, 2006 and recorded in the Land Records in Volume 1390 at Page 588. Fannie Mae is now the owner and holder of the Note, and Security Instrument, and NorthMarq Capital, LLC, a Minnesota limited liability company (“Servicer”), is the current servicer of the Loan for Fannie Mae; and

WHEREAS, the maturity date of the Note is September 1, 2018 (the “Maturity Date”); and

WHEREAS, Borrower was unable to pay the Loan in full when due on the Maturity Date (“Maturity Default”), which constituted a default under the Loan, and pursuant to a Forbearance Agreement dated September 1, 2018 between Borrower and Fannie Mae (“Initial Forbearance Agreement”), Fannie Mae agreed to forbear from the exercise of its legal and equitable remedies under the Note, Security Instrument, and other documents related thereto (and collectively with the Initial Forbearance Agreement, the “Loan Documents”) until February 1, 2019 (the “Initial Forbearance Period”); and

WHEREAS, Borrower was unable to pay the Loan in full upon the expiration of the Initial Forbearance Period, but has requested that Fannie Mae forbear from exercising its remedies available under the Loan Documents until June 1, 2019; and

WHEREAS, as of the date hereof, Borrower owed Fannie Mae on the Note the sum of \$431,089.71 (the “Unpaid Principal Balance”) plus interest, late charges, costs of collection (including attorneys’ fees), and other sums. Following the Maturity Date and Initial Forbearance Period, interest continues to accrue on the Unpaid Principal Balance at the rate of six and five hundredths percent (6.50 %) per annum as provided in the Note; and

WHEREAS, as a result of Borrower’s default, Fannie Mae is entitled to exercise all of its rights and remedies under the Loan Documents, each of which rights and remedies is fully enforceable under the terms of the Loan Documents; and

WHEREAS, Borrower has no defense to Fannie Mae’s assertion of such rights and remedies under the Loan Documents and has no claim against Fannie Mae or any other entity that could be raised to support relief that could delay, prevent, or otherwise interfere with Fannie Mae’s exercise of all of its rights and remedies under the Loan Documents; and

WHEREAS, as a result of Borrower's default, Fannie Mae has incurred certain costs and fees in amounts set forth below, each of which is both reimbursable under the Loan Documents and reasonable under the circumstances;

NOW, THEREFORE, for and in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto incorporate the above recitals herein and agree as follows:

1. The Maturity Date of the Loan is and remains September 1, 2018.
2. Fannie Mae hereby agrees, in consideration of the terms and conditions set forth in this Agreement, and the timely performance by Borrower of its obligation under this Agreement, notwithstanding that it has the immediate right to demand immediate payment of the entire balance due under the Note, which right Borrower hereby acknowledges, to forbear from the exercise of its legal and equitable remedies under the Loan Documents until June 1, 2019 (the "Forbearance Period"). If not previously terminated under the terms of this Agreement, the Forbearance Period terminates immediately upon the first to occur of the following: (i) a default by the Borrower under the terms of this Agreement, (ii) action by other creditors of Borrower that in Fannie Mae's sole discretion requires action by Fannie Mae to protect its security interest in the Property, or (iii) further deterioration in the financial condition of Borrower, or in Fannie Mae's collateral position.
3. Borrower acknowledges that in addition to the out-of-pocket and other costs and fees incurred by Fannie Mae, Fannie Mae has suffered losses in connection with any forbearance by Fannie Mae. On or before February 13, 2019, Borrower, in order to compensate Fannie Mae for the associated losses it has suffered, and in consideration of the forbearance set forth above, agrees to pay Fannie Mae a forbearance fee of Twelve Thousand Five Hundred Dollars and 00/100 Dollars (\$12,500.00) in immediately available funds concurrently with the execution of this Agreement.
4. Borrower acknowledges that Fannie Mae has incurred fees and expenses in the amount of One Thousand Dollars and 00/100 Dollars (\$1,000.00), which are both reimbursable under the terms of the Loan Documents and reasonable under the circumstances. On or before February 13, 2019, Borrower shall pay to Servicer for the benefit of Fannie Mae the amount of \$1,000.00 in immediately available funds to be applied by Fannie Mae as reimbursement for fees and expenses incurred to date by Fannie Mae in connection with this Agreement.
5. During the Forbearance Period, Borrower agrees to pay and shall continue to pay Servicer for the benefit of Fannie Mae, on the 1st of each month, an amount equal to the monthly installments of principal and interest that were required by the Note prior to the Maturity Date, as well as all other payments, including without limitation, taxes, insurance and other escrows as required by the Loan Documents. Notwithstanding anything in this Agreement or the Loan Documents to the contrary, provided that the Borrower timely pays (i) the monthly payments required hereunder, and (ii) the Unpaid Principal Balance and any other amounts owing under this Agreement and the Loan Documents on or before the end of the Forbearance Period, interest on the Loan during the Forbearance Period shall be payable at the same rate as provided in the

Loan Documents prior to the Maturity Date. In the event of a default by the Borrower under this Agreement, including, without limitation, the failure to timely make the monthly payments required hereunder or the failure to pay the Unpaid Principal Balance and any other amounts owing under this Agreement and the Loan Documents on or before the end of the Forbearance Period, interest shall be payable on the unpaid principal balance as of the date of the Maturity Date, at the default rate of interest, as set forth in the Note, from the Maturity Date to the date of the full and final payment of all amounts due and owing on the Loan.

6. (a) To the extent any payment received by Fannie Mae is determined an avoidable preference, fraudulent transfer, or otherwise determined an avoidable transfer by a court of competent jurisdiction, upon entry of a final order which is no longer subject to further review or appeal, then each such transfer will be deemed never to have occurred and the Loan balance will be adjusted accordingly.

(b) The Forbearance Period is immediately terminated upon entry of an order, the effect of which is either (i) to surcharge the security interest of Fannie Mae under § 506(c) of the Bankruptcy Code, or otherwise, or (ii) to subordinate the security interest of Fannie Mae under any application of equitable subordination under § 510(c) of the Bankruptcy Code.

7. Effective as of February 1, 2019, the term “Replacement Reserve Deposit” in the Replacement Reserve Agreement shall mean \$504 per unit per year. Notwithstanding anything to the contrary in the Replacement Reserve Agreement, all funds on deposit in the Replacement Reserve Fund shall be held by Fannie Mae as additional collateral for the Loan, and shall not be disbursed to Borrower during the Forbearance Period.

8. Borrower represents and warrants that it has no defenses, setoffs, deductions, or claims against Fannie Mae or Servicer arising out of the Loan evidenced by the Note and the Loan Documents and that each of Fannie Mae’s rights and remedies as set forth in the Loan Documents is fully enforceable on the terms and conditions stated in the Loan Documents.

9. (a) Fannie Mae hereby revokes any permission created by the Loan Documents which allows Borrower to collect the rents and other income from the Property (the “Rents”). For the limited purpose of facilitating Borrower’s obligations hereunder, Fannie Mae hereby appoints Borrower as Fannie Mae’s agent to collect the Rents, and to hold the Rents in trust for Fannie Mae. Borrower accepts such appointment and acknowledges that it has a fiduciary duty to Fannie Mae to collect the Rents, pay over the proceeds from the Rents only as provided in this Agreement, and to account for the Rents. So long as no default has occurred under this Agreement, Borrower may apply the Rents to the payment of allowable and reasonable costs and expenses for managing, operating and maintaining the Property; provided, however, no fees, charges, or compensation shall be paid to Borrower, its general partners, limited partners, members, or other related persons or entities, if any, or to any affiliates thereof. Fannie Mae may cancel this appointment at any time, at its sole election and effective immediately upon written notice to Borrower. Such notice is deemed given when Fannie Mae transmits such notice by telecopy as set forth in this Agreement and receives an electronic confirmation of receipt, whether or not such notice is actually received by Borrower.

(b) Conditioned only upon a default in any of the obligations under this Agreement, Borrower hereby consents to the appointment of a state court receiver on an *ex parte* basis, without any notice to Borrower, and Borrower shall not oppose any application to obtain that relief. If Borrower defaults in its obligations under this Agreement, or in the event of any other default or event of default under the Loan Documents, and Fannie Mae seeks the appointment of a receiver on an *ex parte* basis, Borrower shall not oppose such receiver, and shall not otherwise interfere with Fannie Mae's *ex parte* petition to obtain the appointment of a receiver.

(c) As part of the bargained-for consideration, if Fannie Mae moves either for (i) the appointment of a trustee, or (ii) the retention under § 543(d) of the Bankruptcy Code of a state court receiver to remain in possession of and manage the Property, or both, Borrower agrees (x) that it would be in the best interest of creditors and the estate and that cause exists for the court to grant the relief as requested, and (y) not to oppose any motion seeking such relief.

(d) In addition, if any effort by Fannie Mae to exercise or enforce its rights or remedies under this Agreement or under the Loan Documents is stayed as a result of the commencement of a case under the Bankruptcy Code, Borrower (i) agrees that any opposition to any motion filed by Fannie Mae seeking any form of relief from any stay under the Bankruptcy Code would be groundless and in bad faith, (ii) agrees not to oppose any such motion which may be requested by Fannie Mae, and (iii) acknowledges that in order to provide Fannie Mae with partial "adequate protection," in addition to such other relief as the court may deem necessary, and without prejudice to Fannie Mae's seeking other and additional relief as "adequate protection," Fannie Mae is entitled to receive monthly net operating income as cash collateral while any such stay or restraint is in effect.

10. Borrower hereby releases and forever discharges Fannie Mae, the Servicer, and their respective predecessors, successors, assigns, affiliates, officers, directors, employees, attorneys, agents and each current or substitute trustee under the Security Instrument (collectively, the "Indemnitee"), from all Claims, as defined below, and agrees to indemnify Indemnitee, and hold them harmless from any and all claims, losses, causes of action, costs and expenses of every kind or character in connection with the Claims or the breach of this Agreement or the Loan Documents. As used in this Agreement, the term "Claims" shall mean any and all possible claims, demands, actions, causes of action, costs, expenses and liabilities of any kind or nature whatsoever, liquidated or unliquidated, fixed or contingent, known or unknown, at law or in equity, originating in whole or in part, on or before the date of this Agreement, including but not limited to claims based on usury, the Texas Deceptive Trade Practices Act-Consumer Protection Act, violations of law relating to hazardous substance or environmental contamination, which the Borrower, or any of its beneficiaries, may now or hereafter have against the Indemnitee, if any, and irrespective of whether any such Claims arise out of contract, tort, violation of laws or regulations, or otherwise in connection with any of the Loan Documents, including, without limitation, any contracting for, charging, taking, reserving, collecting or receiving interest in excess of the highest lawful rate applicable thereto and any loss, cost or damage, of any kind or character, arising out of or in any way connected with or in any way resulting from the acts, actions or omissions of Indemnitee, including any breach of fiduciary duty, breach of any duty of fair dealing, breach of confidence, breach of funding commitment, undue influence, duress, economic coercion, conflict of interest, negligence, bad faith, malpractice, violations of the Racketeer Influenced and Corrupt Organizations

Act, intentional or negligent infliction of mental distress, tortious interference with contractual relations, tortious interference with corporate governance or prospective business advantage, breach of contract, deceptive trade practices, libel, slander, conspiracy, any claim for wrongfully accelerating the Note or wrongfully attempting to foreclose on any collateral relating to the Note, or any claim to equitably subordinate Fannie Mae's claims under § 510(c) of the Bankruptcy Code, but in each case only to the extent permitted by applicable law. This release is solely for the benefit of the Indemnitee and not for any third parties. This release is accepted by Fannie Mae and Servicer pursuant to this Agreement and shall not be construed as an admission of liability on the part of Fannie Mae or the Servicer. Borrower, Fannie Mae, and Servicer have negotiated this Agreement at arms' length, and Borrower is not in a disparate bargaining position relative to Fannie Mae and Servicer. Borrower has carefully evaluated the provisions of this Agreement. Borrower acknowledges and agrees that Borrower's relationship with Fannie Mae is strictly that of borrower to creditor, that no special relationship exists between Borrower and Fannie Mae and that Fannie Mae has no fiduciary obligation or similar obligation to Borrower. Fannie Mae hereby disclaims any and all implied obligations to Borrower, including but not limited to any obligation to consider or look out for the interests of Borrower and any other obligation not expressly stated in the Loan Documents or in this Agreement. Borrower hereby represents and warrants that Borrower is the current legal and beneficial owner of all Claims, if any, released hereby and it has not transferred, pledged or assigned or agreed to transfer, pledge or assign to any other individual or entity any of the Claims described in this section.

11. Borrower will provide to Fannie Mae periodic and detailed updates of Borrower's progress towards curing the Maturity Default. Any such update will be delivered to Lender by the 15th and 30th of each and every month during the Forbearance Period.

12. Except as expressly provided in this Agreement, the Loan Documents are, and remain, in full force and effect and unmodified.

13. Borrower shall be in default under this Agreement if it fails to timely comply with any provision of this Agreement. Borrower understands that a default under the terms of this Agreement shall be deemed to be a default under the terms of the Loan Documents, and Fannie Mae shall be permitted to immediately exercise all of its rights and remedies under the Loan Documents.

14. It is expressly stipulated and agreed to be the intent of Borrower and Fannie Mae at all times to comply with applicable state law governing the maximum rate or amount of interest payable on or in connection with the Note and the Loan (or applicable United States federal law to the extent that it permits Fannie Mae to contract for, charge, take, reserve or receive a greater amount of interest than under state law). If the applicable law is ever judicially interpreted so as to render usurious any amount called for under the Note or under the Security Instrument, this Agreement or any other Loan Document evidencing, securing or executed in connection with the Loan, or contracted for, charged, taken, reserved or received with respect to the Loan, or if acceleration of the maturity of the Note or if any prepayment by Borrower results in Borrower having paid any interest in excess of that permitted by law, then it is Borrower's and Fannie Mae's express intent that all excess amounts theretofore collected by Fannie Mae be credited on the principal balance of the Note (or, if the Note has been or would thereby be paid in full, refunded to Borrower), and the provisions of the Note, this Agreement, Security Instrument and

the other Loan Documents immediately be deemed reformed and the amounts thereafter collectible hereunder and thereunder reduced, without the necessity of the execution of any new documents, so as to comply with the applicable law, but so as to permit the recovery of the fullest amount otherwise called for hereunder and thereunder. The rights to accelerate maturity of the Note does not include the right to accelerate any interest which has not otherwise accrued on the date of such acceleration, and Fannie Mae does not intend to collect any unearned interest in the event of acceleration. All sums paid or agreed to be paid to Fannie Mae for the use, forbearance or detention of the indebtedness evidenced by the Note or other Loan Documents shall, to the extent permitted by applicable law, be amortized, prorated, allocated and spread throughout the full term of such indebtedness until payment in full so that the rate or amount of interest on account of such indebtedness does not exceed the applicable usury ceiling. Notwithstanding any provision contained in the Note, the Security Instrument, this Agreement or in any of the other Loan Documents that permits the compounding of interest, including, without limitation, any provision by which any of the accrued interest is added to the principal amount of the Note, the total amount of interest that Borrower is obligated to pay and Fannie Mae is entitled to receive with respect to the Loan shall not exceed the amount calculated on a simple (i.e., non-compounded) interest basis at the maximum rate allowed by applicable law on principal amounts actually advanced to or for the account of Borrower, including all current and prior advances and any advances made pursuant to the Security Instrument, this Agreement or other Loan Documents (such as for payment of taxes, insurance premiums and the like). The provisions of the Note and Security Instrument limiting the amount of interest which may be contracted for, charged or received on the indebtedness evidenced thereby and dealing with the rights and duties of the parties with respect to the charging and receiving of interest in excess of the maximum rate, are hereby incorporated in this Agreement by reference as though fully set forth herein. To the extent permitted by law, Borrower hereby waives and releases all claims and defenses based upon usury in connection with the execution of the Note, the borrowing of the Loan evidenced thereby and the execution of the Security Instrument.

15. Other than as specifically set forth above, Fannie Mae reserves all rights and remedies available to it under the Loan Documents. Any forbearance by Fannie Mae in the exercise of its rights or remedies shall not be a waiver of, or preclude, the exercise of any such rights and remedies thereafter, except as subject to the terms set forth herein.

16. Borrower and Fannie Mae both acknowledge that other than this Agreement itself, any and all oral or written communications between Borrower and Fannie Mae, or any of their respective attorneys or representatives regarding the negotiations leading up to this Agreement and the terms, conditions, and transactions discussed and contemplated by this Agreement (collectively, the "Communications"), are "statements made in compromise negotiations" and not admissible as provided in Rule 408 of the Federal Rules of Evidence and any other applicable rule of evidence. No such Communications shall be utilized or deemed to be admissible as evidence in any litigation involving Borrower. All such Communications shall be deemed to constitute "compromise negotiations," as that phrase is used in the Federal Rules of Evidence and the Texas Rules of Evidence and shall not be admissible.

17. By signing below, Borrower acknowledges and understands that this is a legally binding contract that may affect Borrower's rights. Fannie Mae has advised Borrower to obtain

independent legal counsel to advise Borrower about the meaning and importance of this Agreement. Borrower represents to Fannie Mae that it has obtained such independent legal counsel and received such legal advice.

18. This Agreement embodies the entire agreement and understanding between the parties hereto with respect to the subject matter of this Agreement and supersedes all prior and contemporaneous agreements and understandings relative to such subject matter.

19. Each party hereto and its counsel have reviewed and revised (or requested revisions of) this Agreement and have participated in the preparation of this Agreement, and therefore any usual rules of construction requiring that ambiguities are to be resolved against a particular party shall not be applicable in the construction and interpretation of this Agreement or any exhibits hereto.

20. BORROWER AND FANNIE MAE ACKNOWLEDGE AND AGREE THAT THE RIGHT TO TRIAL BY JURY IS A CONSTITUTIONAL ONE, BUT THAT IT MAY BE WAIVED. EACH PARTY, AFTER CONSULTING (OR HAVING HAD THE OPPORTUNITY TO CONSULT) WITH COUNSEL OF THEIR CHOICE, KNOWINGLY AND VOLUNTARILY, AND FOR THEIR MUTUAL BENEFIT WAIVES ANY RIGHT TO TRIAL BY JURY IN THE EVENT OF LITIGATION REGARDING THE PERFORMANCE OR ENFORCEMENT OF, OR IN ANY WAY RELATED TO, THIS AGREEMENT, THE LOAN DOCUMENTS OR THE INDEBTEDNESS.

21. This Agreement may be executed in one or more counterparts, each of which shall be considered an original, and all of which when taken together shall constitute one in the same documents.

22. THE PARTIES AGREE THAT TIME IS OF THE ESSENCE WITH RESPECT TO ALL PAYMENTS AND ALL OBLIGATIONS SET FORTH IN THIS AGREEMENT.

[Remainder of page intentionally left blank]

EXECUTED to be effective as of the date first written above.

FANNIE MAE

By: NorthMarq Capital, LLC, a Minnesota limited liability company
Its: Attorney-in-Fact

By: 
Name: Albert Libke
Its: Senior Vice President

Date: 2/14/2019

BORROWER:

Llano DMA Housing, L.P., a Texas limited partnership


By: DMA Community Partners, LLC, a Texas limited liability company
Its: General Partner

By: _____
Name: _____
Its: _____

Date: _____

CONSENTED to as Servicer:

NorthMarq Capital, LLC,
a Minnesota limited liability company

By: 
Name: Albert Libke
Its: Senior Vice President

Date: 2/14/2019

EXECUTED to be effective as of the date first written above.

FANNIE MAE

By: NorthMarq Capital, LLC, a Minnesota limited liability company
Its: Attorney-in-Fact

By: _____
Name: _____
Its: _____

Date: _____

BORROWER:

Llano DMA Housing, L.P., a Texas limited partnership

By: DMA Community Partners, LLC, a Texas limited liability company
Its: General Partner

By: _____
Name: Diana Melock
Its: Manager

Date: 2/13/19

CONSENTED to as Servicer:

NorthMarq Capital, LLC,
a Minnesota limited liability company

By: _____
Name: _____
Its: _____

Date: _____

7c

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on the First Amendment to the 2019-1 Multifamily Direct Loan Notice of Funding Availability

RECOMMENDED ACTION

WHEREAS, the Board previously approved the 2019-1 Multifamily Direct Loan Notice of Funding Availability (2019-1 NOFA), which included \$11.5 million in Tax Credit Assistance Program loan repayments (TCAP Repayment Funds or TCAP RF), \$9,638,041 in National Housing Trust Fund (NHTF), \$8,919,756 in HOME funds, and \$4.5 million in NSP Round 1 Program Income (NSP1 PI);

WHEREAS, all \$4.5 million in NSP1 PI, \$2,304,698 in HOME, and \$5.5 million in TCAP RF, for a total of \$12,304,698, was made available under the General set-aside of the 2019-1 NOFA;

WHEREAS, \$6,615,058 in HOME was made available under the Community Housing Development Organization (CHDO) set-aside;

WHEREAS, \$4,000,000 in TCAP RF was made available under the Preservation set-aside

WHEREAS, the Department has received 27 Applications requesting \$69,826,000 under the General set-aside, one Application requesting \$500,000 under the CHDO set-aside, and one Application requesting \$2,000,000 under the Preservation set-aside of the 2019-1 NOFA;

WHEREAS, the Department has the ability to reprogram the funds under the CHDO set-aside to the General set-aside as a result of a waiver of the CHDO set-aside requirement for program year 2018 funds which was granted to the Department on October 11, 2017;

WHEREAS, unrequested TCAP RF under the Preservation set-aside may be collapsed and made available in the General set-aside;

WHEREAS, the Department currently has \$6,023,465 in de-obligated HOME funds and \$3,660,000 in TCAP RF available for programming into the 2019-1 NOFA;

WHEREAS, staff recommends moving \$6,115,058 in HOME funds from the CHDO set-aside and \$2,000,000 in TCAP RF from the Preservation set-aside to the General set-aside while adding the \$6,023,465 in de-obligated HOME funds and \$3,660,000 in TCAP RF to the General set-aside, for a total increase of \$12,138,523 in HOME funds and \$5,660,000 in TCAP RF under the General set-aside, all of which will not be subject to the Regional Allocation Formula (RAF);

WHEREAS, staff recommends changing the Application submission deadline for the 2019-1 NOFA from 5:00 p.m. Austin local time on November 29, 2019, to 5:00 p.m. Austin local time on November 26, 2019, since the Department will be closed on November 29, 2019; and

WHEREAS, staff recommends changing the Certificate of Reservation requirement for 4% Housing Tax Credit (HTC) layered Direct Loan Applications in 6f of the 2019-1 NOFA to align with the requirements in 10 TAC §11.201(2)(B)(i);

NOW, therefore, it is hereby

RESOLVED, that \$6,023,465 in HOME and \$3,660,000 in TCAP RF be added to the General set-aside, with \$6,115,058 in HOME and \$2,000,000 in TCAP being reprogrammed to the General set-aside in the 2019-1 NOFA along with the other recommended changes, all of which will be reflected in the proposed amendment; and

FURTHER RESOLVED, the Acting Director and staff as designated by the Acting Director are authorized, empowered, and directed, for and on behalf of the Department to execute such documents, instruments, and writings and perform such acts and deeds as may be necessary to effectuate the foregoing.

BACKGROUND

On December 21, 2018, the 2019-1 NOFA was published in the *Texas Register* announcing the availability of up to \$34,557,797, composed of \$11.5 million in TCAP RF, \$9,638,041 in NHTF, \$8,919,756 in HOME funds, and \$4.5 million in NSP1 PI – for the development of affordable multifamily rental housing. Of the total NOFA amount of \$34,557,797, \$12,304,698 was made available under the General set-aside.

The Department currently has 27 Applications requesting \$69,826,000 under the General set-aside, resulting in an oversubscription of \$57,521,302. While several 2019 9% HTC-layered Applications under the General set-aside are currently not competitive for 9% HTC, staff anticipates needing additional HOME funds to meet the demand among Applicants who could be recommended for awards of HOME funds under the General set-aside. To help meet this demand, the Department is recommending moving \$2,000,000 in unrequested TCAP RF from the Preservation set-aside, as well as \$6,115,058 in unrequested HOME funds from the Community Housing Development Organization (CHDO) set-aside as allowed under a waiver of the CHDO set-aside requirement for fiscal year 2018 funds, which was

granted to the Department on October 11, 2017, as a result of Hurricane Harvey. The Department is also recommending adding \$6,023,465 in de-obligated HOME funds and \$3,660,000 in TCAP RF that are available for programming, for a total of \$12,138,523 in HOME funds and \$5,660,000 in TCAP RF added to the General set-aside. None of these additional HOME funds will be subject to the RAF.

With this addition of \$12,138,523 in HOME funds and \$5,660,000 in TCAP RF, staff anticipates being able to make several more awards of Direct Loan funds to 2019 9% HTC-layered Applications under the General Set-Aside. The maximum per application requests for Applications proposing new construction within the General set-aside will remain at \$4 million, regardless of fund source. As a result of moving remaining available funds from the Preservation set-aside to the General set-aside, Applications proposing activities as described in the Preservation set-aside will now be allowed to be submitted in the General set-aside. The maximum per application requests for Applications proposing the activities as described in the Preservation set-aside within the General set-aside will be \$2 million.

The First Amendment to the 2019-1 NOFA will also change the Application submission deadline to November 26, 2019, since the current Application submission deadline of November 30, 2019, falls on a day in which the Department will be closed.

Finally, the First Amendment to the 2019-1 NOFA will amend the Certificate of Reservation requirements for 4% HTC-layered Applications. Instead of requiring Applicants to provide a Certificate of Reservation from the Texas Bond Review Board within 30 days of Application submission, Applicants may have up to 60 days, if granted an extension in accordance with 10 TAC §11.201(2)(B)(i).

Staff will continue to monitor the demand for Direct Loan funds and may recommend further amendments to the NOFA if necessary.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MULTIFAMILY DIRECT LOAN
2019-1 NOTICE OF FUNDING AVAILABILITY (NOFA)
ANNUAL NOFA
FIRST AMENDMENT

THIS AMENDMENT ADDS \$12,138,523 IN HOME FUNDS AND \$5,660,000 IN TCAP REPAYMENT FUNDS TO THE GENERAL SET-ASIDE. IT ALSO REVISES THE APPLICATION SUBMISSION DEADLINE TO 5:00 P.M. AUSTIN LOCAL TIME ON NOVEMBER 26, 2019, AND THE CERTIFICATE OF RESERVATION REQUIREMENTS FOR 4% HOUSING TAX CREDIT-LAYERED APPLICATIONS. THIS AMENDMENT REPLACES IN ITS ENTIRETY SECTIONS 1, 2A, 2C, 2D, 6A, AND 6F. ALL OTHER SECTIONS OF THE 2019-1 NOFA REMAIN AS ORIGINALLY PUBLISHED.

- 1) Summary.** The Texas Department of Housing and Community Affairs (the “Department”) announces the availability of up to **\$44,241,262** in Multifamily Direct Loan funding for the development of affordable multifamily rental housing for low-income Texans. Applications under the 2019-1 NOFA will be accepted from January 14, 2019 through November 26, 2019 (if sufficient funds remain. The availability and use of these funds are subject to the following rules, as applicable:

Texas Administrative Code

- 10 TAC Chapter 1 (“Administration”)
- 10 TAC Chapter 2 (“Enforcement”)
- 10 TAC Chapter 10 (“Uniform Multifamily Rules”)
- 10 TAC Chapter 11 (“Qualified Allocation Plan”)
- 10 TAC Chapter 12 (“Multifamily Housing Revenue Bonds”)
- 10 TAC Chapter 13 (“Multifamily Direct Loan Rule”)

Texas Government Code

- Tex. Gov’t. Code Chapter 2306

U.S. Department of Housing and Urban Development (“HUD”) Program Regulations

- 24 CFR Part 92 (“HOME Investment Partnerships Program Final Rule”)
- 24 CFR Part 93 (“Housing Trust Fund Interim Rule”)
- 24 CFR Part 570, as modified by Federal Register Notice (“Neighborhood Stabilization Program Round 1”)

Fair Housing

Federal Fair Housing Act, 42 U.S.C. 3601-19.

Other Federal laws and regulations may that apply depending on funding source:

Environmental Compliance

All federal sources must have some type of environmental review in accordance with 24 CFR Part 93 or 24 CFR Part 58 as applicable.

Minimizing Resident Displacement

All federal sources must follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; HOME and NSP1 PI must follow Section 104(d) of Housing and Community Development Act of 1974; and all federal sources must follow the HUD Handbook 1378.

Labor Standards

HOME and NSP1 PI funds are regulated by Davis-Bacon and Related Labor Acts (40 U.S.C. §3141-3144 and 3146-3148, 24 CFR §92.354, and HUD Handbook Federal Labor Standards Compliance in Housing and Community Development Programs).

Employment Opportunities

HOME, NHTF, and NSP1 PI require compliance with 24 CFR Part 135 ("Section 3").

Except as otherwise noted in this NOFA, Applicants proposing development of affordable multifamily rental housing should assume HOME, NSP1 PI and/or NHTF funds will be awarded and be prepared to comply with applicable regulations. An Applicant must familiarize itself with all of the applicable state and federal rules that govern the program. If HOME, NSP1 PI and/or NHTF funds are used and Federal regulations or subsequent guidance imposes additional requirements, such Federal regulations or guidance shall govern.

An Applicant that proposes refinancing with minimal rehabilitation must have a Market Analysis in accordance with 10 TAC §11.303 (unless an exception applies under 10 TAC §13.5(d)), and a PCA in accordance with 10 TAC §11.306, both of which must support the proposed level of rehabilitation. The Applicant must receive a waiver from the Board of the rehabilitation amounts listed in 10 TAC §11.101(b)(3). An Application proposing Refinancing with Minimal Rehabilitation, or that requests supplemental funds for an Application that has received funding or allocation in a previous year, generally will only receive Tax Credit Assistance Program Repayment Funds ("TCAP RF"), but, except as otherwise noted in this NOFA, may receive HOME, NSP and/or NHTF funds if it is an eligible activity for a federal fund source. An award to a Development that proposes to refinance with minimal rehabilitation, or to obtain supplemental financing, will not be made in amount that exceeds the amount necessary to replace lost funding or maintain the anticipated levels of feasibility in the original Application, as determined by the Board.

- 2) **a. CHDO Set-Aside.** At least \$500,000 in HOME funds are set aside for nonprofit organizations that can be certified as Community Housing Development Organizations (“CHDOs”).
- c. Preservation Set-Aside.** Up to \$2,000,000 in TCAP RF is available in this set-aside. Eligible activities under this set-aside include: (1) acquisition and rehabilitation; (2) rehabilitation without acquisition; and (3) refinancing with minimal rehabilitation (less than \$30,000 per unit).
- d. General Set-Aside.** All remaining TCAP RF, HOME, and NSP1 PI funds available, currently anticipated to be \$30,103,221. Eligible activities under this set-aside include those mentioned in the Preservation set-aside as well as New Construction.

Set-Aside	Eligible Activities	Amount Available		Maximum Request ¹
CHDO	NC, A/R, R	HOME	500,000	\$500,000
Supportive Housing / Soft Repayment	A/R, R, Refi MR	TCAP RF	\$2,000,000	\$2,000,000
	NC	NHTF	\$9,638,041	
Preservation	A/R, R, Refi MR	TCAP RF	\$2,000,000	\$2,000,000
General	NC, A/R, R, Refi MR	HOME	\$14,443,221	\$4,000,000 if NC; \$2,000,000 if A/R, R, Refi MR
		TCAP RF	\$11,160,000	
		NSP1 PI	\$4,500,000	

Key:

NC – New Construction

R – Rehabilitation

A/R – Acquisition/Rehabilitation

Refi MR – Refinancing with Minimal Rehabilitation

6) Application Submission Requirements

- a.** Applications under this NOFA will be accepted starting at 8:00 a.m. Austin local time on January 14, 2019 through November 26, 2019, at 5:00 p.m. Austin local time (if sufficient funds remain).
- f.** All 4% HTC-layered applications must provide confirmation that a Certificate of Reservation from the Texas Bond Review Board has been issued not more than thirty (30) days after the application has been submitted, unless an extension has been granted by the Department in accordance with 10 TAC §11.201(2)(B)(i).

¹ This total includes any other Multifamily Direct Loan Funds previously awarded to the Applicant by the Department.

7d

BOARD ACTION ITEM
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on timely filed appeals under the Department's Multifamily Program Rules

RECOMMENDED ACTION

WHEREAS, the appeal relates to Competitive Housing Tax Credit (HTC) application 19223 Bamboo Estates Apartments, which was submitted to the Department by the Full Application Delivery Date;

WHEREAS, a Competitive HTC scoring notice was provided to the Applicant identifying points that the Applicant elected but that staff determined the Application did not qualify to receive under 10 TAC §11.9;

WHEREAS, the Applicant timely filed an appeal; and

WHEREAS, the Acting Director denied the appeal;

NOW, therefore, it is hereby

RESOLVED, that the scoring appeal for 19223 Bamboo Estates Apartments is hereby denied.

BACKGROUND

10 TAC §11.9, related to Competitive HTC Selection Criteria, identifies the scoring criteria used in evaluating and ranking Applications. It includes those items required under Tex. Gov't Code, Chapter 2306, §42 of the Internal Revenue Code (the "Code"), and other criteria established in a manner consistent with Chapter 2306 and §42 of the Code.

The Application proposes the New Construction of 79 units for a general population in Progreso. The proposed Development would consist of single family homes and duplex units.

Staff determined that the Application does not qualify for points under 10 TAC §11.9(e)(1) related to Financial Feasibility because:

- The Application did not include the required pro forma from the lender;
- Under 10 TAC §11.9(e)(8) related to Funding Request Amount because the Application requested more than the amount allocated to the subregion; and
- Under 10 TAC §11.9(e)(3) related to Pre-application Participation because the Application final score (inclusive of only scoring items reflected on the self-score form) varies by more than four (4) points from what was reflected in the pre-application self-score.

As such, points under the items were not awarded, subject to the Applicant's appeal rights. The Applicant did not appeal the loss of one point under 10 TAC §11.9(e)(8) related to Funding Request Amount.

Regarding the score for 10 TAC §11.9(e)(1) related to Financial Feasibility, the appeal states:

"The letter and the Schedule of Sources and Uses were included in the application. Unfortunately, due to a clerical error the proforma was omitted from Tab 27 of the application while replacing the correct letter from the lender. Page 2 of the letter from the lender discusses details about lenders review of the pro forma and the attachment of the pro forma to the letter sent by the lender. ... The proforma signed by the lender is the same proforma included in Tab 27 of the Excel sheet submitted as part of the application. ... We request the Department to reconsider this item because the document was in place prior to the submission of application and all other documents signed by the lender was included in the application."

Per 10 TAC §11.9(e)(1):

An Application may qualify to receive a maximum of eighteen (18) points for this item. To qualify for points, a 15-year pro forma itemizing all projected income including Unit rental rate assumptions, operating expenses and debt service, and specifying the underlying growth assumptions and reflecting a minimum must-pay debt coverage ratio of 1.15 for each year must be submitted. The pro forma must include the signature and contact information evidencing that it has been reviewed and found to be acceptable by an authorized representative of a proposed Third Party construction or permanent lender. In addition to the signed pro forma, a lender approval letter must be submitted.

The pro forma included in the Excel version of the Application satisfies the threshold requirement for a pro forma found at 10 TAC §11.204(8)(A), a different section of the Qualified Allocation Plan (QAP). However, the scoring item of the QAP specifically states that to qualify for points, the pro forma must be signed by the construction or permanent lender. The signed pro forma was not submitted with the Application, and though the lender letter included in the Application references a pro forma, it is significant that the purported signed pro forma submitted with the appeal has numerous differences from the Excel pro forma submitted with the Application. Notably, all of the Debt Service figures for years one through 15 are different. Since the evidence presented leads to the conclusion that there was (admittedly) no signed pro forma with the Application, and that the purported signed pro forma submitted with the appeal is not the same as the Excel pro forma submitted with the Application, the Applicant has not clearly demonstrated that the Application included the documentation required by the rule to obtain the points.

Staff recommends the Board deny the appeal.

19223 Bamboo Estates
Apartments
Scoring Notice



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Brad Shields

Phone #: (956) 797-2357

Email: bshields@stemdf.org

Second Email: skphilip@stchd.org

Date: March 27, 2019

**THIS NOTICE WILL ONLY BE
TRANSMITTED VIA EMAIL**

**RE: 2019 Competitive Housing Tax Credit (HTC) Application for Bamboo Estates Apartments, TDHCA
Number: 19223**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2019 Qualified Allocation Plan (QAP). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that six scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the six scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(c)(8) Readiness to Proceed in Disaster Impacted Counties, §11.9(d)(1) Local Government Support, §11.9(d)(4) Quantifiable Community Participation, §11.9(d)(5) Community Support from State Representative, §11.9(d)(6) Input from Community Organizations, and §11.9(d)(7) Concerted Revitalization Plan.

Section 3 provides information related to any point deductions assessed under §11.9(f) and/or §11.201(7)(B) of the QAP.

Section 4 provides the final cumulative score in bold.

Section 5 includes, as applicable, notes and an explanation of any differences between the requested and awarded score, as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(4) "Leveraging of Private, State, and Federal Resources", 11.9(b)(1)(A) "Unit Sizes", 11.9(b)(1)(B) "Unit and Development Features", 11.9(c)(1) "Income Levels of Tenants", 11.9(c)(2) "Rent Levels of Tenants", 11.9(e)(1) "Financial Feasibility", 11.9(e)(3) "Pre-Application Participation", and may be adjusted should the underwriting review result in changes to the Application that would affect these scores. If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §11.902 of the 2019 QAP. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board. If the score of an Application changes, a revised scoring notice will be provided to the Applicant.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Page 2 of Final Scoring Notice: 19223, Bamboo Estates Apartments

Section 1:

Score Requested by Applicant (Not including points for §11.9(c)(8) or (d)(1), (4), (5), (6) or (7) of the 2019 QAP):	120
Score Awarded by TDHCA (Not including points for §11.9(c)(8) or (d)(1), (4), (5), (6) or (7) of the 2019 QAP):	97
Difference between Requested and Awarded:	23

Section 2:

Points Awarded for §11.9(c)(8) Readiness to Proceed:	5
Points Awarded for §11.9(d)(1) Local Government Support:	17
Points Awarded for §11.9(d)(4) Quantifiable Community Participation:	4
Points Awarded for §11.9(d)(5) Community Support from State Representative:	8
Points Awarded for §11.9(d)(6) Input from Community Organizations:	4
Points Awarded for §11.9(d)(7) Concerted Revitalization Plan:	0

Section 3:

Points Deducted for §11.9(f) and/or §11.201(7)(B) of the QAP:	-6
---	----

Section 4:

Final Score Awarded to Application by Department staff (Including all points):	135
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Section 5:

Notes and explanation for difference between points requested and points awarded by the Department, as well as penalties assessed:

§11.9(e)(1) Financial Feasibility. The Application requested eighteen (18) points but is eligible for two (2) points under this item because the Application did not include the required pro forma from the lender. (Requested 18, Awarded 2)

§11.9(e)(8)Funding Request Amount. The Application requested one (1) point but is not eligible for points under this item because the Application requested \$1.3 million and the amount available in the subregion is \$928,404. (Requested 1, Awarded 0)

§11.9(e)(3) Pre-application Participation. The Application requested six (6) points but is not eligible for points under this item because the Application final score (inclusive of only scoring items reflected on the self score form) varies by more than four (4) points from what was reflected in the preapplication self score. (Requested 6, Awarded 0)

Restrictions and requirements relating to the filing of an appeal can be found in §11.902 of the 2019 QAP. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. Austin local time, Wednesday, April 3, 2019. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Sharon Gamble at (512) 936-7834 or by email at <mailto:sharon.gamble@tdhca.state.tx.us>.

Sincerely,

Sharon D. Gamble

Sharon D. Gamble
Competitive HTC Program Administrator

Appeal Documents

South Texas Emerging Markets Development Fund, Inc.

A Non-Profit Fostering Economic Development



March 29, 2019

Mr. David Cervantes
Acting Executive Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701-2410

Re: Bamboo Estates Apartments #19223
Appeal of Scoring Notice

Dear Mr. Cervantes:

This letter is to appeal the decision of staff determination of reduction of points for Bamboo Estates Apartments application. Enclosed is a copy of the scoring notice received from the Department.

1. The application requested 18 points for Financial Feasibility in accordance with Section 11.9(e) (1) of the 2019 QAP and a score of 2 was awarded as the application did not include a copy of the pro forma signed by the lender.

The lender signed the letter, pro forma for Tab 27, and Schedule of Sources and Uses for Tab 31 of the application on February 28, 2019. The letter and the Schedule of Sources and Uses were included in the application. Unfortunately, due to a clerical error the proforma was omitted from Tab 27 of the application while replacing the correct letter from the lender. Page 2 of the letter from the lender discusses details about lenders review of the pro forma and the attachment of the pro forma to the letter sent by the lender. We are including copies of the letter, signed copy of the pro forma, signed copy of the Schedule of Sources and Uses, and a copy of the email chain transmitting above referenced documents on February 28, 2019 for your review. The proforma signed by the lender is the same proforma included in Tab 27 of the Excel sheet submitted as part of the application.

We request the Department to reconsider this item because the document was in place prior to the submission of application and all other documents signed by the lender was included in the application. We also believe that the Department has used such discretion on other occasions similar to this.

P.O. Box 359
La Feria, Texas 78559-5002
Phone: (956) 797-2357 Fax: (956) 277-0242

2. Application requested one (1) point for Funding Request Amount under Section 11.9 (e)(8) of the QAP.

We concur with the decision of the Department for the reduction of one (1) point.

3. The application requested six (6) points for Pre-Application Participation under Section 19 (e)(3) of the QAP. The department awarded zero (0) points because of the point difference identified in item 1 above.

We believe this item will be negated based on the facts presented as part of item #1 and ask that the score of 6 be awarded to the application.

We respectfully request you to reconsider the scoring and award points requested for items one (1) and three (3) based on documents presented and precedence established by the Department decision on prior incidents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Shields". The signature is stylized with a large initial "B" and a long, sweeping tail.

Brad Shields



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Brad Shields

Phone #: (956) 797-2357

Email: bshields@stemdf.org

Second Email: skphilip@stchd.org

Date: March 27, 2019

**THIS NOTICE WILL ONLY BE
TRANSMITTED VIA EMAIL**

**RE: 2019 Competitive Housing Tax Credit (HTC) Application for Bamboo Estates Apartments, TDHCA
Number: 19223**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2019 Qualified Allocation Plan (QAP). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that six scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the six scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(c)(8) Readiness to Proceed in Disaster Impacted Counties, §11.9(d)(1) Local Government Support, §11.9(d)(4) Quantifiable Community Participation, §11.9(d)(5) Community Support from State Representative, §11.9(d)(6) Input from Community Organizations, and §11.9(d)(7) Concerted Revitalization Plan.

Section 3 provides information related to any point deductions assessed under §11.9(f) and/or §11.201(7)(B) of the QAP.

Section 4 provides the final cumulative score in bold.

Section 5 includes, as applicable, notes and an explanation of any differences between the requested and awarded score, as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(4) "Leveraging of Private, State, and Federal Resources", 11.9(b)(1)(A) "Unit Sizes", 11.9(b)(1)(B) "Unit and Development Features", 11.9(c)(1) "Income Levels of Tenants", 11.9(c)(2) "Rent Levels of Tenants", 11.9(e)(1) "Financial Feasibility", 11.9(e)(3) "Pre-Application Participation", and may be adjusted should the underwriting review result in changes to the Application that would affect these scores. If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §11.902 of the 2019 QAP. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board. If the score of an Application changes, a revised scoring notice will be provided to the Applicant.



**MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application**

Page 2 of Final Scoring Notice: 19223, Bamboo Estates Apartments

Section 1:

Score Requested by Applicant (Not including points for §11.9(c)(8) or (d)(1), (4), (5), (6) or (7) of the 2019 QAP):	120
Score Awarded by TDHCA (Not including points for §11.9(c)(8) or (d)(1), (4), (5), (6) or (7) of the 2019 QAP):	97
Difference between Requested and Awarded:	23

Section 2:

Points Awarded for §11.9(c)(8) Readiness to Proceed:	5
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Points Awarded for §11.9(d)(5) Community Support from State Representative:	8
Points Awarded for §11.9(d)(6) Input from Community Organizations:	4
Points Awarded for §11.9(d)(7) Concerted Revitalization Plan:	0

Section 3:

Points Deducted for §11.9(f) and/or §11.201(7)(B) of the QAP:	-6
---	----

Section 4:

Final Score Awarded to Application by Department staff (Including all points):	135
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Section 5:

Notes and explanation for difference between points requested and points awarded by the Department, as well as penalties assessed:

§11.9(e)(1) Financial Feasibility. The Application requested eighteen (18) points but is eligible for two (2) points under this item because the Application did not include the required pro forma from the lender. (Requested 18, Awarded 2)

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Restrictions and requirements relating to the filing of an appeal can be found in §11.902 of the 2019 QAP. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. Austin local time, Wednesday, April 3, 2019. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Sharon Gamble at (512) 936-7834 or by email at <mailto:sharon.gamble@tdhca.state.tx.us>.

Sincerely,

Sharon D. Gamble

Sharon D. Gamble
Competitive HTC Program Administrator



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Appeal Election Form: 19223, Bamboo Estates Apartments

Note: If you do not wish to appeal this notice, do not submit this form.

I am in receipt of my 2019 scoring notice and am filing a formal appeal to the Executive Director on or before Wednesday, April 3, 2019.

If my appeal is denied by the Executive Director:

I do wish to appeal to the Board of Directors and request that my application be added to the Department Board of Directors meeting agenda. My appeal documentation, which identifies my specific grounds for appeal, is attached. If no additional documentation is submitted, the appeal documentation to the Executive Director will be utilized.

I do not wish to appeal to the Board of Directors.

Signed 

Title MANAGER

Date 3-29-2019

Please email to Sharon Gamble:
<mailto:sharon.gamble@tdhca.state.tx.us>

1ST LETTER & ATTACHMENT

Harper Capital Partners, LLC
3 Columbus Circle, Suite 1589
New York, NY 10019



February 28, 2019

Bamboo Estate, L.P.
c/o South Texas Collaborative for Housing Development, Inc.
108 S. Main St.
La Feria, TX 78559

RE: Bamboo Estate Apartments
Section 221(d)(4) New Construction
79 units
Progreso, Texas

Bamboo Estate, L.P., has made application to Harper Capital Partners, LLC, for a loan to develop the above-captioned multifamily rental apartment property, that would be inclusive of the construction stage for such project and the permanent financing aspect on a long-term amortizing basis based upon the following terms and conditions:

Lender:	Harper Capital Partners, LLC (the "Lender")
Proposed Borrower:	Bamboo Estate, L.P. (the "Borrower")
Guarantor of Loan:	Secretary of Housing and Urban Development
Property:	Bamboo Estate Apartments Progreso, TX 78599
Term/Amortization of Loan:	40 years plus the construction period
Total Loan Amount:	\$3,518,600 (includes construction and permanent loan)
Anticipated Interest Rate:	Note rate 4.80% <u>MIP rate</u> 0.25% Total 5.05%

Final Note Rate to be determined after issuance of HUD's Firm Commitment based on market conditions for GNMA securities at the time of rate lock.

Anticipated Loan Constant: 5.878317% (including non-amortizing MIP)

Debt-service Coverage Ratio: Minimum of 1.15

Loan-to-Cost Ratio:	Maximum of 87%
Effective Gross Annual Income:	\$575,846
Total Annual Expenses:	\$325,336
Net Operating Income:	\$250,510
Debt Service:	\$206,718 first year (including MIP, which will decline annually)
Reserves Required	
Initial Operating Deficit ("IOD")*	\$105,558 (3% of the loan)
Working Capital ("WC")*	\$140,744 (4% of the loan)
Replacement Reserves	\$300/unit minimum annual deposit
Taxes and Insurance	Required as needed

*IOD and WC can be posted through letter of credit. To the extent they are not used, they are returned to the borrower and, as such, are not mortgageable. IOD is released one year after final closing, so long as the project has achieved six consecutive months of 1.0 DSCR. Half of WC will be released at final closing and the other half will be released one year after final closing, so long as the project has achieved six consecutive months of 1.0 DSCR

Initial 1-15 Year Debt Coverage Ratio: Project maintains a minimum 1.15x ratio through years 1-15 shown on the attached pro forma estimates.

Assessment of Feasibility: We have received and reviewed the Borrower's '15 Year Rental Housing Operating Pro Forma' for the above-captioned project. The pro forma indicates the development would maintain at least a 1.15 debt coverage ratio throughout the initial 15 years. These projections, which indicate the development is expected to be feasible for 15 years, are made based upon the preliminary information provided by the borrower to this point and are subject to the Lender's due diligence review.

Creditworthiness: Lender has performed a preliminary review of the creditworthiness of the Borrower entity. At this time, Lender has no reservations regarding the Principals of the Borrower.

The final loan amount and borrower approval are to be determined by HUD and the foregoing indications of loan amount and borrower approval are subject to change. The Borrower must meet the requirement of HUD relating to the Tax Credit Equity Pay-In Schedule and Equity Bridge Loans, as applicable. The Lender cannot provide an Equity Bridge Loan.

Subject to Lender's obtaining a Firm Commitment from HUD for mortgage insurance in an amount and reflecting such terms and conditions as are acceptable to Lender and Borrower and further subject to all terms, conditions, and provisions stated herein, as executed below by Lender, this document evidences the intent of the Lender to make a loan (the "Loan") to the Borrower, to be secured by a credit instrument and security instrument (the "Mortgage") covering real property with existing improvement thereon.

Although this document is subject to final underwriting of Lender and HUD, third-party report verification of underwriting as well as receipt of a tax credit award, it does represent the understanding of the parties as to the contemplated Loan and it is on the basis of this Term Letter that Lender will proceed toward applying for a HUD commitment.

Unless otherwise agreed, there will be no personal liability for defaults in payment of interest and/or principal on the Loan.

Documents are to be executed on such forms and are to contain such terms and provisions as Lender deems necessary or appropriate and as required by HUD.

This Term Letter and any related application or commitment issued by HUD are subject to current law, regulations, policies, and procedures of HUD and any changes thereto.

The Lender does not serve in a fiduciary capacity with regards to the Borrower.

This Term Letter shall expire on May 31, 2019, unless otherwise extended in writing by Lender.

Please do not hesitate to contact me by telephone, at (347) 916-9750, or by email, at nathans@harpercip.com, if you have any questions or comments.

Sincerely,

HARPER CAPITAL PARTNERS, LLC



By: Nathan Schuss
Chief Executive Officer

15 Year Rental Housing Operating Pro Forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

INCOME	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
POTENTIAL GROSS ANNUAL RENTAL INCOME	\$611,160	\$623,383	\$635,851	\$648,568	\$661,539	\$730,393	\$806,413
Secondary Income	\$ 11,376	\$ 11,604	\$ 11,836	\$ 12,072	\$ 12,314	\$ 13,595	\$ 15,010
POTENTIAL GROSS ANNUAL INCOME	\$622,536	\$634,987	\$647,686	\$660,640	\$673,853	\$743,988	\$821,423
Provision for Vacancy & Collection Loss	(\$46,690)	(\$47,624)	(\$48,576)	(\$49,548)	(\$50,539)	(\$55,799)	(\$61,607)
Rental Concessions	\$0						
EFFECTIVE GROSS ANNUAL INCOME	\$575,846	\$587,363	\$599,110	\$611,092	\$623,314	\$688,189	\$759,816
EXPENSES							
General & Administrative Expenses	\$37,744	\$38,876	\$40,043	\$41,244	\$42,481	\$49,247	\$57,091
Management Fee	\$ 22,112	\$ 22,554	\$ 23,005	\$ 23,465	\$ 23,935	\$ 26,426	\$ 29,176
Payroll, Payroll Tax & Employee Benefits	\$ 85,362	\$ 87,923	\$ 90,561	\$ 93,277	\$ 96,076	\$ 111,378	\$ 129,118
Repairs & Maintenance	\$ 44,700	\$ 46,041	\$ 47,422	\$ 48,845	\$ 50,310	\$ 58,323	\$ 67,613
Electric & Gas Utilities	\$ 8,818	\$ 9,083	\$ 9,355	\$ 9,636	\$ 9,925	\$ 11,505	\$ 13,338
Water, Sewer & Trash Utilities	\$ 15,000	\$ 15,450	\$ 15,914	\$ 16,391	\$ 16,883	\$ 19,572	\$ 22,689
Annual Property Insurance Premiums	\$ 46,200	\$ 47,586	\$ 49,014	\$ 50,484	\$ 51,999	\$ 60,281	\$ 69,882
Property Tax	\$ 29,700	\$ 30,591	\$ 31,509	\$ 32,454	\$ 33,428	\$ 38,752	\$ 44,924
Reserve for Replacements	\$ 23,700	\$ 24,411	\$ 25,143	\$ 25,898	\$ 26,675	\$ 30,923	\$ 35,848
Other Expenses	\$ 12,000	\$ 12,360	\$ 12,731	\$ 13,113	\$ 13,506	\$ 15,657	\$ 18,151
TOTAL ANNUAL EXPENSES	\$325,336	\$334,875	\$344,696	\$354,807	\$365,216	\$422,064	\$487,830
NET OPERATING INCOME	\$250,510	\$252,488	\$254,414	\$256,286	\$258,098	\$266,125	\$271,986
DEBT SERVICE							
First Deed of Trust Annual Loan Payment	\$206,718	\$206,638	\$206,554	\$206,465	\$206,373	\$205,840	\$205,156
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$43,792	\$45,850	\$47,861	\$49,820	\$51,725	\$60,285	\$66,830
CUMULATIVE NET CASH FLOW	\$43,792	\$89,642	\$137,502	\$187,323	\$239,048	\$519,072	\$836,860
Debt Coverage Ratio	1.21	1.22	1.23	1.24	1.25	1.29	1.33
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature only required if using this pro forma for points under §11.9(e)(1) relating to Financial Feasibility)

 Signature, Authorized Representative, Construction or
 Permanent Lender

Nathan Schuss

 Printed Name
 2/28/2019

 Date

Phone: (347) 916-9750
 Email: nathans@harpercap.com

 Signature, Authorized Representative, Syndicator

 Printed Name

 Date

If a revised form is submitted, date of submission: _____

Financing Narrative and Summary of Sources and Uses

Describe all sources of funds. Information must be consistent with the information provided throughout the Application (i.e. Financing Narrative, Term Sheets and Development Cost Schedule).

Financing Participants	Funding Description	Construction Period		Lien Position	Permanent Period					Lien Position
		Loan/Equity Amount	Interest Rate (%)		Loan/Equity Amount	Interest Rate (%)	Amort - ization	Term (Yrs)	Syndication Rate	
Debt										
TDHCA	MF Direct Loan Const. to Perm. (Repayable)	\$0	0.00%		\$ -	0.00%	30	0		
TDHCA	MF Direct Loan Const. Only (Repayable)	\$0	0.00%							
TDHCA	Multifamily Direct Loan (Soft Repayable)	\$0	0.00%		\$ -	0.00%		0		
TDHCA	Mortgage Revenue Bond	\$0	0.00%		\$ -	0.00%	0	0		
Harper Capital Partners	Conventional/FHA	\$3,518,600	4.80%	1	\$ 3,518,600	5.05%	40	40		1
Third Party Equity										
Equity Fund	HTC	\$ 1,585,526	\$ 10,244,380		\$ 11,680,475				0.9	
GP Equity			\$ 100		\$ 100					
SLP Equity			\$ 100		\$ 100					
Grant										
City of Progresso Fee waiver		\$ 300			\$ 300					
Deferred Developer Fee										
STCHD		\$ 1,355,200								
STCHD					\$ 494,597	AFR	cash flow	15		2
Other										
	Direct Loan Match	\$ -			\$ -					
	Total Sources of Funds	\$ 15,118,680			\$ 15,694,172					
	Total Uses of Funds				\$ 15,694,172					

INSTRUCTIONS: Describe the sources of funds that will finance Development. The description must include construction, permanent, and bridge loans, and all other types of funds to be used for development. The information must be consistent with all other documentation in this section. Provide sufficient detail to identify the source and explain the use (in terms of the timing and any specific uses) of each type of funds to be contributed. In addition, describe/explain replacement reserves. Finally, describe/explain operating items. The narrative must include rents, operating subsidies, project based assistance, and all other sources of funds for operations. In the foregoing discussion of both development and operating funds, specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments.

Describe the sources and uses of funds (specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments). For Direct Loan or Tax-Exempt Bond Applications that contemplate an FHA-insured loan, this includes the anticipated date that FHA application will be submitted to HUD (if not already submitted).

It is expected that the application for HUD's firm commitment will be submitted within the appropriate time to ensure swift closing, bearing in mind HUD's 60-day approval timing.

Describe the replacement reserves:

It is expected that the required annual deposit to the replacement reserves will be \$300 per unit.

Describe the operating items (rents, operating subsidies, project based assistance, etc., and specify the status (dates and deadlines) for applications, approvals and closings, etc., associated with the commitments:

By signing below I acknowledge that the amounts and terms of all anticipated sources of funds as stated above are consistent with the assumptions of my institution as one of the providers of funds.



Signature, Authorized Representative, Construction or Permanent Lender

Nathan Schuss

Printed Name

2019-02-28

Date

Telephone: (347) 916-9750

Email address: nathans@harpercap.com

If a revised form is submitted, date of submission: _____

**SECOND LETTER
INCLUDED IN THE APP**
Harper Capital Partners, LLC
3 Columbus Circle, Suite 1589
New York, NY 10019



February 28, 2019

Bamboo Estate, L.P.
c/o South Texas Collaborative for Housing Development, Inc.
108 S. Main St.
La Feria, TX 78559

RE: Bamboo Estate Apartments
Section 221(d)(4) New Construction
79 units
Progreso, Texas

Bamboo Estate, L.P., has made application to Harper Capital Partners, LLC, for a loan to develop the above-captioned multifamily rental apartment property, that would be inclusive of the construction stage for such project and the permanent financing aspect on a long-term amortizing basis based upon the following terms and conditions:

Lender:	Harper Capital Partners, LLC (the "Lender")
Proposed Borrower:	Bamboo Estate, L.P. (the "Borrower")
Guarantor of Loan:	Secretary of Housing and Urban Development
Property:	Bamboo Estate Apartments Progreso, TX 78599
Term/Amortization of Loan:	40 years plus the construction period
Total Loan Amount:	\$3,518,600 (includes construction and permanent loan)
Anticipated Interest Rate:	Note rate 4.80% <u>MIP rate 0.25%</u> Total 5.05%
	Final Note Rate to be determined after issuance of HUD's Firm Commitment based on market conditions for GNMA securities at the time of rate lock.
Anticipated Loan Constant:	5.878317% (including non-amortizing MIP)
Debt-service Coverage Ratio:	Minimum of 1.15

Loan-to-Cost Ratio:	Maximum of 87%
Effective Gross Annual Income:	\$575,846
Total Annual Expenses:	\$325,336
Net Operating Income:	\$250,510
Debt Service:	\$206,718 first year (including MIP, which will decline annually)
Reserves Required	
Initial Operating Deficit ("IOD")*	\$105,558 (3% of the loan)
Working Capital ("WC")*	\$140,744 (4% of the loan)
Replacement Reserves	\$300/unit minimum annual deposit
Taxes and Insurance	Required as needed

*IOD and WC can be posted through letter of credit. To the extent they are not used, they are returned to the borrower and, as such, are not mortgageable. IOD is released one year after final closing, so long as the project has achieved six consecutive months of 1.0 DSCR. Half of WC will be released at final closing and the other half will be released one year after final closing, so long as the project has achieved six consecutive months of 1.0 DSCR

Initial 1-15 Year Debt Coverage Ratio: Project maintains a minimum 1.15x ratio through years 1-15 shown on the attached pro forma estimates.

Assessment of Feasibility: We have received and reviewed the Borrower's '15 Year Rental Housing Operating Pro Forma' for the above-captioned project. The pro forma indicates the development would maintain at least a 1.15 debt coverage ratio throughout the initial 15 years. These projections, which indicate the development is expected to be feasible for 15 years, are made based upon the preliminary information provided by the borrower to this point and are subject to the Lender's due diligence review.

Creditworthiness:

Lender has performed a preliminary review of the creditworthiness of the Borrower entity. At this time, Lender has no reservations regarding the Principals of the Borrower.

The final loan amount and borrower approval are to be determined by HUD and the foregoing indications of loan amount and borrower approval are subject to change. The Borrower must meet the requirement of HUD relating to the Tax Credit Equity Pay-In Schedule and Equity Bridge Loans, as applicable. The Lender cannot provide an Equity Bridge Loan.

Harper is aware of the 'Readiness to proceed in disaster impacted counties' requirements included in the 2019 QAP and intends to close this transaction on or before November 29, 2019. Harper has reviewed the financial feasibility of the project. Subject to Lender's obtaining a Firm Commitment from HUD for mortgage insurance in an amount and reflecting such terms and conditions as are acceptable to Lender and Borrower and further subject to all terms, conditions, and provisions stated herein, as executed below by Lender, this document evidences the intent of the Lender to make a loan (the "Loan") to the Borrower, to be secured by a credit instrument and security instrument (the "Mortgage") covering real property with existing improvement thereon.

Although this document is subject to final underwriting of Lender and HUD, third-party report verification of underwriting as well as receipt of a tax credit award, it does represent the understanding of the parties as to the contemplated Loan and it is on the basis of this Term Letter that Lender will proceed toward applying for a HUD commitment.

Unless otherwise agreed, there will be no personal liability for defaults in payment of interest and/or principal on the Loan.

Documents are to be executed on such forms and are to contain such terms and provisions as Lender deems necessary or appropriate and as required by HUD.

This Term Letter and any related application or commitment issued by HUD are subject to current law, regulations, policies, and procedures of HUD and any changes thereto.

The Lender does not serve in a fiduciary capacity with regards to the Borrower.

This Term Letter shall expire on May 31, 2019, unless otherwise extended in writing by Lender.

Please do not hesitate to contact me by telephone, at (347) 916-9750, or by email, at nathans@harpercap.com, if you have any questions or comments.

Sincerely,

HARPER CAPITAL PARTNERS, LLC



By: Nathan Schuss
Chief Executive Officer



EMAIL CHAIN

Sunny K. Philip <skphilip@stchd.org>

Fwd: FW: Debt Letter for 9% HTC Application Progresso, Texas

4 messages

Jose Gonzalez II <josedos.tx@gmail.com>

Thu, Feb 28, 2019 at 10:04 AM

To: "Sunny K. Philip" <skphilip@stchd.org>, Jose Gonzalez II <josedos.tx@gmail.com>

Please take a look at the letter from Harper Capital for Bamboo. I did not see readiness to proceed language and will send that to him,

Other wise it should hit all of the point requirements.

Regards,

Jose

----- Forwarded message -----

From: **Nathan Schuss** <nathans@harpercap.com>

Date: Thu, Feb 28, 2019 at 8:55 AM

Subject: FW: Debt Letter for 9% HTC Application Progresso, Texas

To: Jose Gonzalez II <josedos.tx@gmail.com>

Hi Jose,

Please let me know if this works.

Best!

Nathan Schuss

Harper Capital Partners, LLC

347.916.9758

3 Columbus Circle, 15th Fl., New York, NY 10019

From: Steven Juskowicz <stevenj@harpercap.com>

Sent: Thursday, February 28, 2019 9:32 AM

To: Nathan Schuss <nathans@harpercap.com>

Subject: RE: Debt Letter for 9% HTC Application Progresso, Texas

Please see attached for the following:

- Lender letter (same format as Primrose)
- Tab 27
- Tab 31

Please note the following:

- We are using a 4.80% rate per your Sources & Uses. Obviously, this may change.
- We reduced the loan amount on your Sources & Uses from \$3,518,637 to \$3,518,600 because HUD only allows multiples of \$100.
- We consolidated and calculated the loan payments on the pro forma based on our \$3,518,600 loan.
- We could not find the borrower name anywhere in the documentation. Based on the convention you used for Primrose, we used Bamboo Estate, L.P., for the lender letter. However, we do not see this name registered with the Texas Comptroller online system.

Steven Juskowicz

Harper Capital Partners, LLC

347.916.9757 direct

3 Columbus Circle, 15th Fl., New York, NY 10019

From: Nathan Schuss <nathans@harpercap.com>
Sent: Wednesday, February 27, 2019 2:27 PM
To: Steven Juskowicz <stevenj@harpercap.com>
Subject: FW: Debt Letter for 9% HTC Application Progresso, Texas

Nathan Schuss

Harper Capital Partners, LLC

347.916.9758

3 Columbus Circle, 15th Fl., New York, NY 10019

From: Jose Gonzalez II <josedos.tx@gmail.com>
Sent: Wednesday, February 27, 2019 2:25 PM
To: Nathan Schuss <nathans@harpercap.com>
Cc: Jose Gonzalez II <josedos.tx@gmail.com>
Subject: Debt Letter for 9% HTC Application Progresso, Texas

Nathan,

Enclosed are the Tabs from the TDHCA 2019 Full Application for the financing.

The Lender needs to sign the pro forma tab 27 and the sources and uses tab 31.

I will send you via separate email with the language that needs to be in the lender letter per TDHCA.

I have also enclosed the income and rents form from TDHCA for this county. The project has received a HUD Model Utility Allowance Schedule from TDHCA for this development.

Thank you and Steven for your assistance with the letter.

Regards,

Jose

3 attachments

 **HCP- Letter of Intent 2019-02-28.pdf**
112K

 **Tab 27 2019-02-28.pdf**
111K

 **Tab 31 2019-02-28.pdf**
179K

Jose Gonzalez II <josedos.tx@gmail.com>

Thu, Feb 28, 2019 at 8:51 PM

To: "Sunny K. Philip" <skphilip@stchd.org>

Cc: Alma Martinez <amartinez@stchd.org>, Jose Gonzalez II <josedos.tx@gmail.com>

Hi Sunny and Alma,

Enclosed is the debt letter from Harper Capital along with the signed Tab 27 and Tab 31 for the Bamboo Estates in Progreso.

[Quoted text hidden]

3 attachments

 **HCP- Letter of Intent 2019-02-28.pdf**
112K

 **Tab 27 2019-02-28.pdf**
111K

 **Tab 31 2019-02-28.pdf**
179K

Sunny K. Philip <skphilip@stchd.org>

Thu, Feb 28, 2019 at 8:57 PM

To: Jose Gonzalez II <josedos.tx@gmail.com>

Cc: Alma Martinez <amartinez@stchd.org>, Jose Gonzalez II <josedos.tx@gmail.com>

Hi Jose,

Does Hunt Capital provide bridge loan. Do we need to worry about that?

I did not see the language that they can close by end of November 2019.

Sunny

[Quoted text hidden]

Jose Gonzalez II <josedos.tx@gmail.com>

Thu, Feb 28, 2019 at 9:01 PM

To: "Sunny K. Philip" <skphilip@stchd.org>

Cc: Alma Martinez <amartinez@stchd.org>

Hi Sunny,

I did not mean to send that letter. I am enclosing the correct letter to use with Tab 27 and Tab 31.

Look at page three for the readiness to proceed language.

Regards,
Jose

[Quoted text hidden]



HCP- Letter of Intent 2019-02-28.pdf

113K

TDHCA Response



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Greg Abbott
GOVERNOR

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Sharon Thomason, Member
Leo Vasquez, Member

April 10, 2019

Writer's direct dial: 512.475.3875
Email: david.cervantes@tdhca.state.tx.us

Brad Shields
South Texas Emerging Markets
Development Fund
P.O. Box 359
La Feria, Texas 78559-5002

RE: APPEAL OF SCORING NOTICE - 2019 COMPETITIVE HOUSING TAX CREDIT APPLICATION 19223 BAMBOO VILLAGE

Dear Mr. Shields:

The Texas Department of Housing and Community Affairs (the Department) is in receipt of your appeal, dated March 29, 2019, regarding the application submission indicated above. Staff had determined that the Application does not qualify for points under 10 TAC §11.9(e)(1) related to Financial Feasibility because the Application did not include the required pro forma from the lender; under 10 TAC §11.9(e)(8) related to Funding Request Amount because the Application requested more than the amount allocated to the subregion; and under 10 TAC §11.9(e)(3) related to Pre-application Participation because the Application final score (inclusive of only scoring items reflected on the self-score form) varies by more than four (4) points from what was reflected in the preapplication self-score. As such, points under the items were not awarded, subject to the Applicant's appeal rights. The Applicant did not appeal the loss of one (1) point under §11.9(e)(8) related to Funding Request Amount.

Regarding the score for 10 TAC §11.9(e)(1) related to Financial Feasibility, the appeal states:

"The letter and the Schedule of Sources and Uses were included in the application. Unfortunately, due to a clerical error the proforma was omitted from Tab 27 of the application while replacing the correct letter from the lender. Page 2 of the letter from the lender discusses details about lenders review of the pro forma and the attachment of the pro forma to the letter sent by the lender. ... The proforma signed by the lender is the same proforma included in Tab 27 of the Excel sheet submitted as part of the application. ... We request the Department to reconsider this item because the document was in place



prior to the submission of application and all other documents signed by the lender was included in the application.”

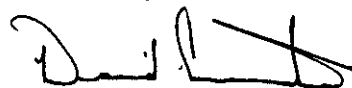
Per 10 TAC §11.9(e)(1):

An Application may qualify to receive a maximum of eighteen (18) points for this item. To qualify for points, a 15-year pro forma itemizing all projected income including Unit rental rate assumptions, operating expenses and debt service, and specifying the underlying growth assumptions and reflecting a minimum must-pay debt coverage ratio of 1.15 for each year must be submitted. The pro forma must include the signature and contact information evidencing that it has been reviewed and found to be acceptable by an authorized representative of a proposed Third Party construction or permanent lender. In addition to the signed pro forma, a lender approval letter must be submitted.

The pro forma included in the Excel version of the Application satisfies the threshold requirement for a pro forma found at 10 TAC §11.204(8)(A). However, the scoring item specifically states that to qualify for points, the pro forma must be signed by the construction or permanent lender. The signed pro forma was not submitted with the Application, and though the lender letter included in the Application references a pro forma, it is significant that the purported signed pro forma submitted with the appeal has numerous differences from the Excel pro forma submitted with the Application. Notably, all of the Debt Service figures for years one through 15 are different. Since the evidence presented leads to the conclusions that there was (admittedly) no signed pro forma with the Application and that the purported signed pro forma that was submitted on appeal is not the same as the Excel pro forma submitted with the Application, I cannot see how the Application can be said to have included what is required by the rule to obtain the points sought.

I do not find that the issues raised in your appeal regarding whether the Application qualifies for points under 10 TAC §11.9(e)(1) related to Financial Feasibility clearly demonstrate that the Application should have been awarded the points, and accordingly I must deny the appeal for the sixteen (16) points. In so doing, I am also denying your request to reinstate six (6) points under 10 TAC §11.9(e)(3) related to Pre-application Participation. If you are not satisfied with this decision, you may file a further appeal with the Board of Directors of the Texas Department of Housing and Community Affairs. Please review §11.902 of the 2019 QAP for full instruction on the appeals process. Should you have any questions, please contact Sharon Gamble, Competitive Tax Credit Program Administrator, at sharon.gamble@tdhca.state.tx.us or by phone at 512-936-7834.

Sincerely,



David Cervantes
Acting Director

Additional Appeal Documentation

**South Texas Emerging Markets
Development Fund, Inc.**

A Non-Profit Fostering Economic Development



April 17, 2019

Texas Department of Housing and
Community Affairs
12th Street,
Austin, TX
Attn: David Cervantes

RE: Bamboo Estates Apartments #19223
Supplement Material to Appeal of Scoring Notice

Dear Mr. Cervantes:

I am writing to follow-up your letter dated April 10, 2019 regarding our appeal of the staff determination for Bamboo Estates Apartments. I am submitting for your review a clarification of certain information stated in your letter.

In your letter, you indicated that “evidence presented leads to the conclusions that there was no signed proforma with the Application”. As previously stated, the proforma was provided to the lender, Harper Capital Partners, LLC (“Harper”) in a timely fashion to submit with the application. However, Harper made certain changes to the proforma upon review of the numbers. We had already uploaded the proforma that was sent to Harper and once we received it for final upload with the application, it was inadvertently not submitted.

We have attached for your review, a letter from Harper explaining that they made the change to the proforma. The proforma did exist and we did provide you with the one submitted but Harper made the change.

We ask that you review this information and grant us the reinstatement of our points. In the event that you are unable to review and reinstate, we ask to be placed on the August 25th board agenda so that our appeal may be heard by the board.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad Shields', is written over a white background.

Brad Shields
President

P.O. Box 359
La Feria, Texas 78559-5002
Phone: (956) 797-2357 Fax: (956) 277-0242



April 12, 2019

Bamboo Estate, L.P.
c/o South Texas Collaborative for Housing Development, Inc.
118 North Main Street
La Feria, TX 78559

RE: Bamboo Estate Apartments
Section 221(d)(4) New Construction
79 units
Progreso, Texas

To Whom It May Concern:

We would like to explain the factual background of Harper Capital Partners, LLC, issuing the term letter for construction and permanent financing for the development, and our review of the 15 Year Rental Housing Operating Proforma.

We received a copy of the 15 Year Rental Housing Operating Pro Forma prepared by the applicant along with other documents for review and for the issuance of the term letter that needed to be included in the application to the Texas Department of Housing and Community Affairs. In our review we determined that the debt service payment shown on the proforma was slightly higher than required.

We did the calculations based on the standard HUD amortization schedule for a \$3,518,600 (rounded to match HUD terms) loan amount, a 4.80% interest rate, and a 0.25% mortgage insurance premium (MIP) rate. We are enclosing the schedule for your reference. As you can see, while the P&I total payment is fixed, the MIP declines each year because it is based on the average unpaid balance of the following year. In other words, the payment in year one is 0.25% of the average loan balance in year two, and so on.

As a result, our debt service is slightly different than running P&I conventionally based on a total rate of 5.05% (4.80% + 0.25%). In addition, the total debt service will decrease ever so slightly from year to year.

Based on the calculations explained above, we modified the proforma after our review and signed and attached proforma to the final version of the term letter for the development on February 28, 2019. The final version of the term letter and executed copy of the pro forma was sent to the applicant and received by the applicant prior to the TDHCA application deadline. A copy of the letter and proforma signed by Harper Capital Partners, LLC, and the mortgage calculation used for the preparation of the documents are attached.

Bamboo Estate, L.P.
April 12, 2019
Page 2

Please do not hesitate to contact me by telephone, at (347) 916-9750, or by email, at nathans@harpercap.com, if you have any questions or comments.

Sincerely,

HARPER CAPITAL PARTNERS, LLC

A handwritten signature in black ink, appearing to read 'Nathan Schuss', written in a cursive style.

By: Nathan Schuss
Chief Executive Officer

Enc.



February 28, 2019

Bamboo Estate, L.P.
c/o South Texas Collaborative for Housing Development, Inc.
108 S. Main St.
La Feria, TX 78559

RE: Bamboo Estate Apartments
Section 221(d)(4) New Construction
79 units
Progreso, Texas

Bamboo Estate, L.P., has made application to Harper Capital Partners, LLC, for a loan to develop the above-captioned multifamily rental apartment property, that would be inclusive of the construction stage for such project and the permanent financing aspect on a long-term amortizing basis based upon the following terms and conditions:

Lender:	Harper Capital Partners, LLC (the "Lender")
Proposed Borrower:	Bamboo Estate, L.P. (the "Borrower")
Guarantor of Loan:	Secretary of Housing and Urban Development
Property:	Bamboo Estate Apartments Progreso, TX 78599
Term/Amortization of Loan:	40 years plus the construction period
Total Loan Amount:	\$3,518,600 (includes construction and permanent loan)
Anticipated Interest Rate:	Note rate 4.80% <u>MIP rate 0.25%</u> Total 5.05%
	Final Note Rate to be determined after issuance of HUD's Firm Commitment based on market conditions for GNMA securities at the time of rate lock.
Anticipated Loan Constant:	5.878317% (including non-amortizing MIP)
Debt-service Coverage Ratio:	Minimum of 1.15

Loan-to-Cost Ratio:	Maximum of 87%
Effective Gross Annual Income:	\$575,846
Total Annual Expenses:	\$325,336
Net Operating Income:	\$250,510
Debt Service:	\$206,718 first year (including MIP, which will decline annually)
Reserves Required	
Initial Operating Deficit (“IOD”)*	\$105,558 (3% of the loan)
Working Capital (“WC”)*	\$140,744 (4% of the loan)
Replacement Reserves	\$300/unit minimum annual deposit
Taxes and Insurance	Required as needed

*IOD and WC can be posted through letter of credit. To the extent they are not used, they are returned to the borrower and, as such, are not mortgageable. IOD is released one year after final closing, so long as the project has achieved six consecutive months of 1.0 DSCR. Half of WC will be released at final closing and the other half will be released one year after final closing, so long as the project has achieved six consecutive months of 1.0 DSCR

Initial 1-15 Year Debt Coverage Ratio: Project maintains a minimum 1.15x ratio through years 1-15 shown on the attached pro forma estimates.

Assessment of Feasibility: We have received and reviewed the Borrower’s ‘15 Year Rental Housing Operating Pro Forma’ for the above-captioned project. The pro forma indicates the development would maintain at least a 1.15 debt coverage ratio throughout the initial 15 years. These projections, which indicate the development is expected to be feasible for 15 years, are made based upon the preliminary information provided by the borrower to this point and are subject to the Lender’s due diligence review.

Creditworthiness:

Lender has performed a preliminary review of the creditworthiness of the Borrower entity. At this time, Lender has no reservations regarding the Principals of the Borrower.

The final loan amount and borrower approval are to be determined by HUD and the foregoing indications of loan amount and borrower approval are subject to change. The Borrower must meet the requirement of HUD relating to the Tax Credit Equity Pay-In Schedule and Equity Bridge Loans, as applicable. The Lender cannot provide an Equity Bridge Loan.

Harper is aware of the 'Readiness to proceed in disaster impacted counties' requirements included in the 2019 QAP and intends to close this transaction on or before November 29, 2019. Harper has reviewed the financial feasibility of the project. Subject to Lender's obtaining a Firm Commitment from HUD for mortgage insurance in an amount and reflecting such terms and conditions as are acceptable to Lender and Borrower and further subject to all terms, conditions, and provisions stated herein, as executed below by Lender, this document evidences the intent of the Lender to make a loan (the "Loan") to the Borrower, to be secured by a credit instrument and security instrument (the "Mortgage") covering real property with existing improvement thereon.

Although this document is subject to final underwriting of Lender and HUD, third-party report verification of underwriting as well as receipt of a tax credit award, it does represent the understanding of the parties as to the contemplated Loan and it is on the basis of this Term Letter that Lender will proceed toward applying for a HUD commitment.

Unless otherwise agreed, there will be no personal liability for defaults in payment of interest and/or principal on the Loan.

Documents are to be executed on such forms and are to contain such terms and provisions as Lender deems necessary or appropriate and as required by HUD.

This Term Letter and any related application or commitment issued by HUD are subject to current law, regulations, policies, and procedures of HUD and any changes thereto.

The Lender does not serve in a fiduciary capacity with regards to the Borrower.

This Term Letter shall expire on May 31, 2019, unless otherwise extended in writing by Lender.

Please do not hesitate to contact me by telephone, at (347) 916-9750, or by email, at nathans@harpercap.com, if you have any questions or comments.

Sincerely,

HARPER CAPITAL PARTNERS, LLC



By: Nathan Schuss
Chief Executive Officer

15 Year Rental Housing Operating Pro forma (All Programs)

The pro forma should be based on the operating income and expense information for the base year (first year of stabilized occupancy using today's best estimates of market rents, restricted rents, rental income and expenses), and principal and interest debt service. The Department uses an annual growth rate of 2% for income and 3% for expenses. Written explanation for any deviations from these growth rates or for assumptions other than straight-line growth made during the proforma period should be attached to this exhibit.

INCOME	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 10	YEAR 15
POTENTIAL GROSS ANNUAL RENTAL INCOME	\$611,160	\$623,383	\$635,851	\$648,568	\$661,539	\$730,393	\$806,413
Secondary Income	\$ 11,376	\$ 11,604	\$ 11,836	\$ 12,072	\$ 12,314	\$ 13,595	\$ 15,010
POTENTIAL GROSS ANNUAL INCOME	\$622,536	\$634,987	\$647,686	\$660,640	\$673,853	\$743,988	\$821,423
Provision for Vacancy & Collection Loss	(\$46,690)	(\$47,624)	(\$48,576)	(\$49,548)	(\$50,539)	(\$55,799)	(\$61,607)
Rental Concessions	\$0						
EFFECTIVE GROSS ANNUAL INCOME	\$575,846	\$587,363	\$599,110	\$611,092	\$623,314	\$688,189	\$759,816
EXPENSES							
General & Administrative Expenses	\$37,744	\$38,876	\$40,043	\$41,244	\$42,481	\$49,247	\$57,091
Management Fee	\$ 22,112	\$ 22,554	\$ 23,005	\$ 23,465	\$ 23,935	\$ 26,426	\$ 29,176
Payroll, Payroll Tax & Employee Benefits	\$ 85,362	\$ 87,923	\$ 90,561	\$ 93,277	\$ 96,076	\$ 111,378	\$ 129,118
Repairs & Maintenance	\$ 44,700	\$ 46,041	\$ 47,422	\$ 48,845	\$ 50,310	\$ 58,323	\$ 67,613
Electric & Gas Utilities	\$ 8,818	\$ 9,083	\$ 9,355	\$ 9,636	\$ 9,925	\$ 11,505	\$ 13,338
Water, Sewer & Trash Utilities	\$ 15,000	\$ 15,450	\$ 15,914	\$ 16,391	\$ 16,883	\$ 19,572	\$ 22,689
Annual Property Insurance Premiums	\$ 46,200	\$ 47,586	\$ 49,014	\$ 50,484	\$ 51,999	\$ 60,281	\$ 69,882
Property Tax	\$ 29,700	\$ 30,591	\$ 31,509	\$ 32,454	\$ 33,428	\$ 38,752	\$ 44,924
Reserve for Replacements	\$ 23,700	\$ 24,411	\$ 25,143	\$ 25,898	\$ 26,675	\$ 30,923	\$ 35,848
Other Expenses	\$ 12,000	\$ 12,360	\$ 12,731	\$ 13,113	\$ 13,506	\$ 15,657	\$ 18,151
TOTAL ANNUAL EXPENSES	\$325,336	\$334,875	\$344,696	\$354,807	\$365,216	\$422,064	\$487,830
NET OPERATING INCOME	\$250,510	\$252,488	\$254,414	\$256,286	\$258,098	\$266,125	\$271,986
DEBT SERVICE							
First Deed of Trust Annual Loan Payment	\$206,718	\$206,638	\$206,554	\$206,465	\$206,373	\$205,840	\$205,156
Second Deed of Trust Annual Loan Payment							
Third Deed of Trust Annual Loan Payment							
Other Annual Required Payment							
Other Annual Required Payment							
ANNUAL NET CASH FLOW	\$43,792	\$45,850	\$47,861	\$49,820	\$51,725	\$60,285	\$66,830
CUMULATIVE NET CASH FLOW	\$43,792	\$89,642	\$137,502	\$187,323	\$239,048	\$519,072	\$836,860
Debt Coverage Ratio	1.21	1.22	1.23	1.24	1.25	1.29	1.33
Other (Describe)							
Other (Describe)							

By signing below I (we) are certifying that the above 15 Year pro forma, is consistent with the unit rental rate assumptions, total operating expenses, net operating income, and debt service coverage based on the bank's current underwriting parameters and consistent with the loan terms indicated in the term sheet and preliminarily considered feasible pending further diligence review. The debt service for each year maintains no less than a 1.15 debt coverage ratio. (Signature only required if using this pro forma for points under §11.9(e)(1) relating to Financial Feasibility)

Signature, Authorized Representative, Construction or Permanent Lender

Nathan Schuss

Printed Name
2/28/2019

Date

Phone: (347) 916-9750

Email: nathans@harpercap.com

Signature, Authorized Representative, Syndicator

Printed Name

Date

If a revised form is submitted, date of submission: _____

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment (not MIP)	Interest	Principal	Balance	MIP
1	\$16,503.16	\$14,074.40	\$2,428.76	\$3,516,171.24	\$723.33
2	\$16,503.16	\$14,064.68	\$2,438.48	\$3,513,732.76	\$723.33
3	\$16,503.16	\$14,054.93	\$2,448.23	\$3,511,284.53	\$723.33
4	\$16,503.16	\$14,045.14	\$2,458.02	\$3,508,826.50	\$723.33
5	\$16,503.16	\$14,035.31	\$2,467.86	\$3,506,358.65	\$723.33
6	\$16,503.16	\$14,025.43	\$2,477.73	\$3,503,880.92	\$723.33
7	\$16,503.16	\$14,015.52	\$2,487.64	\$3,501,393.28	\$723.33
8	\$16,503.16	\$14,005.57	\$2,497.59	\$3,498,895.69	\$723.33
9	\$16,503.16	\$13,995.58	\$2,507.58	\$3,496,388.11	\$723.33
10	\$16,503.16	\$13,985.55	\$2,517.61	\$3,493,870.50	\$723.33
11	\$16,503.16	\$13,975.48	\$2,527.68	\$3,491,342.82	\$723.33
12	\$16,503.16	\$13,965.37	\$2,537.79	\$3,488,805.03	\$723.33
13	\$16,503.16	\$13,955.22	\$2,547.94	\$3,486,257.09	\$716.65
14	\$16,503.16	\$13,945.03	\$2,558.13	\$3,483,698.96	\$716.65
15	\$16,503.16	\$13,934.80	\$2,568.37	\$3,481,130.59	\$716.65
16	\$16,503.16	\$13,924.52	\$2,578.64	\$3,478,551.95	\$716.65
17	\$16,503.16	\$13,914.21	\$2,588.95	\$3,475,962.99	\$716.65
18	\$16,503.16	\$13,903.85	\$2,599.31	\$3,473,363.68	\$716.65
19	\$16,503.16	\$13,893.45	\$2,609.71	\$3,470,753.98	\$716.65
20	\$16,503.16	\$13,883.02	\$2,620.15	\$3,468,133.83	\$716.65
21	\$16,503.16	\$13,872.54	\$2,630.63	\$3,465,503.20	\$716.65
22	\$16,503.16	\$13,862.01	\$2,641.15	\$3,462,862.05	\$716.65
23	\$16,503.16	\$13,851.45	\$2,651.71	\$3,460,210.34	\$716.65
24	\$16,503.16	\$13,840.84	\$2,662.32	\$3,457,548.02	\$716.65
25	\$16,503.16	\$13,830.19	\$2,672.97	\$3,454,875.05	\$709.64
26	\$16,503.16	\$13,819.50	\$2,683.66	\$3,452,191.39	\$709.64
27	\$16,503.16	\$13,808.77	\$2,694.40	\$3,449,496.99	\$709.64
28	\$16,503.16	\$13,797.99	\$2,705.17	\$3,446,791.81	\$709.64
29	\$16,503.16	\$13,787.17	\$2,716.00	\$3,444,075.82	\$709.64
30	\$16,503.16	\$13,776.30	\$2,726.86	\$3,441,348.96	\$709.64
31	\$16,503.16	\$13,765.40	\$2,737.77	\$3,438,611.19	\$709.64
32	\$16,503.16	\$13,754.44	\$2,748.72	\$3,435,862.48	\$709.64
33	\$16,503.16	\$13,743.45	\$2,759.71	\$3,433,102.76	\$709.64
34	\$16,503.16	\$13,732.41	\$2,770.75	\$3,430,332.01	\$709.64
35	\$16,503.16	\$13,721.33	\$2,781.83	\$3,427,550.18	\$709.64
36	\$16,503.16	\$13,710.20	\$2,792.96	\$3,424,757.22	\$709.64
37	\$16,503.16	\$13,699.03	\$2,804.13	\$3,421,953.08	\$702.28
38	\$16,503.16	\$13,687.81	\$2,815.35	\$3,419,137.73	\$702.28
39	\$16,503.16	\$13,676.55	\$2,826.61	\$3,416,311.12	\$702.28
40	\$16,503.16	\$13,665.24	\$2,837.92	\$3,413,473.20	\$702.28
41	\$16,503.16	\$13,653.89	\$2,849.27	\$3,410,623.93	\$702.28
42	\$16,503.16	\$13,642.50	\$2,860.67	\$3,407,763.27	\$702.28
43	\$16,503.16	\$13,631.05	\$2,872.11	\$3,404,891.16	\$702.28

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment (not MIP)	Interest	Principal	Balance	MIP
44	\$16,503.16	\$13,619.56	\$2,883.60	\$3,402,007.56	\$702.28
45	\$16,503.16	\$13,608.03	\$2,895.13	\$3,399,112.43	\$702.28
46	\$16,503.16	\$13,596.45	\$2,906.71	\$3,396,205.72	\$702.28
47	\$16,503.16	\$13,584.82	\$2,918.34	\$3,393,287.38	\$702.28
48	\$16,503.16	\$13,573.15	\$2,930.01	\$3,390,357.36	\$702.28
49	\$16,503.16	\$13,561.43	\$2,941.73	\$3,387,415.63	\$694.57
50	\$16,503.16	\$13,549.66	\$2,953.50	\$3,384,462.13	\$694.57
51	\$16,503.16	\$13,537.85	\$2,965.31	\$3,381,496.82	\$694.57
52	\$16,503.16	\$13,525.99	\$2,977.18	\$3,378,519.64	\$694.57
53	\$16,503.16	\$13,514.08	\$2,989.08	\$3,375,530.56	\$694.57
54	\$16,503.16	\$13,502.12	\$3,001.04	\$3,372,529.52	\$694.57
55	\$16,503.16	\$13,490.12	\$3,013.04	\$3,369,516.47	\$694.57
56	\$16,503.16	\$13,478.07	\$3,025.10	\$3,366,491.38	\$694.57
57	\$16,503.16	\$13,465.97	\$3,037.20	\$3,363,454.18	\$694.57
58	\$16,503.16	\$13,453.82	\$3,049.35	\$3,360,404.83	\$694.57
59	\$16,503.16	\$13,441.62	\$3,061.54	\$3,357,343.29	\$694.57
60	\$16,503.16	\$13,429.37	\$3,073.79	\$3,354,269.50	\$694.57
61	\$16,503.16	\$13,417.08	\$3,086.08	\$3,351,183.42	\$686.47
62	\$16,503.16	\$13,404.73	\$3,098.43	\$3,348,084.99	\$686.47
63	\$16,503.16	\$13,392.34	\$3,110.82	\$3,344,974.17	\$686.47
64	\$16,503.16	\$13,379.90	\$3,123.27	\$3,341,850.90	\$686.47
65	\$16,503.16	\$13,367.40	\$3,135.76	\$3,338,715.14	\$686.47
66	\$16,503.16	\$13,354.86	\$3,148.30	\$3,335,566.84	\$686.47
67	\$16,503.16	\$13,342.27	\$3,160.89	\$3,332,405.95	\$686.47
68	\$16,503.16	\$13,329.62	\$3,173.54	\$3,329,232.41	\$686.47
69	\$16,503.16	\$13,316.93	\$3,186.23	\$3,326,046.17	\$686.47
70	\$16,503.16	\$13,304.18	\$3,198.98	\$3,322,847.20	\$686.47
71	\$16,503.16	\$13,291.39	\$3,211.77	\$3,319,635.42	\$686.47
72	\$16,503.16	\$13,278.54	\$3,224.62	\$3,316,410.80	\$686.47
73	\$16,503.16	\$13,265.64	\$3,237.52	\$3,313,173.28	\$677.98
74	\$16,503.16	\$13,252.69	\$3,250.47	\$3,309,922.81	\$677.98
75	\$16,503.16	\$13,239.69	\$3,263.47	\$3,306,659.34	\$677.98
76	\$16,503.16	\$13,226.64	\$3,276.52	\$3,303,382.82	\$677.98
77	\$16,503.16	\$13,213.53	\$3,289.63	\$3,300,093.19	\$677.98
78	\$16,503.16	\$13,200.37	\$3,302.79	\$3,296,790.40	\$677.98
79	\$16,503.16	\$13,187.16	\$3,316.00	\$3,293,474.40	\$677.98
80	\$16,503.16	\$13,173.90	\$3,329.26	\$3,290,145.13	\$677.98
81	\$16,503.16	\$13,160.58	\$3,342.58	\$3,286,802.55	\$677.98
82	\$16,503.16	\$13,147.21	\$3,355.95	\$3,283,446.60	\$677.98
83	\$16,503.16	\$13,133.79	\$3,369.38	\$3,280,077.22	\$677.98
84	\$16,503.16	\$13,120.31	\$3,382.85	\$3,276,694.37	\$677.98
85	\$16,503.16	\$13,106.78	\$3,396.38	\$3,273,297.98	\$669.07
86	\$16,503.16	\$13,093.19	\$3,409.97	\$3,269,888.01	\$669.07

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
87	\$16,503.16	\$13,079.55	\$3,423.61	\$3,266,464.40	\$669.07
88	\$16,503.16	\$13,065.86	\$3,437.30	\$3,263,027.10	\$669.07
89	\$16,503.16	\$13,052.11	\$3,451.05	\$3,259,576.04	\$669.07
90	\$16,503.16	\$13,038.30	\$3,464.86	\$3,256,111.19	\$669.07
91	\$16,503.16	\$13,024.44	\$3,478.72	\$3,252,632.47	\$669.07
92	\$16,503.16	\$13,010.53	\$3,492.63	\$3,249,139.84	\$669.07
93	\$16,503.16	\$12,996.56	\$3,506.60	\$3,245,633.23	\$669.07
94	\$16,503.16	\$12,982.53	\$3,520.63	\$3,242,112.60	\$669.07
95	\$16,503.16	\$12,968.45	\$3,534.71	\$3,238,577.89	\$669.07
96	\$16,503.16	\$12,954.31	\$3,548.85	\$3,235,029.04	\$669.07
97	\$16,503.16	\$12,940.12	\$3,563.05	\$3,231,465.99	\$659.72
98	\$16,503.16	\$12,925.86	\$3,577.30	\$3,227,888.70	\$659.72
99	\$16,503.16	\$12,911.55	\$3,591.61	\$3,224,297.09	\$659.72
100	\$16,503.16	\$12,897.19	\$3,605.97	\$3,220,691.11	\$659.72
101	\$16,503.16	\$12,882.76	\$3,620.40	\$3,217,070.72	\$659.72
102	\$16,503.16	\$12,868.28	\$3,634.88	\$3,213,435.84	\$659.72
103	\$16,503.16	\$12,853.74	\$3,649.42	\$3,209,786.42	\$659.72
104	\$16,503.16	\$12,839.15	\$3,664.02	\$3,206,122.40	\$659.72
105	\$16,503.16	\$12,824.49	\$3,678.67	\$3,202,443.73	\$659.72
106	\$16,503.16	\$12,809.77	\$3,693.39	\$3,198,750.34	\$659.72
107	\$16,503.16	\$12,795.00	\$3,708.16	\$3,195,042.18	\$659.72
108	\$16,503.16	\$12,780.17	\$3,722.99	\$3,191,319.19	\$659.72
109	\$16,503.16	\$12,765.28	\$3,737.89	\$3,187,581.30	\$649.92
110	\$16,503.16	\$12,750.33	\$3,752.84	\$3,183,828.46	\$649.92
111	\$16,503.16	\$12,735.31	\$3,767.85	\$3,180,060.61	\$649.92
112	\$16,503.16	\$12,720.24	\$3,782.92	\$3,176,277.69	\$649.92
113	\$16,503.16	\$12,705.11	\$3,798.05	\$3,172,479.64	\$649.92
114	\$16,503.16	\$12,689.92	\$3,813.24	\$3,168,666.40	\$649.92
115	\$16,503.16	\$12,674.67	\$3,828.50	\$3,164,837.90	\$649.92
116	\$16,503.16	\$12,659.35	\$3,843.81	\$3,160,994.09	\$649.92
117	\$16,503.16	\$12,643.98	\$3,859.19	\$3,157,134.91	\$649.92
118	\$16,503.16	\$12,628.54	\$3,874.62	\$3,153,260.28	\$649.92
119	\$16,503.16	\$12,613.04	\$3,890.12	\$3,149,370.16	\$649.92
120	\$16,503.16	\$12,597.48	\$3,905.68	\$3,145,464.48	\$649.92
121	\$16,503.16	\$12,581.86	\$3,921.30	\$3,141,543.18	\$639.63
122	\$16,503.16	\$12,566.17	\$3,936.99	\$3,137,606.19	\$639.63
123	\$16,503.16	\$12,550.42	\$3,952.74	\$3,133,653.45	\$639.63
124	\$16,503.16	\$12,534.61	\$3,968.55	\$3,129,684.90	\$639.63
125	\$16,503.16	\$12,518.74	\$3,984.42	\$3,125,700.48	\$639.63
126	\$16,503.16	\$12,502.80	\$4,000.36	\$3,121,700.12	\$639.63
127	\$16,503.16	\$12,486.80	\$4,016.36	\$3,117,683.76	\$639.63
128	\$16,503.16	\$12,470.74	\$4,032.43	\$3,113,651.33	\$639.63
129	\$16,503.16	\$12,454.61	\$4,048.56	\$3,109,602.77	\$639.63

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
130	\$16,503.16	\$12,438.41	\$4,064.75	\$3,105,538.02	\$639.63
131	\$16,503.16	\$12,422.15	\$4,081.01	\$3,101,457.01	\$639.63
132	\$16,503.16	\$12,405.83	\$4,097.33	\$3,097,359.67	\$639.63
133	\$16,503.16	\$12,389.44	\$4,113.72	\$3,093,245.95	\$628.84
134	\$16,503.16	\$12,372.98	\$4,130.18	\$3,089,115.77	\$628.84
135	\$16,503.16	\$12,356.46	\$4,146.70	\$3,084,969.07	\$628.84
136	\$16,503.16	\$12,339.88	\$4,163.29	\$3,080,805.79	\$628.84
137	\$16,503.16	\$12,323.22	\$4,179.94	\$3,076,625.85	\$628.84
138	\$16,503.16	\$12,306.50	\$4,196.66	\$3,072,429.19	\$628.84
139	\$16,503.16	\$12,289.72	\$4,213.45	\$3,068,215.74	\$628.84
140	\$16,503.16	\$12,272.86	\$4,230.30	\$3,063,985.44	\$628.84
141	\$16,503.16	\$12,255.94	\$4,247.22	\$3,059,738.22	\$628.84
142	\$16,503.16	\$12,238.95	\$4,264.21	\$3,055,474.01	\$628.84
143	\$16,503.16	\$12,221.90	\$4,281.27	\$3,051,192.75	\$628.84
144	\$16,503.16	\$12,204.77	\$4,298.39	\$3,046,894.36	\$628.84
145	\$16,503.16	\$12,187.58	\$4,315.58	\$3,042,578.77	\$617.52
146	\$16,503.16	\$12,170.32	\$4,332.85	\$3,038,245.92	\$617.52
147	\$16,503.16	\$12,152.98	\$4,350.18	\$3,033,895.75	\$617.52
148	\$16,503.16	\$12,135.58	\$4,367.58	\$3,029,528.17	\$617.52
149	\$16,503.16	\$12,118.11	\$4,385.05	\$3,025,143.12	\$617.52
150	\$16,503.16	\$12,100.57	\$4,402.59	\$3,020,740.53	\$617.52
151	\$16,503.16	\$12,082.96	\$4,420.20	\$3,016,320.33	\$617.52
152	\$16,503.16	\$12,065.28	\$4,437.88	\$3,011,882.45	\$617.52
153	\$16,503.16	\$12,047.53	\$4,455.63	\$3,007,426.81	\$617.52
154	\$16,503.16	\$12,029.71	\$4,473.46	\$3,002,953.36	\$617.52
155	\$16,503.16	\$12,011.81	\$4,491.35	\$2,998,462.01	\$617.52
156	\$16,503.16	\$11,993.85	\$4,509.31	\$2,993,952.69	\$617.52
157	\$16,503.16	\$11,975.81	\$4,527.35	\$2,989,425.34	\$605.64
158	\$16,503.16	\$11,957.70	\$4,545.46	\$2,984,879.88	\$605.64
159	\$16,503.16	\$11,939.52	\$4,563.64	\$2,980,316.24	\$605.64
160	\$16,503.16	\$11,921.26	\$4,581.90	\$2,975,734.34	\$605.64
161	\$16,503.16	\$11,902.94	\$4,600.22	\$2,971,134.12	\$605.64
162	\$16,503.16	\$11,884.54	\$4,618.63	\$2,966,515.49	\$605.64
163	\$16,503.16	\$11,866.06	\$4,637.10	\$2,961,878.39	\$605.64
164	\$16,503.16	\$11,847.51	\$4,655.65	\$2,957,222.74	\$605.64
165	\$16,503.16	\$11,828.89	\$4,674.27	\$2,952,548.47	\$605.64
166	\$16,503.16	\$11,810.19	\$4,692.97	\$2,947,855.50	\$605.64
167	\$16,503.16	\$11,791.42	\$4,711.74	\$2,943,143.76	\$605.64
168	\$16,503.16	\$11,772.58	\$4,730.59	\$2,938,413.17	\$605.64
169	\$16,503.16	\$11,753.65	\$4,749.51	\$2,933,663.66	\$593.18
170	\$16,503.16	\$11,734.65	\$4,768.51	\$2,928,895.16	\$593.18
171	\$16,503.16	\$11,715.58	\$4,787.58	\$2,924,107.57	\$593.18
172	\$16,503.16	\$11,696.43	\$4,806.73	\$2,919,300.84	\$593.18

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
173	\$16,503.16	\$11,677.20	\$4,825.96	\$2,914,474.88	\$593.18
174	\$16,503.16	\$11,657.90	\$4,845.26	\$2,909,629.62	\$593.18
175	\$16,503.16	\$11,638.52	\$4,864.64	\$2,904,764.98	\$593.18
176	\$16,503.16	\$11,619.06	\$4,884.10	\$2,899,880.87	\$593.18
177	\$16,503.16	\$11,599.52	\$4,903.64	\$2,894,977.24	\$593.18
178	\$16,503.16	\$11,579.91	\$4,923.25	\$2,890,053.98	\$593.18
179	\$16,503.16	\$11,560.22	\$4,942.95	\$2,885,111.04	\$593.18
180	\$16,503.16	\$11,540.44	\$4,962.72	\$2,880,148.32	\$593.18
181	\$16,503.16	\$11,520.59	\$4,982.57	\$2,875,165.75	\$580.11
182	\$16,503.16	\$11,500.66	\$5,002.50	\$2,870,163.25	\$580.11
183	\$16,503.16	\$11,480.65	\$5,022.51	\$2,865,140.74	\$580.11
184	\$16,503.16	\$11,460.56	\$5,042.60	\$2,860,098.14	\$580.11
185	\$16,503.16	\$11,440.39	\$5,062.77	\$2,855,035.37	\$580.11
186	\$16,503.16	\$11,420.14	\$5,083.02	\$2,849,952.35	\$580.11
187	\$16,503.16	\$11,399.81	\$5,103.35	\$2,844,849.00	\$580.11
188	\$16,503.16	\$11,379.40	\$5,123.77	\$2,839,725.23	\$580.11
189	\$16,503.16	\$11,358.90	\$5,144.26	\$2,834,580.97	\$580.11
190	\$16,503.16	\$11,338.32	\$5,164.84	\$2,829,416.13	\$580.11
191	\$16,503.16	\$11,317.66	\$5,185.50	\$2,824,230.63	\$580.11
192	\$16,503.16	\$11,296.92	\$5,206.24	\$2,819,024.39	\$580.11
193	\$16,503.16	\$11,276.10	\$5,227.06	\$2,813,797.33	\$566.40
194	\$16,503.16	\$11,255.19	\$5,247.97	\$2,808,549.35	\$566.40
195	\$16,503.16	\$11,234.20	\$5,268.96	\$2,803,280.39	\$566.40
196	\$16,503.16	\$11,213.12	\$5,290.04	\$2,797,990.35	\$566.40
197	\$16,503.16	\$11,191.96	\$5,311.20	\$2,792,679.15	\$566.40
198	\$16,503.16	\$11,170.72	\$5,332.45	\$2,787,346.70	\$566.40
199	\$16,503.16	\$11,149.39	\$5,353.78	\$2,781,992.93	\$566.40
200	\$16,503.16	\$11,127.97	\$5,375.19	\$2,776,617.74	\$566.40
201	\$16,503.16	\$11,106.47	\$5,396.69	\$2,771,221.04	\$566.40
202	\$16,503.16	\$11,084.88	\$5,418.28	\$2,765,802.77	\$566.40
203	\$16,503.16	\$11,063.21	\$5,439.95	\$2,760,362.82	\$566.40
204	\$16,503.16	\$11,041.45	\$5,461.71	\$2,754,901.10	\$566.40
205	\$16,503.16	\$11,019.60	\$5,483.56	\$2,749,417.55	\$552.02
206	\$16,503.16	\$10,997.67	\$5,505.49	\$2,743,912.05	\$552.02
207	\$16,503.16	\$10,975.65	\$5,527.51	\$2,738,384.54	\$552.02
208	\$16,503.16	\$10,953.54	\$5,549.62	\$2,732,834.92	\$552.02
209	\$16,503.16	\$10,931.34	\$5,571.82	\$2,727,263.09	\$552.02
210	\$16,503.16	\$10,909.05	\$5,594.11	\$2,721,668.98	\$552.02
211	\$16,503.16	\$10,886.68	\$5,616.49	\$2,716,052.50	\$552.02
212	\$16,503.16	\$10,864.21	\$5,638.95	\$2,710,413.54	\$552.02
213	\$16,503.16	\$10,841.65	\$5,661.51	\$2,704,752.04	\$552.02
214	\$16,503.16	\$10,819.01	\$5,684.15	\$2,699,067.88	\$552.02
215	\$16,503.16	\$10,796.27	\$5,706.89	\$2,693,360.99	\$552.02

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
216	\$16,503.16	\$10,773.44	\$5,729.72	\$2,687,631.27	\$552.02
217	\$16,503.16	\$10,750.53	\$5,752.64	\$2,681,878.64	\$536.93
218	\$16,503.16	\$10,727.51	\$5,775.65	\$2,676,102.99	\$536.93
219	\$16,503.16	\$10,704.41	\$5,798.75	\$2,670,304.24	\$536.93
220	\$16,503.16	\$10,681.22	\$5,821.95	\$2,664,482.29	\$536.93
221	\$16,503.16	\$10,657.93	\$5,845.23	\$2,658,637.06	\$536.93
222	\$16,503.16	\$10,634.55	\$5,868.61	\$2,652,768.44	\$536.93
223	\$16,503.16	\$10,611.07	\$5,892.09	\$2,646,876.36	\$536.93
224	\$16,503.16	\$10,587.51	\$5,915.66	\$2,640,960.70	\$536.93
225	\$16,503.16	\$10,563.84	\$5,939.32	\$2,635,021.38	\$536.93
226	\$16,503.16	\$10,540.09	\$5,963.08	\$2,629,058.30	\$536.93
227	\$16,503.16	\$10,516.23	\$5,986.93	\$2,623,071.37	\$536.93
228	\$16,503.16	\$10,492.29	\$6,010.88	\$2,617,060.50	\$536.93
229	\$16,503.16	\$10,468.24	\$6,034.92	\$2,611,025.58	\$521.10
230	\$16,503.16	\$10,444.10	\$6,059.06	\$2,604,966.52	\$521.10
231	\$16,503.16	\$10,419.87	\$6,083.30	\$2,598,883.22	\$521.10
232	\$16,503.16	\$10,395.53	\$6,107.63	\$2,592,775.59	\$521.10
233	\$16,503.16	\$10,371.10	\$6,132.06	\$2,586,643.53	\$521.10
234	\$16,503.16	\$10,346.57	\$6,156.59	\$2,580,486.94	\$521.10
235	\$16,503.16	\$10,321.95	\$6,181.21	\$2,574,305.73	\$521.10
236	\$16,503.16	\$10,297.22	\$6,205.94	\$2,568,099.79	\$521.10
237	\$16,503.16	\$10,272.40	\$6,230.76	\$2,561,869.02	\$521.10
238	\$16,503.16	\$10,247.48	\$6,255.69	\$2,555,613.34	\$521.10
239	\$16,503.16	\$10,222.45	\$6,280.71	\$2,549,332.63	\$521.10
240	\$16,503.16	\$10,197.33	\$6,305.83	\$2,543,026.80	\$521.10
241	\$16,503.16	\$10,172.11	\$6,331.06	\$2,536,695.74	\$504.49
242	\$16,503.16	\$10,146.78	\$6,356.38	\$2,530,339.36	\$504.49
243	\$16,503.16	\$10,121.36	\$6,381.80	\$2,523,957.56	\$504.49
244	\$16,503.16	\$10,095.83	\$6,407.33	\$2,517,550.23	\$504.49
245	\$16,503.16	\$10,070.20	\$6,432.96	\$2,511,117.26	\$504.49
246	\$16,503.16	\$10,044.47	\$6,458.69	\$2,504,658.57	\$504.49
247	\$16,503.16	\$10,018.63	\$6,484.53	\$2,498,174.04	\$504.49
248	\$16,503.16	\$9,992.70	\$6,510.47	\$2,491,663.58	\$504.49
249	\$16,503.16	\$9,966.65	\$6,536.51	\$2,485,127.07	\$504.49
250	\$16,503.16	\$9,940.51	\$6,562.65	\$2,478,564.41	\$504.49
251	\$16,503.16	\$9,914.26	\$6,588.90	\$2,471,975.51	\$504.49
252	\$16,503.16	\$9,887.90	\$6,615.26	\$2,465,360.25	\$504.49
253	\$16,503.16	\$9,861.44	\$6,641.72	\$2,458,718.53	\$487.07
254	\$16,503.16	\$9,834.87	\$6,668.29	\$2,452,050.24	\$487.07
255	\$16,503.16	\$9,808.20	\$6,694.96	\$2,445,355.28	\$487.07
256	\$16,503.16	\$9,781.42	\$6,721.74	\$2,438,633.54	\$487.07
257	\$16,503.16	\$9,754.53	\$6,748.63	\$2,431,884.91	\$487.07
258	\$16,503.16	\$9,727.54	\$6,775.62	\$2,425,109.29	\$487.07

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment (not MIP)	Interest	Principal	Balance	MIP
259	\$16,503.16	\$9,700.44	\$6,802.73	\$2,418,306.56	\$487.07
260	\$16,503.16	\$9,673.23	\$6,829.94	\$2,411,476.63	\$487.07
261	\$16,503.16	\$9,645.91	\$6,857.26	\$2,404,619.37	\$487.07
262	\$16,503.16	\$9,618.48	\$6,884.68	\$2,397,734.68	\$487.07
263	\$16,503.16	\$9,590.94	\$6,912.22	\$2,390,822.46	\$487.07
264	\$16,503.16	\$9,563.29	\$6,939.87	\$2,383,882.59	\$487.07
265	\$16,503.16	\$9,535.53	\$6,967.63	\$2,376,914.96	\$468.79
266	\$16,503.16	\$9,507.66	\$6,995.50	\$2,369,919.45	\$468.79
267	\$16,503.16	\$9,479.68	\$7,023.48	\$2,362,895.97	\$468.79
268	\$16,503.16	\$9,451.58	\$7,051.58	\$2,355,844.39	\$468.79
269	\$16,503.16	\$9,423.38	\$7,079.78	\$2,348,764.61	\$468.79
270	\$16,503.16	\$9,395.06	\$7,108.10	\$2,341,656.50	\$468.79
271	\$16,503.16	\$9,366.63	\$7,136.54	\$2,334,519.97	\$468.79
272	\$16,503.16	\$9,338.08	\$7,165.08	\$2,327,354.88	\$468.79
273	\$16,503.16	\$9,309.42	\$7,193.74	\$2,320,161.14	\$468.79
274	\$16,503.16	\$9,280.64	\$7,222.52	\$2,312,938.62	\$468.79
275	\$16,503.16	\$9,251.75	\$7,251.41	\$2,305,687.21	\$468.79
276	\$16,503.16	\$9,222.75	\$7,280.41	\$2,298,406.80	\$468.79
277	\$16,503.16	\$9,193.63	\$7,309.54	\$2,291,097.27	\$449.62
278	\$16,503.16	\$9,164.39	\$7,338.77	\$2,283,758.49	\$449.62
279	\$16,503.16	\$9,135.03	\$7,368.13	\$2,276,390.36	\$449.62
280	\$16,503.16	\$9,105.56	\$7,397.60	\$2,268,992.76	\$449.62
281	\$16,503.16	\$9,075.97	\$7,427.19	\$2,261,565.57	\$449.62
282	\$16,503.16	\$9,046.26	\$7,456.90	\$2,254,108.67	\$449.62
283	\$16,503.16	\$9,016.43	\$7,486.73	\$2,246,621.94	\$449.62
284	\$16,503.16	\$8,986.49	\$7,516.67	\$2,239,105.27	\$449.62
285	\$16,503.16	\$8,956.42	\$7,546.74	\$2,231,558.53	\$449.62
286	\$16,503.16	\$8,926.23	\$7,576.93	\$2,223,981.60	\$449.62
287	\$16,503.16	\$8,895.93	\$7,607.24	\$2,216,374.36	\$449.62
288	\$16,503.16	\$8,865.50	\$7,637.66	\$2,208,736.70	\$449.62
289	\$16,503.16	\$8,834.95	\$7,668.22	\$2,201,068.48	\$429.50
290	\$16,503.16	\$8,804.27	\$7,698.89	\$2,193,369.60	\$429.50
291	\$16,503.16	\$8,773.48	\$7,729.68	\$2,185,639.91	\$429.50
292	\$16,503.16	\$8,742.56	\$7,760.60	\$2,177,879.31	\$429.50
293	\$16,503.16	\$8,711.52	\$7,791.65	\$2,170,087.66	\$429.50
294	\$16,503.16	\$8,680.35	\$7,822.81	\$2,162,264.85	\$429.50
295	\$16,503.16	\$8,649.06	\$7,854.10	\$2,154,410.75	\$429.50
296	\$16,503.16	\$8,617.64	\$7,885.52	\$2,146,525.23	\$429.50
297	\$16,503.16	\$8,586.10	\$7,917.06	\$2,138,608.17	\$429.50
298	\$16,503.16	\$8,554.43	\$7,948.73	\$2,130,659.44	\$429.50
299	\$16,503.16	\$8,522.64	\$7,980.52	\$2,122,678.91	\$429.50
300	\$16,503.16	\$8,490.72	\$8,012.45	\$2,114,666.47	\$429.50
301	\$16,503.16	\$8,458.67	\$8,044.50	\$2,106,621.97	\$408.40

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment (not MIP)	Interest	Principal	Balance	MIP
302	\$16,503.16	\$8,426.49	\$8,076.67	\$2,098,545.30	\$408.40
303	\$16,503.16	\$8,394.18	\$8,108.98	\$2,090,436.31	\$408.40
304	\$16,503.16	\$8,361.75	\$8,141.42	\$2,082,294.90	\$408.40
305	\$16,503.16	\$8,329.18	\$8,173.98	\$2,074,120.91	\$408.40
306	\$16,503.16	\$8,296.48	\$8,206.68	\$2,065,914.24	\$408.40
307	\$16,503.16	\$8,263.66	\$8,239.51	\$2,057,674.73	\$408.40
308	\$16,503.16	\$8,230.70	\$8,272.46	\$2,049,402.27	\$408.40
309	\$16,503.16	\$8,197.61	\$8,305.55	\$2,041,096.71	\$408.40
310	\$16,503.16	\$8,164.39	\$8,338.78	\$2,032,757.94	\$408.40
311	\$16,503.16	\$8,131.03	\$8,372.13	\$2,024,385.81	\$408.40
312	\$16,503.16	\$8,097.54	\$8,405.62	\$2,015,980.19	\$408.40
313	\$16,503.16	\$8,063.92	\$8,439.24	\$2,007,540.95	\$386.26
314	\$16,503.16	\$8,030.16	\$8,473.00	\$1,999,067.95	\$386.26
315	\$16,503.16	\$7,996.27	\$8,506.89	\$1,990,561.06	\$386.26
316	\$16,503.16	\$7,962.24	\$8,540.92	\$1,982,020.14	\$386.26
317	\$16,503.16	\$7,928.08	\$8,575.08	\$1,973,445.06	\$386.26
318	\$16,503.16	\$7,893.78	\$8,609.38	\$1,964,835.68	\$386.26
319	\$16,503.16	\$7,859.34	\$8,643.82	\$1,956,191.86	\$386.26
320	\$16,503.16	\$7,824.77	\$8,678.39	\$1,947,513.46	\$386.26
321	\$16,503.16	\$7,790.05	\$8,713.11	\$1,938,800.35	\$386.26
322	\$16,503.16	\$7,755.20	\$8,747.96	\$1,930,052.39	\$386.26
323	\$16,503.16	\$7,720.21	\$8,782.95	\$1,921,269.44	\$386.26
324	\$16,503.16	\$7,685.08	\$8,818.08	\$1,912,451.35	\$386.26
325	\$16,503.16	\$7,649.81	\$8,853.36	\$1,903,598.00	\$363.04
326	\$16,503.16	\$7,614.39	\$8,888.77	\$1,894,709.23	\$363.04
327	\$16,503.16	\$7,578.84	\$8,924.33	\$1,885,784.90	\$363.04
328	\$16,503.16	\$7,543.14	\$8,960.02	\$1,876,824.88	\$363.04
329	\$16,503.16	\$7,507.30	\$8,995.86	\$1,867,829.02	\$363.04
330	\$16,503.16	\$7,471.32	\$9,031.85	\$1,858,797.17	\$363.04
331	\$16,503.16	\$7,435.19	\$9,067.97	\$1,849,729.20	\$363.04
332	\$16,503.16	\$7,398.92	\$9,104.25	\$1,840,624.95	\$363.04
333	\$16,503.16	\$7,362.50	\$9,140.66	\$1,831,484.29	\$363.04
334	\$16,503.16	\$7,325.94	\$9,177.23	\$1,822,307.06	\$363.04
335	\$16,503.16	\$7,289.23	\$9,213.93	\$1,813,093.13	\$363.04
336	\$16,503.16	\$7,252.37	\$9,250.79	\$1,803,842.34	\$363.04
337	\$16,503.16	\$7,215.37	\$9,287.79	\$1,794,554.55	\$338.67
338	\$16,503.16	\$7,178.22	\$9,324.94	\$1,785,229.60	\$338.67
339	\$16,503.16	\$7,140.92	\$9,362.24	\$1,775,867.36	\$338.67
340	\$16,503.16	\$7,103.47	\$9,399.69	\$1,766,467.66	\$338.67
341	\$16,503.16	\$7,065.87	\$9,437.29	\$1,757,030.37	\$338.67
342	\$16,503.16	\$7,028.12	\$9,475.04	\$1,747,555.33	\$338.67
343	\$16,503.16	\$6,990.22	\$9,512.94	\$1,738,042.39	\$338.67
344	\$16,503.16	\$6,952.17	\$9,550.99	\$1,728,491.40	\$338.67

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
345	\$16,503.16	\$6,913.97	\$9,589.20	\$1,718,902.20	\$338.67
346	\$16,503.16	\$6,875.61	\$9,627.55	\$1,709,274.65	\$338.67
347	\$16,503.16	\$6,837.10	\$9,666.06	\$1,699,608.58	\$338.67
348	\$16,503.16	\$6,798.43	\$9,704.73	\$1,689,903.86	\$338.67
349	\$16,503.16	\$6,759.62	\$9,743.55	\$1,680,160.31	\$313.11
350	\$16,503.16	\$6,720.64	\$9,782.52	\$1,670,377.79	\$313.11
351	\$16,503.16	\$6,681.51	\$9,821.65	\$1,660,556.14	\$313.11
352	\$16,503.16	\$6,642.22	\$9,860.94	\$1,650,695.20	\$313.11
353	\$16,503.16	\$6,602.78	\$9,900.38	\$1,640,794.82	\$313.11
354	\$16,503.16	\$6,563.18	\$9,939.98	\$1,630,854.83	\$313.11
355	\$16,503.16	\$6,523.42	\$9,979.74	\$1,620,875.09	\$313.11
356	\$16,503.16	\$6,483.50	\$10,019.66	\$1,610,855.43	\$313.11
357	\$16,503.16	\$6,443.42	\$10,059.74	\$1,600,795.69	\$313.11
358	\$16,503.16	\$6,403.18	\$10,099.98	\$1,590,695.71	\$313.11
359	\$16,503.16	\$6,362.78	\$10,140.38	\$1,580,555.33	\$313.11
360	\$16,503.16	\$6,322.22	\$10,180.94	\$1,570,374.39	\$313.11
361	\$16,503.16	\$6,281.50	\$10,221.66	\$1,560,152.72	\$286.30
362	\$16,503.16	\$6,240.61	\$10,262.55	\$1,549,890.17	\$286.30
363	\$16,503.16	\$6,199.56	\$10,303.60	\$1,539,586.57	\$286.30
364	\$16,503.16	\$6,158.35	\$10,344.82	\$1,529,241.75	\$286.30
365	\$16,503.16	\$6,116.97	\$10,386.20	\$1,518,855.56	\$286.30
366	\$16,503.16	\$6,075.42	\$10,427.74	\$1,508,427.82	\$286.30
367	\$16,503.16	\$6,033.71	\$10,469.45	\$1,497,958.37	\$286.30
368	\$16,503.16	\$5,991.83	\$10,511.33	\$1,487,447.04	\$286.30
369	\$16,503.16	\$5,949.79	\$10,553.37	\$1,476,893.66	\$286.30
370	\$16,503.16	\$5,907.57	\$10,595.59	\$1,466,298.08	\$286.30
371	\$16,503.16	\$5,865.19	\$10,637.97	\$1,455,660.11	\$286.30
372	\$16,503.16	\$5,822.64	\$10,680.52	\$1,444,979.59	\$286.30
373	\$16,503.16	\$5,779.92	\$10,723.24	\$1,434,256.34	\$258.17
374	\$16,503.16	\$5,737.03	\$10,766.14	\$1,423,490.20	\$258.17
375	\$16,503.16	\$5,693.96	\$10,809.20	\$1,412,681.00	\$258.17
376	\$16,503.16	\$5,650.72	\$10,852.44	\$1,401,828.56	\$258.17
377	\$16,503.16	\$5,607.31	\$10,895.85	\$1,390,932.72	\$258.17
378	\$16,503.16	\$5,563.73	\$10,939.43	\$1,379,993.28	\$258.17
379	\$16,503.16	\$5,519.97	\$10,983.19	\$1,369,010.10	\$258.17
380	\$16,503.16	\$5,476.04	\$11,027.12	\$1,357,982.97	\$258.17
381	\$16,503.16	\$5,431.93	\$11,071.23	\$1,346,911.74	\$258.17
382	\$16,503.16	\$5,387.65	\$11,115.52	\$1,335,796.23	\$258.17
383	\$16,503.16	\$5,343.18	\$11,159.98	\$1,324,636.25	\$258.17
384	\$16,503.16	\$5,298.55	\$11,204.62	\$1,313,431.63	\$258.17
385	\$16,503.16	\$5,253.73	\$11,249.44	\$1,302,182.20	\$228.66
386	\$16,503.16	\$5,208.73	\$11,294.43	\$1,290,887.76	\$228.66
387	\$16,503.16	\$5,163.55	\$11,339.61	\$1,279,548.15	\$228.66

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
388	\$16,503.16	\$5,118.19	\$11,384.97	\$1,268,163.18	\$228.66
389	\$16,503.16	\$5,072.65	\$11,430.51	\$1,256,732.67	\$228.66
390	\$16,503.16	\$5,026.93	\$11,476.23	\$1,245,256.44	\$228.66
391	\$16,503.16	\$4,981.03	\$11,522.14	\$1,233,734.30	\$228.66
392	\$16,503.16	\$4,934.94	\$11,568.23	\$1,222,166.08	\$228.66
393	\$16,503.16	\$4,888.66	\$11,614.50	\$1,210,551.58	\$228.66
394	\$16,503.16	\$4,842.21	\$11,660.96	\$1,198,890.63	\$228.66
395	\$16,503.16	\$4,795.56	\$11,707.60	\$1,187,183.03	\$228.66
396	\$16,503.16	\$4,748.73	\$11,754.43	\$1,175,428.60	\$228.66
397	\$16,503.16	\$4,701.71	\$11,801.45	\$1,163,627.15	\$197.71
398	\$16,503.16	\$4,654.51	\$11,848.65	\$1,151,778.49	\$197.71
399	\$16,503.16	\$4,607.11	\$11,896.05	\$1,139,882.45	\$197.71
400	\$16,503.16	\$4,559.53	\$11,943.63	\$1,127,938.81	\$197.71
401	\$16,503.16	\$4,511.76	\$11,991.41	\$1,115,947.41	\$197.71
402	\$16,503.16	\$4,463.79	\$12,039.37	\$1,103,908.03	\$197.71
403	\$16,503.16	\$4,415.63	\$12,087.53	\$1,091,820.50	\$197.71
404	\$16,503.16	\$4,367.28	\$12,135.88	\$1,079,684.62	\$197.71
405	\$16,503.16	\$4,318.74	\$12,184.42	\$1,067,500.20	\$197.71
406	\$16,503.16	\$4,270.00	\$12,233.16	\$1,055,267.04	\$197.71
407	\$16,503.16	\$4,221.07	\$12,282.09	\$1,042,984.94	\$197.71
408	\$16,503.16	\$4,171.94	\$12,331.22	\$1,030,653.72	\$197.71
409	\$16,503.16	\$4,122.61	\$12,380.55	\$1,018,273.17	\$165.23
410	\$16,503.16	\$4,073.09	\$12,430.07	\$1,005,843.10	\$165.23
411	\$16,503.16	\$4,023.37	\$12,479.79	\$993,363.31	\$165.23
412	\$16,503.16	\$3,973.45	\$12,529.71	\$980,833.60	\$165.23
413	\$16,503.16	\$3,923.33	\$12,579.83	\$968,253.78	\$165.23
414	\$16,503.16	\$3,873.02	\$12,630.15	\$955,623.63	\$165.23
415	\$16,503.16	\$3,822.49	\$12,680.67	\$942,942.96	\$165.23
416	\$16,503.16	\$3,771.77	\$12,731.39	\$930,211.57	\$165.23
417	\$16,503.16	\$3,720.85	\$12,782.32	\$917,429.25	\$165.23
418	\$16,503.16	\$3,669.72	\$12,833.45	\$904,595.81	\$165.23
419	\$16,503.16	\$3,618.38	\$12,884.78	\$891,711.03	\$165.23
420	\$16,503.16	\$3,566.84	\$12,936.32	\$878,774.71	\$165.23
421	\$16,503.16	\$3,515.10	\$12,988.06	\$865,786.65	\$131.16
422	\$16,503.16	\$3,463.15	\$13,040.02	\$852,746.63	\$131.16
423	\$16,503.16	\$3,410.99	\$13,092.18	\$839,654.46	\$131.16
424	\$16,503.16	\$3,358.62	\$13,144.54	\$826,509.91	\$131.16
425	\$16,503.16	\$3,306.04	\$13,197.12	\$813,312.79	\$131.16
426	\$16,503.16	\$3,253.25	\$13,249.91	\$800,062.88	\$131.16
427	\$16,503.16	\$3,200.25	\$13,302.91	\$786,759.97	\$131.16
428	\$16,503.16	\$3,147.04	\$13,356.12	\$773,403.84	\$131.16
429	\$16,503.16	\$3,093.62	\$13,409.55	\$759,994.30	\$131.16
430	\$16,503.16	\$3,039.98	\$13,463.19	\$746,531.11	\$131.16

Bamboo Estate Apartments

Loan Amount \$3,518,600
 Term (Months) 480
 Interest Rate 4.80%
 MIP Rate 0.25%
 First Payment Date 4/1/2021
 Monthly P&I \$16,503.16 (not MIP)

Payment No.	Total Payment				
	(not MIP)	Interest	Principal	Balance	MIP
431	\$16,503.16	\$2,986.12	\$13,517.04	\$733,014.07	\$131.16
432	\$16,503.16	\$2,932.06	\$13,571.11	\$719,442.97	\$131.16
433	\$16,503.16	\$2,877.77	\$13,625.39	\$705,817.58	\$95.42
434	\$16,503.16	\$2,823.27	\$13,679.89	\$692,137.69	\$95.42
435	\$16,503.16	\$2,768.55	\$13,734.61	\$678,403.07	\$95.42
436	\$16,503.16	\$2,713.61	\$13,789.55	\$664,613.52	\$95.42
437	\$16,503.16	\$2,658.45	\$13,844.71	\$650,768.82	\$95.42
438	\$16,503.16	\$2,603.08	\$13,900.09	\$636,868.73	\$95.42
439	\$16,503.16	\$2,547.47	\$13,955.69	\$622,913.04	\$95.42
440	\$16,503.16	\$2,491.65	\$14,011.51	\$608,901.53	\$95.42
441	\$16,503.16	\$2,435.61	\$14,067.56	\$594,833.97	\$95.42
442	\$16,503.16	\$2,379.34	\$14,123.83	\$580,710.15	\$95.42
443	\$16,503.16	\$2,322.84	\$14,180.32	\$566,529.83	\$95.42
444	\$16,503.16	\$2,266.12	\$14,237.04	\$552,292.78	\$95.42
445	\$16,503.16	\$2,209.17	\$14,293.99	\$537,998.79	\$57.92
446	\$16,503.16	\$2,152.00	\$14,351.17	\$523,647.62	\$57.92
447	\$16,503.16	\$2,094.59	\$14,408.57	\$509,239.05	\$57.92
448	\$16,503.16	\$2,036.96	\$14,466.21	\$494,772.85	\$57.92
449	\$16,503.16	\$1,979.09	\$14,524.07	\$480,248.78	\$57.92
450	\$16,503.16	\$1,921.00	\$14,582.17	\$465,666.61	\$57.92
451	\$16,503.16	\$1,862.67	\$14,640.50	\$451,026.11	\$57.92
452	\$16,503.16	\$1,804.10	\$14,699.06	\$436,327.05	\$57.92
453	\$16,503.16	\$1,745.31	\$14,757.85	\$421,569.20	\$57.92
454	\$16,503.16	\$1,686.28	\$14,816.89	\$406,752.32	\$57.92
455	\$16,503.16	\$1,627.01	\$14,876.15	\$391,876.16	\$57.92
456	\$16,503.16	\$1,567.50	\$14,935.66	\$376,940.50	\$57.92
457	\$16,503.16	\$1,507.76	\$14,995.40	\$361,945.10	\$18.59
458	\$16,503.16	\$1,447.78	\$15,055.38	\$346,889.72	\$18.59
459	\$16,503.16	\$1,387.56	\$15,115.60	\$331,774.12	\$18.59
460	\$16,503.16	\$1,327.10	\$15,176.07	\$316,598.05	\$18.59
461	\$16,503.16	\$1,266.39	\$15,236.77	\$301,361.28	\$18.59
462	\$16,503.16	\$1,205.45	\$15,297.72	\$286,063.57	\$18.59
463	\$16,503.16	\$1,144.25	\$15,358.91	\$270,704.66	\$18.59
464	\$16,503.16	\$1,082.82	\$15,420.34	\$255,284.31	\$18.59
465	\$16,503.16	\$1,021.14	\$15,482.03	\$239,802.29	\$18.59
466	\$16,503.16	\$959.21	\$15,543.95	\$224,258.34	\$18.59
467	\$16,503.16	\$897.03	\$15,606.13	\$208,652.21	\$18.59
468	\$16,503.16	\$834.61	\$15,668.55	\$192,983.65	\$18.59
469	\$16,503.16	\$771.93	\$15,731.23	\$177,252.42	\$0.00
470	\$16,503.16	\$709.01	\$15,794.15	\$161,458.27	\$0.00
471	\$16,503.16	\$645.83	\$15,857.33	\$145,600.94	\$0.00
472	\$16,503.16	\$582.40	\$15,920.76	\$129,680.18	\$0.00
473	\$16,503.16	\$518.72	\$15,984.44	\$113,695.74	\$0.00

Bamboo Estate Apartments

Loan Amount	\$3,518,600
Term (Months)	480
Interest Rate	4.80%
MIP Rate	0.25%
First Payment Date	4/1/2021
Monthly P&I	\$16,503.16 (not MIP)

Payment No.	Total Payment (not MIP)	Interest	Principal	Balance	MIP
474	\$16,503.16	\$454.78	\$16,048.38	\$97,647.36	\$0.00
475	\$16,503.16	\$390.59	\$16,112.57	\$81,534.79	\$0.00
476	\$16,503.16	\$326.14	\$16,177.02	\$65,357.77	\$0.00
477	\$16,503.16	\$261.43	\$16,241.73	\$49,116.04	\$0.00
478	\$16,503.16	\$196.46	\$16,306.70	\$32,809.34	\$0.00
479	\$16,503.16	\$131.24	\$16,371.93	\$16,437.41	\$0.00
480	\$16,503.16	\$65.75	\$16,437.41	\$0.00	\$0.00



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2019 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Appeal Election Form: 19223, Bamboo Estates Apartments

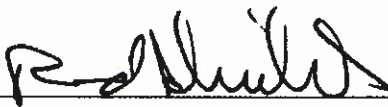
Note: If you do not wish to appeal this notice, do not submit this form.

I am in receipt of my 2019 scoring notice and am filing a formal appeal to the Executive Director on or before Wednesday, April 3, 2019.

If my appeal is denied by the Executive Director:

I do wish to appeal to the Board of Directors and request that my application be added to the Department Board of Directors meeting agenda. My appeal documentation, which identifies my specific grounds for appeal, is attached. If no additional documentation is submitted, the appeal documentation to the Executive Director will be utilized.

I do not wish to appeal to the Board of Directors.

Signed 
Title MANAGER
Date 3-29-2019

Please email to Sharon Gamble:
<mailto:sharon.gamble@tdhca.state.tx.us>

7e

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
APRIL 25, 2019

Presentation, discussion, and possible action on a waiver relating to 10 TAC §11.2, related to Program Calendar for Housing Tax Credits for 19098 Pinewood Crossing Apartments

RECOMMENDED ACTION

WHEREAS, pursuant to 10 TAC §11.2 of the 2019 Qualified Allocation Plan (QAP), March 1, 2019 was the Full Application Delivery Date;

WHEREAS, the Department was contacted by the Applicant for Pinewood Crossing Apartments on the Full Application Delivery Date about the inability to upload the complete Application;

WHEREAS, on March 4, 2019, the Applicant successfully uploaded their Application for Pinewood Crossing Apartments;

WHEREAS, on March 6, 2019, the Department's Information Systems staff discovered that a network security appliance (through which network traffic passed before reaching the Serv-U file transfer server) was preventing very large files (files over 100 MB) from uploading to the Department's server successfully;

WHEREAS, the Applicant did nothing contrary to the rules or application instructions (which contain no size limitation), but encountered a size limitation on the Department's system that made it so their otherwise permissible application file was rendered impossible to upload on the day of the deadline;

WHEREAS, the Full Application Delivery deadline at issue is a non-statutory deadline, and, thus, within the Board's authority to waive to an extent limited by rule; and

WHEREAS, Staff recommends that in this very limited circumstance, where the Department has found that its network is at fault for the late submission, the Applicant be granted a waiver of 10 TAC §11.2 of the 2019 QAP concerning Program Calendar for Housing Tax Credits and the deadline for accepting the Application of 19098, Pinewood Crossing Apartments, be extended to March 4, 2019.

NOW, therefore, it is hereby

RESOLVED, that the waiver relating to the March 1, 2019, Full Application Delivery deadline in 10 TAC §11.2 of the 2019 QAP concerning Program Calendar for Housing Tax Credit, is hereby granted; and

FURTHER RESOLVED, that for 19098 Pinewood Crossing Apartments, the effective Full Application Delivery deadline is March 4, 2019, the date on which Full Application Delivery was accomplished.

BACKGROUND

The issue of very large files not uploading successfully was reported to TDHCA through an e-mail from the Applicant on the date of the Full Application Delivery Deadline of Friday, March 1. At least two other applicants also reported receiving a Serv-U error message regarding the inability to upload large files to TDHCA Multifamily staff earlier in the day on March 1, but those applicants reported that their file uploads were able to be completed after they reduced their file size by segmenting larger files into a series of smaller ones for uploading. Some of these files were in the 35 MB to 70 MB range, but none of them were larger than 70 MB.

On Monday, March 4, after being made aware of unsuccessful file upload attempts, TDHCA's Information Systems staff researched the issue and discovered that a network security appliance (through which network traffic passed before reaching the Serv-U file transfer server) was preventing very large files (files over 100 MB) from uploading successfully.

In TDHCA test uploads of files over 100 MB, Serv-U displayed error messages and the file uploads would not occur. In these tests Serv-U also displayed error messages for files under 100 MB, but the file uploads would complete in these cases. It is noted that the generic Serv-U error messages point to web browser limitations as the possible cause of file upload problems, but the type of web browser being used to upload files to TDHCA did not factor into this file upload issue.

On the afternoon of March 6, 2019, after completing troubleshooting steps, TDHCA disabled an application firewall feature of the network security appliance, which was the cause of the problem. TDHCA then re-tested uploading both smaller files and files over 100 MB. All test file uploads were successful, and the error messages no longer appeared during uploads. TDHCA could not determine the date/time that the network security appliance began preventing uploads of very large files, but the first reports of file upload problems were on March 1.

10 TAC §11.201(1)(B) states that “. . . deadlines are fixed and firm with respect to both date and time and cannot be waived except where authorized and for truly extraordinary circumstances, such as the occurrence of a significant natural disaster that makes timely adherence impossible.” Continuing in the next subsection, “. . . Where there are instances of computer problems, mystery glitches, etc. that prevent the Application from being received by the Department prior to the deadline, the Application may be terminated.”

The Full Application Delivery deadline at issue is a non-statutory deadline, and, thus, within the Board's authority to waive to an extent limited by rule. See 10 TAC §11.2(a); §11.207. These

rules contemplate the due diligence and applicant responsibilities outlined in 10 TAC §11.1, and direct an applicant to follow the rules and guidance of the Department and to perform their duties under the rules to timely submit an application. However, but for the description of a waiver in 10 TAC §11.201(1)(B), the rules do not address when extraordinary circumstances beyond an Applicant's control makes timely adherence to the rules and Departmental instructions impossible on the actual date of the deadline. The Applicant did nothing contrary to the rules or application instructions (which contain no size limitation), but encountered a size limitation on the Department's end that made it so their otherwise permissible application file was rendered impossible to upload on the day of the deadline.

Having been notified of the problem by the Applicant on the date of the deadline, and subsequently having confirmed that the size limitation was an issue outside of the control of the Applicant, staff recommends to the Board that the Application Delivery deadline for this Applicant be extended to March 4, 2019, and that the files uploaded on that date by the Applicant be accepted as part of a timely-filed application.

This recommendation should expressly not be taken to be precedential, or meaning that any time (to quote from 10 TAC §11.201(1)(C)) "where there are instances of computer problems, mystery glitches, etc. that prevent the Application from being received by the Department prior to the deadline," that a limited waiver of the deadline would be recommended. To the contrary, the fact that the file size limitation was not addressed by rule or instruction and was determined to be exclusively within the purview of the Department, combined with the fact that the Applicant here notified the Department of the issue on the date of the deadline, and was able to upload the files by the next business day, are among the determining factors that contributed to this recommendation that situation was not preventable or foreseeable by the Applicant.

19098
Pinewood Crossing

Notification of Application
Status



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Greg Abbott
GOVERNOR

BOARD MEMBERS

J.B. Goodwin, *Chair*
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Asusena Reséndiz, Member
Sharon Thomason, Member
Leo Vasquez, Member

March 21, 2019

Writer's direct dial: 512/475-1676
Email: marni.holloway@tdhca.state.tx.us

Vaughn C. Zimmerman
1329 E Lark Street
Springfield, MO 65804

RE: STATUS OF 2019 COMPETITIVE HOUSING TAX CREDIT APPLICATIONS 19098 PINWOOD CROSSING APARTMENTS

Dear Mr. Zimmerman:

Pursuant to 10 TAC §11.1(f) and 11.2(a) of the 2019 Qualified Allocation Plan (QAP), the 2019 Competitive Housing Tax Credit Application Acceptance Period ended on March 1, 2019, at 5:00 p.m., Austin local time. As of that date and time, the Texas Department of Housing and Community Affairs (the Department) was in receipt of a number of documents related to the application indicated above, but the PDF copy of the Application required by 10 TAC §11.201(1)(C), was not received by the specified deadline. Although the Application was completed on March 4, 2019, pursuant to statute, Tex. Gov't Code §2306.6708, an applicant cannot supplement an application in any manner after the filing deadline except at the request of the Department as a clarification of an administrative deficiency, and per 10 TAC §11.202(2)(B), this Application is now considered ineligible for award, subject to your ability to appeal as described, below.

An appeal process exists for the Housing Tax Credit Program. The restrictions and requirements related to the filing of an appeal can be found in 10 TAC §11.902 of the 2019 QAP. Should you choose to appeal this decision to the Executive Director, you must file your appeal, in writing, with the Department not later than seven (7) calendar days after the date of this letter. If you are not satisfied with the decision of the Executive Director or if the Executive Director does not respond, you may file a further appeal with the Board of Directors of the Texas Department of Housing and Community Affairs. Please review §11.902 of the 2019 QAP for full instructions on the appeals process.



March 21, 2019

Page 2

If you have any questions or concerns, please contact me at 512-475-1676 or by email at marni.holloway@tdhca.state.tx.us.

Sincerely,



Marni Holloway

Director of Multifamily Finance

19098
Applicant Appeal



600 Congress, Suite 2200
Austin, TX 78701
Telephone: 512-305-4700
Fax: 512-305-4800
www.lockelord.com

Neal J. Rackleff
Direct Telephone: 512-305-4764
Direct Fax: 512-391-4767
neal.rackleff@lockelord.com

March 28, 2019

Via Electronic Mail

Mr. David Cervantes, Executive Director
Texas Department of Housing and Community Affairs
221 West 11th Street
Austin, Texas 78701

Re: 19098 Pinewood Crossing Apartments (the "**Development**")

Dear Mr. Cervantes:

We represent VCZ Development, LLC ("**Developer**") and Pinewood Crossing Apartments, LP ("**Applicant**"), which has applied for housing tax credits for the Development referenced above. This letter responds to the notice issued March 21, 2019 in which the application ("**Application**") was "considered ineligible for award" under the 2019 Qualified Allocation Plan ("**QAP**").

The Application was deemed ineligible because one piece of it (the "**Delayed Piece**") was received by TDHCA after the 5:00 p.m. March 1, 2019 application deadline. However, a problem with the *TDHCA's IT system* ("**TDHCA Upload System Failure**") made it impossible for TDHCA to receive Applicant's submission of the Delayed Piece on the day submissions were due.

TDHCA Upload System Failure Discovered After Deadline

TDHCA staff confirmed that--unbeknownst to anyone at TDHCA at the time--a recent TDHCA IT system software upgrade blocked the TDHCA's system from receiving any application file uploads larger than 100 Megabytes ("**MB**") on the very day the applications were due (see **Exhibit "A" email confirmation from Mr. Curtis Howe, TDHCA Director of IT Systems, for description of the Upload System Failure**). Staff was unaware of this system failure until March 4th—the Monday following the submission deadline. As a result, even though TDHCA rules and guidelines impose no size limitation for files submitted as parts of a tax credit application, it was impossible for the TDHCA system to receive the Delayed Piece—not because Applicant failed to submit it before the deadline, but simply because the Delayed Piece was larger than 100 MBs and therefore arbitrarily rejected by the TDHCA application upload system.

Applicant Submitted the Entire Application Before the Deadline

Applicant submitted each part of the Application numerous times, over the course of several hours, before the 5:00 p.m. deadline. Section 11.201(C) of the QAP requires that

The applicant must timely upload a PDF copy and Excel copy of the complete Application to the Department's secure web transfer server. . . . Additional files required for Application submission (e.g., Third Party Reports) outside the Uniform Application must also be uploaded to the secure web transfer server. It is the responsibility of the Applicant to confirm the upload to the Department's secure web transfer server was successful and to do so in advance of the deadline. Where there are instances of computer problems, mystery glitches, etc. that prevent the Application from being received by the Department prior to the deadline the Application **MAY** [emphasis added] be terminated.

It is understandable for an application to be terminated if the applicant's own computer problems prevent an applicant from submitting the required pieces of the application before the deadline. However, in this instance, Applicant had no computer problems or glitches with its system—rather the TDHCA system had “computer problems” that were the result of a “mystery glitch” that TDHCA didn't discover until the Monday after the Friday deadline. It is completely unjust and out of harmony with the application submission requirements in the QAP for an application to be deemed ineligible or terminated when the Applicant did everything in its power to submit the application well ahead of the deadline.

For over 15 years, the principal of the Developer has submitted numerous applications on time, except one application in which Developer accidentally omitted a part. That application was appropriately terminated and Developer made no objection.

In this situation, the Developer began submitting several applications hours before the deadline on March 1st. To Applicant's dismay, the TDHCA Upload System failed to accept many of the files. The Developer has been submitting applications electronically through the TDHCA Upload System since the system's inception—in all those years it never experienced any problem uploading documents due to size limitations or any other reason.

This system failure initiated several hours of panic and frustration to accomplish uploads that normally take a few minutes. Applicant called TDHCA staff and explained the problem. However, staff instructed them to “keep trying” to get the TDHCA system to accept its submissions. Because staff was unaware of the TDHCA Upload System Failure at that time, they were unable to assist Applicant in resolving the problems.

Developer resorted to having several staff members upload its several applications using numerous different computers. When the TDHCA system still failed to receive the uploads, Applicant began breaking into smaller pieces and “optimizing” the files to reduce

their size because it became apparent that only the larger files were not being received by the TDHCA system. Using this method, Developer was able to submit, and TDHCA received, all the parts of each application, except for the Delayed Piece of the Pinewood Application.

Staff correctly points out that the QAP requires each applicant to submit each piece of the application before the submission deadline—and Applicant did so. The Delayed Piece was the PDF copy of the Application. Each other piece, including the Excel copy of the Application and each supporting document were all received by TDHCA before the deadline.

Applicant submitted the Delayed Piece several times but each time the TDHCA Upload System failed to fully receive it. Several times when Applicant uploaded the Delayed Piece it was 80% received by the TDHCA Upload System, but then stalled and the system failed to fully receive it. Finally, minutes before the 5:00 p.m. deadline, the TDHCA Upload System accepted 90% of the Delayed Piece—but then inexplicably locked the Applicant out of the system.

Applicant complied with the QAP—it submitted the Delayed Piece not just once before the deadline, but multiple times—the extraordinary problem was that the TDHCA Upload System failed to receive Applicant's submission.

QAP Permits Waiver of Deadline in Extraordinary Circumstances

Section 11.201(1)(B) of the QAP (“**Deadline Waiver Rule**”) states, with respect to the submission deadline, that

both ***date and time cannot be waived except where authorized and for truly extraordinary circumstances***, [emphasis added] such as the occurrence of a significant natural disaster that ***makes timely adherence impossible*** [emphasis added]. If an Applicant chooses to submit by delivering an item physically to the Department, it is the Applicant's responsibility to be within the Department's doors by the appointed deadline.

It is crystal clear that Applicant's failure to timely submit by the deadline may be waived due to circumstances beyond Applicant's control that make it impossible to adhere to the deadline. It is equally clear that the submission requirement is focused on motivating applicants not to miss the deadline due to the Applicant's mistake. **The rule presupposes that the Department will be open for business and not shut down early on the submission due date.**

The example provided in the rule is instructive. If an applicant “chooses to submit by delivering an item physically to the Department” then the applicant must “be within the Department's doors” by the 5:00 p.m. deadline.

If an applicant physically carried its application to the Department and attempted to enter the Department door to deliver the application, hours before the 5:00 p.m.

deadline, only to find the Department door locked—what would be the result? Should an applicant be disqualified because the Department inadvertently made it impossible to deliver the application?

Analogously, in this case Applicant virtually carried its Application to the Department, only to find the door closed and locked. The Applicant then called and emailed staff reporting they couldn't get in the door. Staff instructed Applicant to "keep trying" to open it—not recognizing the door was locked. Applicant continued to push on the door for hours, then managed to crack the door open just enough to shove all but one of the pieces through the crack. Finally, while working feverishly to submit the last piece, the crack was slammed shut at approximately 4:59 p.m.--making it impossible for TDHCA to receive it.

That is precisely what happened here—staff had no way of knowing the door was locked and acted in good faith to receive the Application. But the TDHCA Upload System Failure made it impossible to receive the Delayed Piece. As soon as Applicant learned that the door to the upload system had inadvertently been locked it resubmitted the Delayed Piece which was finally received by the Department, the next business day after the deadline. This is precisely the kind of "extraordinary circumstance" making it impossible to submit an application that the Deadline Waiver Rule is intended to remedy.

Conclusion and Request for Approval on Appeal of Termination

We are grateful for the diligent efforts made by TDHCA staff to ascertain the source of the TDHCA Upload System Failure. They were both transparent and considerate in helping us uncover the problem. Clearly, Applicant should not be penalized for repeatedly submitting the Delayed Piece for hours before the deadline—only to have such efforts blocked by a TDHCA Upload System Failure unknown and unintended by staff. Once Applicant and Staff realized the problem was an inadvertent block of files greater than 100 MBs, Applicant immediately resubmitted the Delayed Piece which was finally received by TDHCA.

The QAP provides a simple mechanism for relief. We respectfully request that a waiver be given to Applicant for receipt of the Delayed Piece by TDHCA after the deadline. Alternatively, if TDHCA chose to treat this as a simple administrative deficiency which staff requested to be remedied through the Monday submission of the Delayed Piece, that would be an even simpler solution.

If the Executive Director decides not to grant the requested relief, then we respectfully ask that this appeal be presented to the TDHCA board as soon as possible.

Mr. David Cervantes
March 28, 2019
Page 5

Thank you very much for your consideration,

Respectfully,

Neal J. Rackleff

Neal J. Rackleff

cc: Jamie McDonald
Melissa Forster
Jeff Beckler
Cynthia Bast

Exhibit A

TDHCA Upload System Failure Blocked Application File Uploads on Due Date

From: Sharon Gamble <sharon.gamble@tdhca.state.tx.us>
Sent: Wednesday, March 27, 2019 4:55 PM
To: Rackleff, Neal <Neal.Rackleff@lockelord.com>
Cc: Marni Holloway <marni.holloway@tdhca.state.tx.us>; Beau Eccles <beau.eccles@tdhca.state.tx.us>; Curtis Howe <curtis.howe@tdhca.state.tx.us>
Subject: FW: Application #19098, Pinewood Crossings

Neal:

Please find below information from our Information Systems Division responsive to your request.

Regards,

Sharon D. Gamble MSW, PMP
Competitive Housing Tax Credit Program Administrator
Texas Department of Housing and Community Affairs
(512) 936-7834

Any person receiving guidance from TDHCA staff should be mindful that, as set forth in 10 TAC Section 11.1(b) there are important limitations and caveats (Also see 10 TAC §10.2(a)).

About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit www.tdhca.state.tx.us

From: Curtis Howe <curtis.howe@tdhca.state.tx.us>
Sent: Wednesday, March 27, 2019 4:29 PM
To: Sharon Gamble <sharon.gamble@tdhca.state.tx.us>
Cc: Beau Eccles <beau.eccles@tdhca.state.tx.us>; Marni Holloway <marni.holloway@tdhca.state.tx.us>
Subject: RE: Application #19098, Pinewood Crossings

Sharon,

As discussed, I'm sending information in response to Mr. Rackleff's request, so that you can forward it on to him.

From Mr. Rackleff's email: "Based on discussions I've had with Lora, I understand that there was, unbeknownst to anyone, an upload limitation in the upload system that did not allow files over 100 MBs to upload on the date applications were due.

Will you please provide for me some kind of documentation or acknowledgement of that fact?"

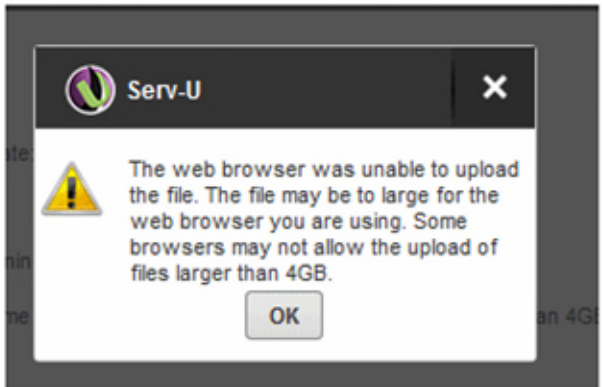
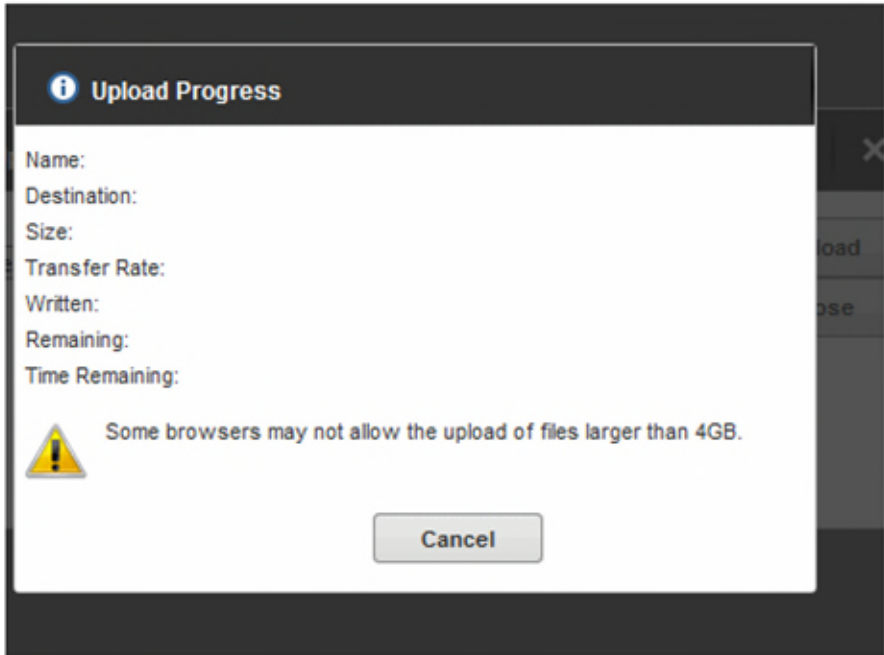
The issue with very large files not uploading successfully was reported to TDHCA through Mr. McDonald's March 1, 5:01 p.m. email and then by Ms. Myrick on March 4. At least two applicants also reported the Serv-U error message shown in the second screenshot below to TDHCA Multifamily staff earlier in the day on March 1, but those applicants reported that their file uploads completed. Some of their files were in the 35 MB to 70 MB range, but none of them were larger than 70 MB.

After becoming aware of unsuccessful file upload attempts, TDHCA's IT staff researched the issue and discovered that a network security appliance (through which network traffic passed before reaching the Serv-U file transfer server) was preventing very large files (files over 100 MB) from uploading successfully.

In our test uploads of files over 100 MB, Serv-U displayed the two error messages shown below and the file uploads would not occur. In our tests Serv-U also displayed these error messages for files under 100 MB, but the file uploads would complete in these cases. Please note that the generic Serv-U error messages point to web browser limitations as the possible cause of file upload problems, but the type of web browser being used to upload files to TDHCA did not factor into this file upload issue.

On the afternoon of March 6, after completing troubleshooting steps, we disabled an application firewall feature of the network security appliance, which was the cause of the problem. Then we tested uploading both smaller files and files over 100 MB. All test file uploads were successful, and the error messages shown below no longer appeared during uploads.

We do not know the date/time that the network security appliance began preventing uploads of very large files, but I am not aware of any reports of file upload problems prior to March 1.



Thank you, and please let me know if you have any questions.

Curtis

Curtis Howe

Director of Information Systems
Texas Department of Housing and Community Affairs
221 E. 11th Street | Austin, TX 78701
Office: 512.475.1740
Mobile: 512.586.8207

About TDHCA

The Texas Department of Housing and Community Affairs is committed to expanding fair housing choice and opportunities for Texans through the administration and funding of affordable housing and homeownership opportunities, weatherization, and community-based services with the help of for-profits,

nonprofits, and local governments. For more information about fair housing, funding opportunities, or services in your area, please visit www.tdhca.state.tx.us or the [Learn about Fair Housing in Texas](#) page.

19098
Appeal Response



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Greg Abbott
GOVERNOR

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April 10, 2019

Writer's direct dial: 512.475.3875
Email: david.cervantes@tdhca.state.tx.us

Mr. Neal J. Rackleff
Locke Lord, LLP
600 Congress, Ste. 2200
Austin, Texas 78701

RE: APPEAL OF TERMINATION - 2019 COMPETITIVE HOUSING TAX CREDIT APPLICATION 19098 PINWOOD CROSSING APARTMENTS

Dear Mr. Rackleff:

The Texas Department of Housing and Community Affairs (the Department) is in receipt of your appeal, dated March 28, 2019, regarding the application submission indicated above. The Application PDF document was not uploaded to the Department's server by 5:00 p.m. on March 1, 2019, the Full Application Delivery Date. Accordingly, the Application was recommended for termination subject to your ability to appeal.

The issue of very large files not uploading successfully was reported to TDHCA through an e-mail from the Applicant at the deadline for application on the Full Application Delivery Deadline of March 1st. At least two other applicants also reported receiving a Serv-U error message regarding the inability to upload large files to TDHCA Multifamily staff earlier in the day on March 1, but those applicants reported that their file uploads completed after reducing their file size by segmenting larger files into a series of smaller ones for uploading. On Monday, March 4th, after being made aware of unsuccessful file upload attempts, TDHCA's IT staff researched the issue and discovered that a network security appliance (through which network traffic passed before reaching the Serv-U file transfer server) was preventing very large files (files over 100 MB) from uploading successfully.

But for the description of waiver in 10 TAC §201(1)(B), the rules do not address what an applicant is to do when extraordinary circumstances beyond their control makes timely adherence to the rules and Departmental instructions impossible on the actual date of the deadline. Here, the Applicant did nothing contrary to the rules or application instructions (which contain no size limitation), but



encountered a size limitation on the Department's end that made it so their otherwise permissible application file was rendered impossible to upload on the day of the deadline.

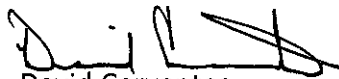
10 TAC §201(1)(B) states that “. . . deadlines are fixed and firm with respect to both date and time and cannot be waived except where authorized and for truly extraordinary circumstances, such as the occurrence of a significant natural disaster that makes timely adherence impossible.” Continuing in the next subsection, “. . . Where there are instances of computer problems, mystery glitches, etc. that prevent the Application from being received by the Department prior to the deadline, the Application may be terminated.” The Full Application Delivery deadline at issue is a non-statutory deadline, and, thus, within the Board's authority to waive to an extent limited by rule.

Having been notified of the problem by the Applicant on the date of the deadline, and subsequently having confirmed that the size limitation was an issue outside of the control of the Applicant, staff will present this issue to the Department's executive Board, at its meeting on April 25, 2019, with a recommendation to the Board that the Application Delivery deadline for the Applicant be extended to March 4th, and that the files uploaded on that date by the Applicant be accepted as part of a timely-filed application.

This recommendation should expressly not be taken to be precedential, or meaning that any time (to quote from 10 TAC §201(1)(C)) “where there are instances of computer problems, mystery glitches, etc. that prevent the Application from being received by the Department prior to the deadline,” that a limited waiver/extension of the deadline would be recommended. Further, the Appeal claims a number of facts that have not been confirmed and should not be assumed in this recommendation.

Should you have any questions, please contact Sharon Gamble, Competitive Tax Credit Program Administrator, at sharon.gamble@tdhca.state.tx.us or by phone at 512-936-7834.

Sincerely,



David Cervantes
Acting Executive Director

7f

**TO BE POSTED
NOT LATER THAN
THE THIRD DAY
BEFORE THE
DATE OF THE
MEETING**

8

BOARD ACTION REQUEST

EXECUTIVE

APRIL 25, 2019

Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC §1.24, Protected Health Information; and an order proposing new 10 TAC §1.24, Information Security and Privacy Requirements; and directing their publication for public comment in the Texas Register

RECOMMENDED ACTION

WHEREAS, pursuant to Tex. Gov't Code §2306.053 the Texas Department of Housing and Community Affairs (the Department) is authorized to adopt rules governing the administration of the Department and its programs;

WHEREAS, various state and federal laws require the Department to provide for the security and privacy of information provided to the Department by individuals;

WHEREAS, pursuant to Tex. Gov't Code §2001.039 state agencies are required to review a rule every four years to assess whether the reasons for initially adopting the rule continue to exist and based on the assessment of the rule determine if the rule should be readopted as is, readopted with amendments, or repealed;

WHEREAS 10 TAC §1.24, Protected Health Information, warrants expansion beyond only protected health information to other non-health protected information, and requires a more detailed definition of the duties and responsibilities of contractors who handle that protected information on behalf of the Department;

WHEREAS 10 TAC §1.24, as proposed, will be newly titled: "Information Security and Privacy Requirements," and will address all types of protected information that the Department encounters, and set forth specific requirements of contractors for the protection of such information; and

WHEREAS, staff recommends that the proposed actions on this rule be published in the Texas Register for public comment to be received from May 10, 2019, to June 10, 2019;

NOW, therefore, it is hereby

RESOLVED, that the Acting Director and his designees, be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department to cause the proposed repeal of 10 TAC §1.24, Protected Health Information, and proposed new 10 TAC §1.24, Information Security and Privacy Requirements, in the form presented to this meeting, to be published in the Texas Register and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing, including the preparation of the subchapter specific preambles.

BACKGROUND

Tex. Gov't Code §2306.053, authorizes the Department to adopt rules governing the administration of the Department and its programs. TDHCA collects and/or generates a variety of personal information that is subject to the protections of almost a dozen state and federal statutes and regulations. Therefore, protecting the security and privacy of personal information is a priority of the Department. The rule, as proposed, sets forth the technical and administrative requirements for information security and privacy that the Department will require of all of its contractors dealing with protected information.

Currently the Department's rule regarding this issue is limited to Protected Health Information. Other requirements are relayed via contractual agreements. Staff has determined that a more comprehensive approach to information security and privacy is needed in rule. This proposed rule has been thoroughly reviewed by the Department's Information Systems and Legal staff.

Upon approval, the proposed rule will be published in the Texas Register for public comment. Comment will be accepted from May 10, 2019, to June 10, 2019. A final rule will be returned to the Board for adoption.

The rule attached is shown in black-line form from the current version of the rule.

Attachment 1: Preamble, including required analysis, for proposed repeal of 10 TAC §1.24, Protected Health Information

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC §1.24, Protected Health Information. The purpose of the proposed repeal is to eliminate an outdated rule while adopting a new updated rule under separate action.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

1. David Cervantes, Acting Director, has determined that, for the first five years the proposed repeal would be in effect, the proposed repeal does not create or eliminate a government program, but relates to the repeal, and simultaneous adoption making changes to the rule governing the security of personal information.

2. The proposed repeal does not require a change in work that would require the creation of new employee positions, nor would the repeal reduce work load to a degree that any existing employee positions are eliminated.

3. The proposed repeal does not require additional future legislative appropriations.

4. The proposed repeal does not result in an increase in fees paid to the Department nor in a decrease in fees paid to the Department.

5. The proposed repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.

6. The proposed repeal will repeal an existing regulation, but is associated with the simultaneous readoption making changes to the existing rule for the security of personal information.

7. The proposed repeal will not increase nor decrease the number of individuals subject to the rule's applicability.

8. The proposed repeal will not negatively affect this state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated this proposed repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The proposed repeal does not contemplate nor authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the proposed repeal as to its possible effects on local economies and has determined that for the first five years the proposed repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that, for each year of the first five years the proposed repeal is in effect, the public benefit anticipated as a result of the repealed sections would be elimination of an outdated rule while proposing a new updated rule under separate action. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the proposed repeal is in effect, enforcing or administering the repealed sections does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed repeal. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, June 10, 2019.

STATUTORY AUTHORITY. The proposed repeal is made pursuant to Tex. Gov't Code, §2306.053, which authorizes the Department to adopt rules. Except as described herein the proposed amended sections affect no other code, article, or statute.

§1.24 Protected Health Information

Attachment 2: Preamble, including required analysis, for proposed new 10 TAC §1.24, Information Security and Privacy Requirements

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC §1.24, Information Security and Privacy Requirements. The purpose of the proposed rule is to expand the rule beyond only protected health information to other non-health protected information, and to provide a more detailed definition of the duties and responsibilities of contractors who handle that protected information on behalf of the Department. The proposed rule will be newly titled Information Security and Privacy Requirements, and addresses all types of protected information that the Department encounters, and sets forth specific requirements of contractors for the protection of such information.

Tex. Gov't Code §2001.0045(b) does not apply to the rule being proposed under exception item (6) which provides for an exception when necessary to protect the health, safety, and welfare of the residents of this state. Through protection of private information, the welfare of residents is protected. No costs are associated with this proposed rule.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

David Cervantes, Acting Director, has determined that, for the first five years the proposed rule will be in effect:

1. The new rule does not create or eliminate a government program, but relates to the re-adoption of this rule which makes changes to the rule governing the security of personal information.
2. The new rule does not require a change in work that would require the creation of new employee positions, nor will it reduce work load to a degree that eliminates any existing employee positions.
3. The new rule changes do not require additional future legislative appropriations.
4. The new rule will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The new rule is not creating a new regulation, except that it is replacing a rule being repealed simultaneously to provide for revisions.
6. The rule will not limit, expand, or repeal an existing regulation but merely revises a rule.
7. The new rule does technically increase the number of individuals to whom this rule applies, as several new provisions are being specified; however, those Contractors subject to those provisions of the rule are already required to satisfy the state and federal regulations specified. This rule merely formalizes these requirements in one place, under rule, and provides the specific detail on the agreement required of Contractors reflecting their adherence to the requirements.
8. The new rule will not negatively nor positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

1. The Department has evaluated this rule and determined that none of the adverse affect strategies outlined in Tex. Gov't Code §2006.002(b) are applicable.

2. This rule provides specific detail on the handling by Department Contractors of personal information. Contractors subject to those provisions of the rule are already required to satisfy the state and federal regulations specified. This rule merely formalizes these requirements in one place, under rule; and provides the specific detail on the agreement required of Contractors reflecting their adherence to the requirements. Other than in the case of a small or micro-business that participates as a Contractor in one of these programs, no small or micro-businesses are subject to the rule. If a small or micro-business does participate as a Contractor in a program, the requirements of the rule – already provided for in other state and federal regulations – will not require an onerous burden.

3. The Department has determined that because this rule relates only to a revision to a rule, and the rule changes do not specifically relate to geographic location or business size, there will be no economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new rule does not contemplate nor authorize a taking by the Department, therefore no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the rule as to its possible effects on local economies and has determined that for the first five years the rule will be in effect the new rule has no economic effect on local employment because this rule relates only to requirements of existing and future Department Contractors and echoes state and federal regulations already in effect.

Texas Gov't Code §2001.022(a) states that this "impact statement must describe in detail the probable effect of the rule on employment in each geographic region affected by this rule..." Considering that the rule is applicable to all properties statewide, there are no "probable" effects of the new rule on particular geographic regions.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Cervantes has determined that, for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of the proposed new rule will be a clearer rule for Contractors and improved assurance of the safety and security of personal information. There will be limited economic cost to any individuals required to comply with the proposed new rule because the activities described by the rule are already applicable under other state and federal regulations.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Cervantes also has determined that for each year of the first five years the new sections are in effect, enforcing or administering the new sections does not have any foreseeable implications related to costs or revenues of the state or local governments as the implementation of this rule generates no fees, nor requires any cost.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 10, 2019, to June 10, 2019, to receive input on the proposed new rule. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941 or

brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local time, June 10, 2019.

§1.24, Information Security and Privacy Requirements~~Protected Health Information~~

(a) Purpose.

The purpose of this rule is to provide the mechanism by which the Department will ensure the security and privacy of Protected Information belonging to persons who do business with the Department and those they serve.

(b) Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Affiliate--Shall have the meaning assigned by the specific program or programs described in this title.

(2) Computing Device--Any computer, laptop, server, smart phone, or any other data processing device that is used to connect to the Department's network.

(3) Contractor--A third party, including, but not limited to, outside auditors and legal counsel, funding agencies, Vendors or Subrecipients, including any and of its Representatives that may gain access to Protected Information on account of a contract with the Department.

(4) Criminal History Records Information--For the purposes of Tex. Gov't Code Chapter 411, Subchapter F, information collected about a person by a Criminal Justice Agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. The term does not include:

(A) identification information, including fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system; or

(B) driving record information under Subchapter C, Chapter 521 Transportation Code.

(5) Department--The Texas Department of Housing and Community Affairs.

(6) Financial Statements of a Tax Credit Applicant--For purposes of Tex. Gov't Code §2306.6717(d)(Public Information and Hearings), a formal statement of the financial activities of a Low Income Housing Tax Credit Applicant, submitted to the Department as part of a Low Income Housing Tax Credit Application, including but not limited to, the balance sheet, income statement, cash flow statement or changes in equity.

(7) Information Resources--The procedures, equipment, and software that are employed, designed, built, operated, and maintained to collect, record, process, store, retrieve, display, and transmit information, and associated personnel including consultants and contractors.

(8) Information Security and Privacy Agreement (ISPA)--An agreement between the Department and a Contractor implementing information security and privacy requirements of the Department.

(9) Non-Public Personal Information--For purposes of the Graham-Leach-Bliley Act (15 USC §§6801-6809 and 6821-6827), and implementing regulations, personally identifiable financial information provided to the Department or any of its Contractors, resulting from any transaction with, or any service performed for a client or consumer, or otherwise obtained by the Department or its Contractors, unless the information is otherwise publically available.

(10) Personal Identifying Information--For purposes of TEX. BUS. & COM. CODE Chapter 521 (Unauthorized Use of Identifying Information), and any implementing regulations, information

that alone or in conjunction with other information identifies an individual, including an individual's name, Social Security number, date of birth, or government-issued identification number, mother's maiden name, unique biometric data including fingerprint, voice print, retina or iris image, unique electronic identification number, address, or routing code, and telecommunication access devices as defined by Tex. Penal Code §32.51.

(11) Personal or Business Financial Information--For purposes of Tex. Gov't Code §2306.039 (Open Meetings and Open Records), any personal or business financial information including, but not limited to, Social Security numbers, tax payer identification numbers, or bank account numbers submitted to the Department to receive a loan, grant, or other housing assistance by a housing sponsor, individual or family.

(12) Protected Health Information--For purposes of Tex. Health & Safety Code Chap. 181 (adopting definitions in 45 CFR §160.103), any information that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual, and that identifies the individual, or can be used to identify the individual.

(13) Protected Information--Protected Health Information, Personal Identifying Information, Sensitive Personal Information, Personal or Business Financial Information, Non-Public Personal Information, Financial Statement of a Tax Credit Applicant, WAP Applications and Participation Information, Criminal History Records Information, and Victims of Violence Information.

(14) Representative--Any officer, employee, contractor, subcontractor, member, director, advisor, partner, or agent of Vendor/Subrecipient, or any person serving in such a role, however titled or designated.

(15) Sensitive Personal Information--For purposes of TEX. BUS. & COM. CODE Chapter 521 (Unauthorized Use of Identifying Information), an individual's first name or first initial and last name in combination with any one or more of the following items if the name and items are not encrypted:

(A) Social Security number,

(B) driver's license or government-issued identification number,

(C) account or credit/debit card number in combination with any required security code, access code, or password that would permit access, or

(D) information that identifies or reveals an individual and the physical or mental health or condition of the individual, the provision of health care to the individual, or payment for the provision of health care to the individual.

(E) The term does not include publicly available information that is lawfully made publicly available.

(16) Subrecipient--Includes any entity receiving funds or awards from the Department. An organization with whom the Department contracts, and entrusts to administer federal or state programs or funds, including but not limited to, units of local government, non-profit and for-profit corporations, administrators, community action agencies, collaborative applications, subgrantees, developers, owners, land banks, participating mortgage lenders, and non-profit owner-builder housing providers. This also includes an Affiliate of a Subrecipient.

(17) Vendor--A person or organization that supplies goods or services, properly procured under relevant laws, to the Department.

(18) Victims of Violence Information--Any information submitted to a covered housing provider, including the Department and its Contractors pursuant to 24 CFR §5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking. Also included pursuant to Tex. Gov't Code §552.138 is information regarding the location or physical

layout, an employee, volunteer, former or current client, or the provision of services to a former or current client, a private donor, or a member of a board of directors or board of trustees of a family violence shelter center, victims of trafficking shelter center, or sexual assault program.

(19) WAP Applications and Participation Information--For purposes of Weatherization Program Notice 10-08, U.S. Department of Energy, issued February 1, 2010, regarding the Department of Energy Weatherization Assistance Program (WAP), any specifically identifying information related to an individual's eligibility application for WAP or the individual's participation in WAP, such as name, address, or income information.

(c) Applicability and Implementation.

(1) This rule applies to Contractors as defined in §1.24 (b). This rule is not applicable to third parties that contract with the Department but have no access to Department Protected Information.

(2) Contractors with Department contracts that are active on the effective date of this rule shall have 180 calendar days from the effective date of this rule to enter into an ISPA with the Department. Contractors that execute new Department contracts or contract renewals on or after the effective date of this rule shall enter into an ISPA with the Department no later than the date of contract execution, if an ISPA with the Department is not already in place. The ISPA shall be in a form provided by the Department on its website. A Contractor must download, execute and return the contract according to instructions on the website. A Contractor need only execute one ISPA, even if they participate with the Department in multiple programs or activities.

(3) The ISPA shall be effective with respect to all current and future contracts that Contractor has or will have with the Department for as long as the Contractor has access to Protected Information. Contractors receiving awards or contracts after the effective date of this rule must have an executed ISP Agreement on file with the Department or enter into an ISP Agreement before work can begin on the new award or contract.

(4) Contractor and Department may agree to eliminate or reduce access to, or the generation of, any class of Protected Information related to Contractor's obligations to the Department, provided it does not impair Contractor's ability to fulfill its obligations to the Department.

(5) Contractor shall accept responsibility for all Representatives and ensure the safeguarding of Protected Information in accordance with applicable federal and state laws, and the terms and conditions set forth in the ISPA.

(6) The Department may, in its sole discretion, require Contractor to amend an ISPA in order to conform to state and/or federal law.

(d) ISPA Security Measures

The ISPA shall include, among other requirements:

(1) security measures for devices that connect to the Department network, and

(2) security measures for maintenance of Department information external to the Department network, including, but not limited to:

(A) maintaining an inventory of all information technology (IT) assets;

(B) implementing and maintaining a risk management program;

(C) ensuring information is recoverable in accordance with risk management decisions;

(D) adhering to monitoring techniques for detecting, reporting, and investigating security incidents;

(E) providing IT security training to employees;

(F) conducting criminal background checks on employees with access to department information;

(G) separating development and production environments;

(H) following a software change control process;

(I) maintaining and following an IT security policy that has been approved by the department;
and

(J) implementing other requirements reasonably necessary to ensure the security and privacy of Protected Information in the Contractor's possession or control.

(e) Breach.

In the event of an actual or suspected breach involving Department Private Information stored by the Contractor, Contractor shall promptly notify the Department no later than twenty-four hours after discovery of the incident. The Contractor will coordinate and cooperate fully with the Department in making all breach notifications and taking all actions required by law to effect the required notifications.

(f) Texas Public Information Act.

If Contractor receives a request pursuant to the Texas Public Information Act for Information maintained by Contractor on account of a contract with TDHCA, Contractor shall notify the Department within three calendar days of the receipt of the request by forwarding the request to open.records@tdhca.state.tx.us

(g) Department Review.

Contractor and Representatives shall permit Department to conduct periodic IT general controls audits, Internet security scans, and internal network vulnerability assessments, and contract monitoring audits at reasonable times, and upon reasonable notice. Such reviews may be conducted by the Department, the Texas State Auditor's Office, the Texas Department of Information Resources, an applicable federal oversight agency, or any third parties under contract with one of these agencies.