

Pursuant to §49.17(b)(4)(B), all timely filed appeals are being heard by the Board. The deadline for appeals regarding the scoring notices was May 20, 2005 at 5:00 p.m. All appeals timely filed were placed on this separate agenda addendum. It should be noted, however, that to facilitate Board consideration a binder will be provided to each Board member at the Board meeting that incorporates all appeals (from the original appeal and the addendum) in order by topic.

MULTIFAMILY FINANCE PRODUCTION DIVISION

BOARD ACTION REQUEST

May 26, 2005

Action Item

Appeal termination of one 2005 Housing Tax Credit (HTC) Application.

Requested Action

Issue a determination on the appeal.

Background and Recommendations

I. Zion Village, Ltd, #05105

This Applicant was originally sent a notice on May 18, 2005, notifying the applicant that their application was being terminated for failure to submit an Appraisal to the Department by April 1, 2005. An appraisal was required because it was determined in the staff review that documentation in the application and deficiency response identifies that the seller is affiliated with the applicant.

Section 49.9(f)(12) of the 2005 Qualified Allocation Plan (QAP) requires all Applicants, "affiliated with the seller" to provide all of the documentation provided in items (A) through (C),

(A) an appraisal, not more than 6 months old as of the first day of the Application Acceptance Period, which complies with the Uniform Standards of Professional Appraisal Practice and §1.34 of this title...

(B) a current valuation report from the county tax appraisal district;

(C) clear identification of the selling Persons, and any owner of the property within the last 36 months prior to the first day of the Application Acceptance Period, and details of any relationship between said selling Persons and owners and the Applicant, Developer, Property Manager, General Contractor, Qualified Market Analyst, or any other professional or other consultant performing services with respect to the Development. Only in the event that such relationship exists, the following documents must be provided:

(i) documentation of the original acquisition cost, such as a settlement statement;

(ii) any other verifiable costs of owning, holding, or improving the property that when added to the value from clause (i) of this subparagraph justifies the Applicant's proposed acquisition amount:

(I) for land-only transactions, documentation of owning, holding or improving costs since the original acquisition date may include property taxes, interest expense, a calculated return on equity at a rate consistent with the historical returns of similar risks, the cost of any physical improvements made to the property, the cost of rezoning, replatting or

developing the property, or any costs to provide or improve access to the property;

On April 29, 2005 the Department issued a deficiency notice to the applicant stating, "Provide documentation of the original acquisition cost of all properties in the form of a settlement statement. If you are requesting the land value to be an amount greater than the original acquisition cost, then you must provide evidence that an appraisal was submitted by April 1, 2005. Additionally, provide evidence of other verifiable costs of owning, holding or improving the property that when added to the value from the settlement statement justifies the acquisition amount."

The applicant did not provide evidence that the applicant was not requesting the land value to be an amount greater than the original acquisition cost. Therefore, items (A) through (C) above, were required. The appraisal was submitted in the deficiency response on May 12, 2005 which was well after the April 1, 2005 deadline.

Relevant documentation related to this appeal is provided behind the Board Action Request.

Applicant:	Zion Village, Ltd
Site Location:	2214 Tierwester & 3154 Gray Street
City/County:	Houston / Harris County
Regional Allocation Category:	Urban/Exurban
Set-Aside:	None
Population Served:	Elderly/Transitional
Region:	6
Type of Development:	New Construction
Units:	54
Credits Requested:	\$570,200

Staff Recommendation: The Executive Director denied the original appeal. Staff is recommending that the Board also deny the appeal of the termination.

Board Appeal

FIP Fax Series 900
Plain Paper Fax/Copier

Fax History Report for
Greater Zion
7136597733
May 19 2005 2:28pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
May 19	2:22pm	Sent	15124773096	5:13	10	OK

Result:

OK - black and white fax

3202 Trulley Avenue
Houston, TX. 77004
(713) 651-8050
Fax (713) 659-7733



Fax

To: Edwina Carrington From: Rev. L. David Punctl
 Fax: 512-477-3096 Pages: 10
 Phone: 512-475-3800 Date: 5/19/05
 Re: Zion Village #05105 CC:

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle

• Comment:

I am faxing our Appeal letter and the 4/28/05 and 4/29/05 Deficiency Notices notations. I am also faxing our Final Scoring Notice. I look forward to hearing from you soon, Regarding our appeal.

RECEIVED
MAY 20 2005
LIHTC



RE-WARD THIRD WARD, INC.

A Non-Profit Community Development Corp.

berend L. David Punch
President

Leonard Bell
Vice President

Frence Thompson
Secretary

Cary Yates
Treasurer

May 18, 2005

semary Washington
Executive Director

Ms. Edwina Carrington
Executive Director
Texas Department of Housing and Community Affairs
507 Sabine, Suite 400
Austin, Texas 78701

ard of Directors

lerie Boudreaux-Allen
Step Training & Consulting

Re: **TDHCA Number 05105, Zion Village Senior Transitional Housing Application**

ernon Bell
aplain

Dear Ms. Carrington:

ernest-Crawford

This letter is in response to correspondence sent by Brooke Boston in which notification was given that the Department has terminated the Zion Village Application.

erbin Harris
rd Ward Homeowner

In accordance with the Appeals Policy of the Department we are appealing the termination decision. As exhibited by the final application process the Zion Village Project has held the highest score in Region 6. We are quite concerned that do to our best efforts to submit a quality application; we come to end of the final scoring process and are notified that the project is terminated.

thy Jones
rd Ward Homeowner

We would like to make our appeal and state facts as evidence by documentation from the department and from the applicant.

kina Lanig
fice of Senator Rodney Ellis

FACTS:

onda McCardell
holas & Jones, L.L.P.

On March 1, 2005, we submitted an application for the above referenced development. On submission of the application it was clear that the seller is affiliated with the applicant's representative. It is also clear that he was principal and related in accordance with definitions of the Qualified Allocation Plan (QAP).

arles Mock
CC & Associates

On April 28 and April 29, 2005, the applicant received a deficiency notice from Ms. Barbara Skinner. On May 4, 2005, the issues of the deficiency notice were addressed, in two separate correspondences.

arcelina Senegal
rd Ward Homeowner

On May 12, 2005, we received a call from Ms. Emily Price. Emily stated that she was now reviewing our application because Barbara had been out sick. She commented that much of the paperwork she was reviewing for our application was not left very organized and all together by Barbara so she was trying to get it all together. She also stated that she had received our appraisal and during the discovery she noticed an identity of interest issue.

attie Terrell
y of Houston

On May 17, 2005, we received a phone call from Jennifer Joyce, stating the application would be terminated.

erol Wilson
rd Ward Homeowner

eve Williams, P.E.

Advisory Committee

yce Owens
pens Management Systems

uis Ray
uis Ray Realtors

aron Phillips
ashington Mutual

May 18, 2005
Page 2 of 5

On May 18, 2005, we received a termination notice.

ISSUES:

- Did the department err in terminating the application in accordance with the Qualified Allocation Plan (QAP)?
- What is the department's interpretation of "original purchase agreement", in accordance with Section 49.9 (f) (12)?
- Did the Department inform the applicant of an administrative deficiency in accordance with the QAP?
- Does the termination violate Section 804 of the Fair Housing Act, as amended, 42 U.S.C. § 3604 that refers to any refusal to make reasonable accommodations in rules, policies, practices, or services?

ARGUMENTS:

TDHCA

Section 49.9 (f) (12) of the 2005 QAP required all applicants "affiliated with the seller" to provide all documentation in Items A through C.

APPLICANT

The applicants disagree with the department's selective wording reference of the QAP. The QAP literally stated the following:

"Applicants applying for acquisition credits, or Applicants and Development Team members affiliated with the seller that are asking for the land value to be an amount greater than the acquisition cost indicated in the original purchase contract, will be evaluated in accordance with §1.32 of this title and must provide all of the documentation described in subparagraphs (A) through (C) of this paragraph. Applicants applying for acquisition credits must also provide the items described in subparagraph (D) of this paragraph and as provided in the Application."

The applicant states that on or about May 2 or 3, 2005, we spoke with Barbara Skinner. The issue at that time was **acquisition credits** nothing further was discussed with her regarding the application on that day. This is evidenced by the deficiency notice that was sent to the applicant, which cited: Volume 3 Tab 6—Provide a detailed explanation. In our May 4, 2005 response we addressed Volume 3 Tab 6—in which we stated that we were not applying for acquisition credits.

There was not an Identity of Interest mentioned nor was information required as evidenced by the deficiency notice, which clearly makes no mention of **Section 49.9 (f) (12) C, to provide clear identification of the selling Persons, and any owner of the property within the last 36 months prior to the first day of the Application Acceptance Period, and details of any relationship between said selling Persons and owners and the Applicant, Developer, Property Manager, General Contractor, Qualified Market Analyst, or any other professional or other consultant performing services with respect to the Development.**

If this was an issue the applicant would have submitted the Articles of Incorporations, Bylaws, and Membership of the selling entity, Greater Zion

May 18, 2005

Page 3 of 5

Missionary Baptist Church and any other information requested. During this process we have demonstrated a timely response to previous deficiencies and request made by the department for additional information and clarifications.

THE DEPARTMENT

The department states that the applicant did not provide evidence that the applicant was not requesting land value to be greater than the amount than the original acquisition cost. Therefore, items (A) thru (C) were required. The appraisal was submitted in the deficiency response on May 12, 2005 which was well after the April 1, 2005 deadline.

APPLICANT RESPONSE

The applicant states that we would be making an erroneous mistake due to the fact that Section 49.9 (f) (12) of the QAP states that we need to be asking for the land value to be an amount greater than the acquisition cost indicated in the original purchase contracts.

In addition the applicant states that an appraisal was submitted to the department as an attempt to establish the value of *donated land*, this appraisal was *not required as described* by the department. The QAP states the following. "*The appraisal may be submitted as a Supplemental Threshold Report consistent with the timelines and submission documentation requirements identified in paragraph (14) (D)*." [See deficiency notice dated 4/28/05---Volume 4 Tab 14 and deficiency response dated 5/4/05]

The applicant contends that the wording of (*may*) implies that submission is contingent upon prior knowledge that the land value would be less than the acquisition cost indicated in the original purchase contract, or that the applicant may have submitted a option to purchase, and at application submission there was a change in the land value, or after submission there could be a question regarding land value.

The applicant contends that the rules of construction for the word may does not carry the same connotation as the words must as used to mandate other threshold requirements such as environmental reports and market analysis.

And finally the applicant **PROVIDED** evidence that the land value was greater than the purchase price. Upon initial submission of the application we requested points for *Leveraging of Private, State, and Federal Resources*. Upon submission of the application the applicant submitted a *commitment letter from the seller donating land to the development*. The value was to be determined by the appraisal.

The initial COMMITMENT OF LEVERAGING OF DONATED LAND FROM THE SELLER WAS ALSO ABSOLUTE ASSURANCE THAT THE LAND VALUE WAS GREATER THAN THE PURCHASE CONTRACT. THEREFORE THE APPLICANT SUBMITTED THE APPLICATION KNOWING THAT THE EVIDENCE OF THE LAND VALUE WAS GREATER THAN THE ACQUISITION COST.

Therefore 49.9(f)(12) does not apply.

This was validated when the department received the appraisal to determine if the donated portion was equal to 2% of the development cost. According to the appraisal the seller sold the development property worth \$420,000 for \$400,000.

May 18, 2005
Page 4 of 5

THE DEPARTMENT

The department has informed the applicant that pursuant to this section of the QAP the department has terminated this application and no further action will be taken.

THE APPLICANT

The applicant states the department erred in its decision. **The issue of Identity of Interest being brought to the applicants attention on May 12, 2005, by Emily Price was witness by Rick Sims, which called for clarification in accordance with Section 49.9 (d)(4) that states: *If an Application contains deficiencies which, in the determination of the Department staff, require clarification or correction of information submitted at the time of the Application, the Department staff may request clarification or correction of such Administrative Deficiencies***

The applicant states that the department failed to notify the applicant as prescribed by the QAP

The applicant further states that Emily Price immediately stated that she would terminate the application.

If the applicant had been notified the following information would have been provided: **The land value is not a greater amount than the original purchase contract, which is evidenced by the development cost schedule and the original purchase agreement submitted during pre-application.**

In addition the applicant contends that there were other alternatives that could have been pursued to justify the applicant's position, mainly by petitioning the Board of Directors of the sellers to donate more land. The issue of acquisition cost was a negotiable position. Another alternative was to amend the signature of the purchase agreement to reflect the signature of an available board member rather than L. David Punch, even though he has power of attorney to sign document, we could have made the appropriate remedy.

And finally, the applicant would have stated that the appraisal that was submitted for establishing the value of In-Kind contributions reflect land value greater than the purchase agreement.

APPEALS:

The applicant states that according to the QAP definition of affiliate all parties who signs on behalf of the buyer meet the definition of an affiliate. Does this mean that all applicants must comply with 49.9(f) (12)? Is it practical to request from a seller his original purchase agreement? Does the department now define religion and the doctrine and hierarchy of the church? Can a faith based organization sell land that generates proceeds to further its cause?

The applicant states the following. On April 29, 2005 the reviewers of the department sent out deficiencies. Where there were issues of concern the department stated that they were fully spelled out. The issue before the board regarding clarification regarding the acquisition cost as well as purchase agreement was not stated by the department.

The applicant contends that where the department is silent on an issue, then it's intent was to be silent on the issue. But they switched methods on May 12,

May 18, 2005

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2005 and decided not to print it and rather then give the applicant the opportunity to address the issue, the application was terminated.

The totality of the situation rest upon 49.9(f) (12). *Applicants applying for acquisition credits, or Applicants and Development Team Members affiliated with the seller that are asking for land value to be an greater amount than the acquisition cost in the original purchase contract.*

It would serve in the department's interest to provide clarity to the following question: What original purchase contract? [The Purchase contract of the seller 124 years ago or during any subsequent period when the entity purchased the land? {OR} The Purchase contract submitted during the Pre-Application Period? {OR} The purchase contract that was extended from March 1, 2005 to August 1, 2005?]

One thing is for sure, the Purchase contract from 124 ago is impossible. And I am convinced that the QAP is not addressing a purchase agreement 124 years ago, the only purchase agreements mention in the QAP are related to issues of Site Control. So that leaves us with our purchase agreement at pre-application submission.

What if the affiliated person's acquisition cost is lower than land value?

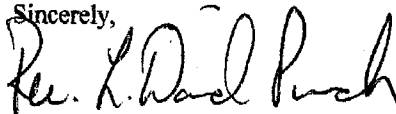
What if the Applicant and Development Team Member affiliated with the seller is asking for land value to be a lessor amount than the acquisition cost in the original purchase agreement?

When the applicant submitted it's application, the applicant foreknew that with donated property from the seller which the value was yet to be determined, that 49.9 (f)(12) was not applicable, it was impossible to be asking for land value to be an amount less than the acquisition cost indicated on the original purchase contract. Then acquisition cost could have only decrease due to the fact that the seller agreed to donate 2% of development cost in donated land which value was yet to be determined. Under this scenario the applicant would now have acquisition cost lower than the original purchase agreement due to the appraisal being \$420,000, with \$120,000 being donate so now the acquisition cost would be \$300,000 or \$100,000 less than the original purchase agreement. So then the acquisition cost in the original purchase agreement, submitted in our pre-application could never have been greater than the value of the land.

Therefore the department's termination of the application was not in accordance with any provision of the QAP; due to the fact the *department has the burden to prove that the land value was an amount less than acquisition cost indicated on the original purchase contract.*

Therefore we appeal the department termination as evidenced by the issues addressed and information supplied in this correspondence. We further request that the Zion Village Senior Transitional Housing Project #05105 be reinstated.

Sincerely,



Rev. L. David Punch, President
Re-Ward Third Ward, Inc.
Developer

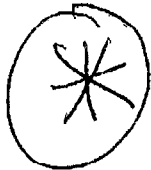


**Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Application Deficiency Notice**

welfare programs. However, this item was not selected, if the Applicant wishes to apply for these points, revise the form with the appropriate box checked.

5. Volume 4, Tab 8, Tenant Characteristics: Submit an executed copy of the referral agreement. Additionally, the detailed narrative refers to a 64 units HTC development comprised of 2 and 3 bedroom units several times. This is very inconsistent with the proposed application for elderly housing. Revise narrative. Submit a certification that the development has adequate additional income sources to supplement operating and funding gaps.

6. Volume 4, Tab 10 and Volume 5, Site Characteristics: (Requested 4, Scored 0) Provide either:
 a. Evidence (map with scale that clearly shows the distance between the site and the bus stop) that all sites are located within one-quarter mile of public transportation, or
 b. A map with a one mile radius drawn around the sites. The map must identify by name at least three of the services. You must also submit written directions between the site and the services.



7. Volume 4, Tab 14, Leveraging of Private, State and Federal Resources: (Requested 1, Scored 0) According to the site control documents, it appears that the following sites are being donated: (1) 0 Trolley Lots 2 and 4 Block 3 and (2) 0 Trulley Lot 3 Block 3. This is inconsistent with the letter provided behind this tab. Please clarify. You must submit an appraisal for these sites so the value of the land can be determined. The value of the land must total 2% of the total development cost in order to be eligible for these points.

8. Volume 4, Tab 15, Third Party Funding Commitment Outside QCT: (Requested 1, Scored 0) The Applicant requested points for this item, but the sites are within a qualified census tract. Therefore, you are not eligible for points for this item.

Per §49.9(d)(4), "If an Application contains deficiencies which, in the determination of the Department staff, require clarification or correction of information submitted at the time of the Application, the Department staff may request clarification or correction of such Administrative Deficiencies. Because the review for Eligibility and Selection, and Threshold Criteria may occur separately, Administrative Deficiency requests may be made several times. The Department staff may request clarification or correction in a deficiency notice in the form of a facsimile and a telephone call to the Applicant advising that such a request has been transmitted. If Administrative Deficiencies are not clarified or corrected to the satisfaction of the Department within eight business days of the deficiency notice date, then five points shall be deducted from the Selection Criteria score for each additional day the deficiency remains unresolved. If deficiencies are not clarified or corrected within ten business days from the deficiency notice date, then the Application shall be terminated.

The time period for responding to a deficiency notice begins at the start of the business day following the deficiency notice date. Deficiency notices may be sent to an Applicant prior to or after the end of the Application Acceptance Period. The Department must receive the requested documentation by 5:00 p.m. CST or the documentation will be deemed to have been received the following day.

04/29/2005 09:20 4750764

TX DEPT OF HOUSING

PAGE: 02/04



Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Application Deficiency Notice

Volume 3, Tab 2: Submit escrow receipt for each contract. Also, the effective date of each contract is not clear. Provide evidence that the contracts can be extended through July 31, 2005.

Volume 3, Tab 2: Submit current tax assessments for properties located at 3154 Gray and 3210 Webster.

Volume 3, Tab 2: Submit evidence of zoning for each property as described in QAP §49.9(f)(7)(B).

Volume 3, Tab 2: Submit a current title commitment for each property. The Applicant should be listed as the proposed owner.

Volume 3, Tab 2: It appears that you submitted a QCT map for one property only. Provide evidence that the property located on Gray Street is in a QCT.

Volume 3, Tab 3: Since you were required to renotify all required parties, submit a copy of the revised notification letter.

Volume 3, Tab 3: It appears that you have posted a public notification sign instead of mailing written notifications. Therefore, you should revise the Certification of Notifications to not check the following:
Section B:

O I (We) certify that pursuant to Section 49.9(f)(B), I (we) have elected to mail written notifications that the notice was mailed through the U.S. Postal Service on _____ (date of mailing).

Volume 3, Tab 4: Provide a certificate of incorporation for Houston Love Inc. and Olevia CDC and a reservation of entity name for Zion Affordable Housing, LLC.

Volume 3, Tab 5: Provide previous participation documents for the co-developer, Joseph Kemp.

Volume 3, Tab 5: Submit authorization to release credit information and financial statements for Houston Love, Inc. and Olevia CDC, and any co-developer or principal of the co-developer. Since the financial statements of Rc Third Ward, Inc. are dated 12/31/03, submit a current draft of the 12/31/04 statement.

Volume 3, Tab 6: You have submitted an Acquisition of Existing Building Form; however, it is not clear what you are acquiring. Provide a detailed explanation.

Volume 3, Tab 6: Provide documentation of the original acquisition cost of all properties in the form of a settlement statement. If you are requesting the land value to be an amount greater than the original acquisition cost, then you must provide evidence that an appraisal was submitted by April 1, 2005. Additionally, provide evidence of other verifiable costs of owning, holding or improving the property that when added to the value from the settlement statement justifies the acquisition amount.

Submit a reliance letter from the author of the Environmental Site Assessment.

The recommendations of the ESA must be followed. Therefore, submit the Asbestos Management Plan and a comprehensive asbestos survey.



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Date Issued: 05/13/05

Zion Village, Ltd.
Rev. L. David Punch
3202 Trulley Ave.
Houston, TX 77004
Phone #: (713) 651-8050
Fax #: (713) 659-7733

THIS NOTICE WILL ONLY BE
TRANSMITTED VIA FACSIMILE

RE: 2005 HTC Application for Zion Village
TDCHA Number: 05105

Attention: Rev. L. David Punch

The Texas Department of Housing and Community Affairs (the Department) has completed its Eligibility and Selection Criteria Review of the above-referenced application as further described in Section 49.9(d)(2) of the 2005 Qualified Allocation Plan and Rules (QAP). Below, a summary is provided of the set-asides that the application qualifies under. Beneath that is the score requested, as calculated by the Applicant, followed by the score requested as calculated by the Department. The two numbers differ if the Applicant's calculation was incorrect. The next score shown is the score awarded to the application by the Department, followed by the difference between the score requested (as calculated by the Department) and the score awarded. An explanation of the reason(s) for any differences, including points denied, is provided at the top of the second page of this notice. The next scoring items show the number of points awarded for each of the three categories for which points could not be requested by the applicant: Quantifiable Community Participation from neighborhood organizations, letters of support or opposition from state representatives and letters of support or opposition from state senators. This is followed, in bold, by the final cumulative number of points awarded by the Department to the above-referenced Application. To the extent that a threshold review is not yet completed for this application, pursuant Section 49.9(d)(3), the final score may still change, in which case you will be notified.

Please note that if you were awarded points under Section 49.9(g)(5)(A) and/ or (B), this notice only provides an explanation of any point deductions for that item. A separate notice will be issued to all applicants who received points under this section that will detail which evidence qualified for the score under this section and which evidence did not.

Allocation Urban/Exurban Set Asides: USDA Non Profit At Risk

Score Requested by Applicant: 152

Score Requested as Calculated by Department: 152

Score Awarded by Department: 151

Difference between Requested and Awarded: 1

Points Awarded for Quantifiable Community Participation: 24

Points Awarded for Input from State Senator: 7

Points Awarded for Input from State Representative: 7

Final Score Awarded to Application by Department: 189

05/13/2005 15:41 4750764

TX DEPT OF HOUSING

PAGE 02/03



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Page 2 of Final Scoring Notice: 05105, Zion Village

Explanation for Adjustments to Points Requested (if any):

Scoring Item # 23, Third Party Funding Commitment Outside QCT: The Applicant requested points for this item, but the site is within a qualified census tract. Therefore, the applicant is not eligible for points for this item (Requested 1, Scored 0).

Application not eligible for the Nonprofit Set-Aside: In order to be eligible for the nonprofit set-aside that applicant was required to submit the following information for Re Ward Third Ward, Inc.: A third party legal opinion that exactly follows the template in the application, the most recent audited financial statements for the organization, and a certification that a majority of the board members reside within 90 miles of the development. The applicant did not provide this documentation in the deficiency response.

A formal Appeals Policy exists for the HTC Program. If you wish to appeal this scoring notice (including set-aside eligibility), you must file your appeal with the Department no later than 5:00 p.m., Friday, May 20, 2005. If an appeal is denied by the Executive Director, an applicant may appeal to the Board. THE DEPARTMENT STRONGLY SUGGESTS that you submit your appeal to the Executive Director no later than Tuesday, May 17 by 5:00 p.m. in order to allow any denied appeals to be added to the May 26, 2005 Board agenda. The restrictions and requirements relating to the Appeals Policy can be found in Section 49.17(b) of the 2005 QAP.

In an effort to ensure that all Board appeals related to scoring and set-asides are heard at the May 26 meeting, the Department has provided the following form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director the form requests that the applicant automatically be added to the Board agenda. Note that the completion of the form will add the applicant to the agenda, but that an actual appeal to the Board must be received by the Department by 5:00 p.m. Tuesday, May 17, 2005. All appeals should be submitted to the attention of Jennifer Joyce.

A posting of all completed application scores and priority status will be made on the Department's web site at www.tdhca.state.tx.us by Friday, May 20 at 5:00 p.m. A list of those developments being recommended at the June 27 Board meeting will also be available on the web site on or before June 20, 2005. If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Jennifer Joyce by facsimile (512.475.0764 or 512.475.1895) or email to jennifer.joyce@tdhca.state.tx.us. Note that Ms. Joyce will not be responding to any comments prior to Monday, May 23, 2005.

Sincerely,

Brooke Boston

Brooke Boston

Director, Multi-Family Finance Production Division



GREATER ZION MISSIONARY BAPTIST CHURCH

3202 Trulley Avenue • Houston, TX 77004
Phone: (713) 659-7735 Fax: (713) 659-7733

Reverend L. David Punch
Pastor

May 12, 2005

Ms. Emily Price
Multifamily Housing Specialist
TDHCA HTC Program
507 Sabine, Suite 400
Austin, Texas 78701

Re: TDHCA Number 05105, Zion Village

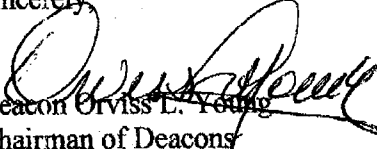
Dear Ms. Price:

In reference to your phone conversation regarding purchase agreement documents signed by L. David Punch on behalf of Greater Zion Missionary Baptist Church, Inc., we supply you with the following to support previously granted authority to L. David Punch on behalf of the Officers of Greater Zion Missionary Baptist Church.

Due to time constraints related to the Zion Village Senior Housing Project, the Board of Deacons issued L. David Punch authorization to sign all documents relating to Zion Village Senior Housing Project. L. David Punch is not an officer of Greater Zion Missionary Baptist Church; he serves in an employment capacity.

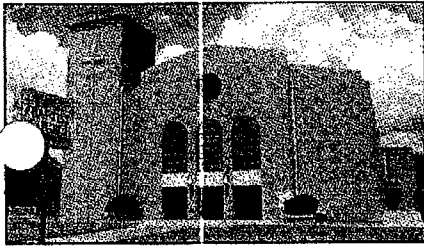
We are forwarding with this letter the signed and notarized resolution from the November 8, 2004 Board meeting, in which authorization was granted to L. David Punch to act in regards to Greater Zion Missionary Baptist Church.

Sincerely,


Deacon Orviss L. Young
Chairman of Deacons

We are united to win the loss equip the saved, and glorify God through service, worship and praise.

Our vision is ministry and ministry meets need



GREATER ZION MISSIONARY BAPTIST CHURCH

3202 Trulley Avenue • Houston, TX 77004
Phone: (713) 659-7735 Fax: (713) 659-7733

Reverend L. David Punch
Pastor

RESOLUTION

The Undersigned, Officers of Greater Zion Missionary Baptist Church, Inc., a corporation duly organized and existing under the laws of Texas, do hereby certify that the following is a true and correct copy of that certain resolution duly adopted by the Board of Deacons of said corporation at regularly called meeting, duly called and held in our Business meeting on November 8, 2004, at which a quorum was present; that said resolution has been duly entered on the minute book of the corporation. That the same are in conformity with the charter and bylaws of said corporation, that they have never been modified or rescinded.

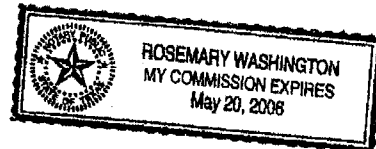
WHEREAS: By virtue of resolution adopted with full approval of Board of Deacons of said corporation, it was resolves the **L. David Punch**, Pastor is given full and exclusive authorized on behalf of said corporation, to sale properties at *3154 Gray and 2210 Tierwester to Zion Village*, from time to borrow money and/or obtain credit from such institutions as officers shall select without limits to amounts, and on terms as he my deem advisable; and as security for payment of any and all existing or hereafter arising, however created, held and/or acquitted by said lender whether in the usual course of business or otherwise assign, pledge, hypothecate, mortgage trustee, or otherwise created a lien upon, or transfer title to any stock, bonds, debentures, notes, bills of lading, accounts receivable, warehouse receipts, choices in action, instruments negotiable or otherwise, on such terms as are deemed by **L. David Punch** to be advisable; and in furtherance of and in connection with the foregoing, to make, execute and deliver in the name of and on behalf of this corporation, under its corporate seal or other endorsements, mortgages, deeds of trust, guarantees, pay orders for remissions, brokerage, and other fees, or such instruments or instructions as may deemed advisable.

BE IT RESOLVED: That the Board of Deacons has given Power-of-Attorney to **L. David Punch**, Pastor to sign any and all purchase agreements on behalf of said corporation for the sale of aforementioned property to Zion Village.

BE IT FURTHER RESOLVED: That the foregoing resolutions are to continue in force until written notice of recession of modification thereof has been received by said lender.

[Signature] 11/8/2004
Chairman of Deacons Date

[Signature] 11/8/04
Co-Chair of Deacons Date



We are united to win the loss equip the saved, and glorify God through service, worship and praise.

Our vision is ministry and ministry meets need

Board Appeal



Housing & Community Services, Inc.

301 South Frio, Suite 480
San Antonio, Texas 78207-4426

Phone 210/270.4600 • Pager 210/513.3048
Fax 210/270-4603 • Toll Free 888 732-3394
Web Site: www.hscorp.org Email: rona@hscorp.org

MAY 23 4:17:45

Ronald C. Anderson
Executive Director

OF PAGES 9 Including Cover
--

DATE: 05/20/2005 4:17 PM
TO: Jennifer Joyce
Program Administrator
FAX #: 512 475-0764
FROM: Ron Anderson
SUBJECT: LIHTC Program Application – TDHCA #05118
Vista Verde I and II Apartments
Letter of Appeal – Points Awarded for Item 5A
and Item 5B

See attached.

- Per Your Request
- Urgent
- For Review
- Information Only
- Please Reply
- Please Route
- Original to Follow by Mail



Housing and Community Services, Inc.

301 South Frio, Suite 480
San Antonio, Texas 78207-4426

Phone 210 270-4600 • Fax 210 270-4603
Toll Free 888 732-3394
Web Site: www.hcscorp.org Email: rona@hcscorp.org

May 20, 2005

Ronald C. Anderson
Executive Director

Edwina Carrington, Executive Director
Texas Department of Housing and Community Affairs
507 Sabine, Suite 400
Austin, Texas 78711-3941

Board of Directors

Rafael I. Torres
President

ATTN: Jennifer Joyce, Multi-family Finance production Division

Carl Pinonash
Vice President

RE: LIHTC Program Application - TDHCA #05118
Vista Verde I and II Apartments
Letter of Appeal – Points Awarded for Item 5A and Item 5B

Jeanette Nass
Secretary

Dear Ms. Carrington,

Bob Montgomery
Treasurer

On May 16, 2005, a letter of appeal was submitted to TDHCA for the points awarded under Item #5B on the above Low Income Housing Tax Credit application.

Virginia Baker
Eugenie A. Blaskovitz
Eloise Callaway
Joan Cortinas
Leonarda Diaz
Gloria Flores
Nancy Hard
Dan Klefer
Marvin Melson
Marilyn A. Reyna
Madeline Seydler

As stated in that letter, it was our understanding from a presentation at the 2005 Workshop in Austin on November 30, 2004, that the property based Section 8 would qualify for the 18 points for Item 5B just as they do for local housing authorities. It made sense to us since the funding for the housing authority Section 8 housing assistance payment (HAP) contracts as well as for the non-housing authority Section 8 HAP contracts comes ultimately from the same source – HUD.

However, we have received notice from TDHCA that our appeal for these points under Item 5B would not be granted.

Under Item 5A we submitted a application/commitment for \$300,000 from the City of San Antonio Neighborhood Action Department (NAD) and were awarded the appropriate points. On February 22, 2005 we also applied to the City of San Antonio for an additional \$300,000 in HOME funds for the Vista Verde I and II project and, had we been aware that the HAP contract did not qualify under Item 5B, we would have submitted the additional \$300,000 in City of San Antonio HOME funds under Item 5A to qualify for the maximum points in that section. The commitment from the City of San Antonio for \$300,000 in HOME funds for the Vista Verde rehab was received yesterday (see attached agenda and documentation from the City Council meeting of May 19, 2005. Confirmation of the award can be obtained from Mr. Drew Cameron, Director of Housing and Community Development for the City of San Antonio. **We are therefore submitting this appeal for the points awarded for Item 5A to include the additional \$300,000 in HOME funds from the City of San Antonio.**

These funds, in addition to the NAD funds (\$300,000) and Housing Trust Funds (\$85,000) initially submitted with the application, will give the partnership \$685,000 in total funds that qualify for Item 5A. These additional HOME funds would make the application eligible for 18 points in lieu of the 12 points already awarded for Item 5A.

The partnership is therefore requesting that the TDHCA consider our appeal for the Vista Verde I and II Apartments. Had it been clear that the property based Section 8 would not qualify for points under Item 5B, we would have elected to qualify for the 18 points under Item 5A at the time of our application submission.

We appreciate your time, consideration, and understanding in this matter.

Yours truly,



Ronald C. Anderson
Executive Director

Attached: Agenda for City of San Antonio Council meeting – April 19, 2005
City of San Antonio - HOME Budget Summary



*Agenda 3 **

**Agenda
City Council Meeting
Municipal Plaza Building
City Hall Complex
103 Main Plaza
San Antonio, Texas 78205
May 19, 2005**

RECEIVED
CITY OF SAN ANTONIO
MAY 19 2005
12:57 PM

At any time during the "B" Session or the Regular City Council Meeting, the City Council may meet in executive session for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security).

I. The City Council will convene for an Executive Session in the B Room of the Municipal Plaza Building at 10:00 A.M. for the following:

Deliberate the offer of financial or other incentives related to economic development negotiations with the following business prospects: Hanford Development Corporation, and one or more other business prospects, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

II. The City Council will convene in Council Chambers, Municipal Plaza Building in a Regular Council Meeting at 1:00 P.M.

1. Invocation and Pledge of Allegiance.
2. Ceremonial Items.
3. Approval of the minutes of the regular City Council meeting of April 28, 2005.

DISABILITY ACCESS STATEMENT

This meeting is wheelchair accessible. The accessible entrance is located at 103 Main Plaza. Accessible parking spaces are located at City Hall, 100 Military Plaza. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested forty-eight (48) hours prior to the meeting) by calling (210) 207-7245 V/TTY for assistance. Closed captioning is available on broadcasts of the Council meetings on 21-TVSA.

Questions regarding this agenda notice should be directed to the City Agenda Coordinator at 207-7080.

THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE TIMES INDICATED:

4. **1:30 P.M.** – Consideration of the following items: [Presented by Milo D. Nitschke, Director, Finance; Melissa Byrne Vossmer, Assitant City Manager]
 - A. An Ordinance authorizing the issuance of approximately \$2,900,000 “City of San Antonio, Texas Taxable Combination Tax and Revenue Certificates of Obligation, Series 2005A”; providing for the payment of the certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing the certificates by a lien on and pledge of the pledged revenues; providing the terms and conditions of the certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of the certificates; authorizing the execution of a paying agent/registrar agreement and a purchase and investment letter; complying with the provisions of the depository trust company's letter of representations; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing for an immediate effective date upon passage by eight affirmative votes.
 - B. A Resolution by the City Council of the City of San Antonio, Texas rescheduling the sale of all or a portion of obligations to be issued as one or more series and designated as “City of San Antonio, Texas Taxable Combination Tax and Revenue Certificates of Obligation, Series 2005A/B” pending certain contract negotiations; and resolving other matters in connection therewith.
5. **3:00 P.M.** - Public Hearing and consideration the following Ordinances: [Presented by Andrew Cameron, Director, Housing and Community Development; Jelynn LeBlanc Burley, Assistant City Manager]
 - A. An Ordinance adopting the 31st year Community Development Block Grant (CDBG) in the amount of \$16,484,172.00 and \$142,145.00 in FY 2004-2005 CDBG program income as contained in the Fiscal Year 2005-2006 Consolidated Plan Annual Budget; authorizing the 31st Year CDBG Program; designating the 31st Year CDBG Program funds; appropriating 31st Year program funds in the amount of \$16,626,317.00; allocating program funds to projects; establishing accounts; delineating program responsibilities; authorizing personnel classifications and pay ranges; establishing a revolving loan account for Neighborhood Housing Services (NHS) and the Neighborhood Action Department; authorizing the reprogramming of CDBG funds in the amount of \$111,362.92 available from City Council District 2 in the amount of \$61,362.96 and City Council District 8 in the amount of \$50,000.00; authorizing the close-out and cancellation of the affected projects and the creation and/or modification of the appropriate project budgets; revising the appropriate project budgets; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; authorizing the appropriation and allocation of said funds to said projects; and providing for payment; authorizing the execution of all required contracts and related documents in connection with said 31st Year CDBG Program, and the projects thereunder; and authorizing the submission of the CDBG grant to the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2005-2006 Consolidated Plan Annual Budget, certification and other information as required to HUD.

- B.** An Ordinance adopting the 14th Year Home Partnership Entitlement Grant (HOME) in the amount of \$7,000,703.00, \$225,885.00 in American Dream Downpayment Initiative (ADDI), and \$237,855.00 in FY 2004-2005 HOME Program Income, as contained in the Fiscal Year 2005-2006 Consolidated Plan Annual Budget; authorizing the Fiscal Year 2005-2006 Home Partnership Entitlement Grant (HOME) Program; designating the 14th Year HOME Program Funds; appropriating 14th Year HOME Program and ADDI Funds in the amount of \$7,464,443.00; allocating program funds to projects; establishing accounts; delineating program responsibilities; authorizing personnel classifications and pay ranges; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; authorizing the appropriation and allocation of said funds to said projects; and providing for payment; authorizing execution of all required contracts and related documents in connection with said 14th Year HOME Program, and the projects thereunder; and authorizing the submission of the HOME grant to the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2005-2006 Consolidated Plan Annual Budget, certification and other information as required to HUD.
- C.** An Ordinance authorizing the establishment of a revolving loan account for San Antonio Alternative Housing Corporation (SAAHC); authorizing 14th Year HOME Funds in the amount of \$700,000.00 available from Community Housing Development Organization (CHDO) Set-aside payable to San Antonio Alternative Housing Corporation People Helping People Project; authorizing the execution of a contract with SAAHC in the amount of \$100,000.00 available from the FY 2000-2001 Euclid Street Development Community Development Block Grant (CDBG) Project to complete said project; authorizing the appropriation and allocation of said funds to said projects; and providing for payment.
- D.** An Ordinance adopting the Fiscal Year 2005-2006 Housing Opportunities For Persons With Aids Entitlement Grant (HOPWA) in the amount of \$960,000.00 as contained in the Fiscal Year 2005-2006 Consolidated Plan Annual Budget; authorizing the Fiscal Year 2005-2006 HOPWA Program; designating the Fiscal Year 2005-2006 HOPWA Program Funds; appropriating the Fiscal Year 2005-2006 Program Funds in the amount of \$960,000.00; allocating program funds to projects; establishing accounts; delineating program responsibilities; authorizing personnel classifications and pay ranges; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; and providing for payment; authorizing execution of all required contracts and related documents in connection with the Fiscal Year 2005-2006 HOPWA Program and the projects thereunder; and the submission of the HOPWA Grant to the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2005-2006 Consolidated Plan Annual Budget, certification and other information as required to HUD.
- E.** An Ordinance adopting the Fiscal Year 2005-2006 Emergency Shelter Grant (ESG) in the amount of \$628,560.00 as contained in The Fiscal Year 2005-2006 Consolidated Plan Annual Budget; authorizing the Fiscal Year 2005-2006 ESG Program; designating the Fiscal Year 2005-2006 ESG Program Funds; appropriating the Fiscal Year 2005-2006 Program Funds in the amount of \$628,560.00 [Entitlement] and \$628,560.00 from In-Kind Match; allocating program funds to projects; establishing accounts; delineating program responsibilities; authorizing personnel classifications and pay ranges; authorizing the execution and submission of contracts and other documents as necessary in connection therewith; and

providing for payment; authorizing execution of all required contracts and related documents in connection with the Fiscal Year 2005-2006 ESG program and the projects thereunder; and the submission of the ESG Grant to the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2005-2006 Consolidated Plan Annual Budget, certification and other information as required To HUD.

6. **5:00 P.M.** – Citizens to Be Heard.
7. **6:00 P.M.** – Second Public Hearing regarding the proposed limited purpose annexation of an area in and adjacent to the Timberwood Park area. [Presented by Emil R. Moncivais, Director, Planning; Jelynne LeBlanc Burley, Assistant City Manager]

THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:

CONSENT AGENDA

Items Concerning the Purchase of Equipment, Supplies and Services

8. An Ordinance accepting the low, responsive bid submitted by Selrico Services, Inc. to provide the City of San Antonio Parks & Recreation Department with the 2005 Summer Food Service Program for an estimated total cost of \$554,279.63. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
9. An Ordinance accepting the bid submitted by Remotec, Inc., utilizing the Texas Multiple Award Schedule (TXMAS) contract, to provide the City of San Antonio Police Department with one (1) bomb robot for a total cost of \$184,368.00 from Urban Area Security Initiatives grant funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
10. An Ordinance accepting the bids of various companies to provide the City of San Antonio with various types of commodities and services on an annual contract basis for Fiscal Year 2005-2006 for an estimated combined annual cost of \$329,623.00, to include contracts for: automotive clutch parts & service; Navistar International & Crane Carrier Corp. truck parts & service; processing of waste tires; and lease of digital duplicator equipment. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]
11. An Ordinance accepting the low, responsive bid submitted by Valero Marketing and Supply Company to provide the City of San Antonio with an annual contract for gasoline transport loads for an estimated annual cost of \$4,397,560.00. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Erik J. Walsh, Assistant to the City Manager]

Public Service (contd.)

Parks and Recreation Teen Connection	39,090.60
Respite Care Daycare	122,550.00
Respite Care of San Antonio	74,100.00
YMCA Active Older Adults	185,650.90
YMCA Child Care Services	697,467.20
YMCA Youth Development	<u>71,250.00</u>
Total Public Service Allocation	\$2,472,619.00

Administration

CDBG Fair Housing Administration	214,313.00
CDBG Neighborhood Planning Administration	118,441.00
CDBG Rezoning Administration	110,078.00
CDBG/HOME Grants Accounting	69,225.00
Disability Access Administration	22,134.00
Empowerment Zone Outreach & TA	68,671.00
Legal Administration	329,527.00
Monitoring and Oversight	1,284,261.00
NAD Housing Operations Administration	467,418.00
San Antonio Development Agency	<u>552,802.00</u>
Total Administration Allocation	\$3,236,870.00

Total Citywide Allocation \$12,676,882.00

Total FY 2005-2006 Proposed CDBG Allocation **\$16,595,534.96**

HOME Revenues	Proposed Allocation
FY 2005-2006 HOME Entitlement	7,000,703.00
American Dream Downpayment Initiative (ADDI)	<u>225,885.00</u>
Total FY 2005-2006 HOME Revenues	\$7,226,588.00

HOME Expenditures

Administration

HCD Monitoring and Oversight	<u>699,000.00</u>
Total Administration	\$699,000.00

American Dream Downpayment Initiative (ADDI)

Neighborhood Housing Services (NHS - FTHB)	<u>225,885.00</u>
Total ADDI	\$225,885.00

Downpayment Assistance

NAD Homeownership Incentive Program (HIP) 800,000.00
Total Downpayment Assistance **\$800,000.00**

First-Time Homebuyer Program (CHDO Set-aside)

Habitat for Humanity - Palo Alto Subdivision (I, II, III, & IV) 500,000.00
Neighborhood Housing Services (NHS) 450,000.00
San Antonio Alternative Housing Corp (SAAHC) 700,000.00
Total First-Time Homebuyer **\$1,650,000.00**

Rehabilitation/Reconstruction Program

NAD Rehabilitation/Reconstruction Program 2,052,000.00
NAD Rental Rehab Program 400,000.00
Neighborhood Housing Services (NHS) Elderly Rehab 250,000.00
U.U. Housing Rehabilitation Program 600,000.00
Vista Verde Apts I & II (Rental Rehab) 300,000.00
Total Rehabilitation/Reconstruction **\$3,602,000.00**

Tenant-Based Rental Assistance (TBRA)

BEAT AIDS 250,000.00
Total TBRA **\$250,000.00**

Total Proposed HOME Allocations \$7,226,885.00

MULTIFAMILY FINANCE PRODUCTION DIVISION
BOARD ACTION REQUEST
May 26, 2005

Action Item

Appeal of 2005 Housing Tax Credit (HTC) Application.

Requested Action

Issue a determination on the appeal.

Background and Recommendations

I. Timber Point Apartment Homes, #05163

This Applicant was originally sent a scoring notice on May 13, 2005, notifying the applicant of the final score. On May 19, 2005 the Department received an Appeal Election Form from the Applicant indicating that the applicant wishes to appeal the final score. However, no documentation was submitted with the appeal to indicate what basis the appeal is made. In the interest of ensuring that the applicant has the opportunity to appeal in the May 26, 2005 Board meeting, the Department will assume that the applicant is appealing the only point reduction in the requested score.

The two point reduction in points was in Selection Item # 19, Qualified Census Tracts with Revitalization. There was no documentation submitted behind the appropriate tab or in the application to support the point request. On April 25, 2005 the Department issued a deficiency notice informing the applicant that, "There was no documentation submitted behind this tab to support the point request and none was submitted in the deficiency period." The applicant did not submit evidence in the deficiency period to resolve the issue. Therefore, points were not awarded for this item.

The appeal request related to this appeal is provided behind the Board Action Request.

Applicant:	Lufkin Timber Pointe Apartment Homes, LP
Site Location:	I-69 Highway at Loop 287
City/County:	Lufkin / Angelina County
Regional Allocation Category:	Rural
Set-Aside:	None
Population Served:	Elderly
Region:	5
Type of Development:	New Construction
Units:	76
Credits Requested:	\$566,198

Staff Recommendation: The Executive Director denied the original appeal. Staff is recommending that the Board also deny the appeal of the requested points.

05/29/2004 12:53 FAX



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: #05163

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). If my appeal is denied by the Executive Director, I:

MAY 20 2005

Do wish to appeal to the Board of Directors and request that my application be added to the May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed [Signature]
Title MANAGER GP
Date 5-20-05

Please fax or email to the attention of Jennifer Joyce: (fax) 512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Page 2 of Final Scoring Notice: 05163, Timber Pointe Apartment Homes

Explanation for Adjustments to Points Requested (if any):

Scoring Item # 19, Qualified Census Tracts with Revitalization: There was no documentation submitted behind this tab to support the point request and none was submitted in the deficiency period (2 points requested, 0 points awarded).

A formal Appeals Policy exists for the HTC Program. If you wish to appeal this scoring notice (including set-aside eligibility), you must file your appeal with the Department no later than 5:00 p.m., Friday, May 20, 2005. If an appeal is denied by the Executive Director, an applicant may appeal to the Board. THE DEPARTMENT STRONGLY SUGGESTS that you submit your appeal to the Executive Director no later than Tuesday, May 17 by 5:00 p.m. in order to allow any denied appeals to be added to the May 26, 2005 Board agenda. The restrictions and requirements relating to the Appeals Policy can be found in Section 49.17(b) of the 2005 OAP.

In an effort to ensure that all Board appeals related to scoring and set-asides are heard at the May 26 meeting, the Department has provided the following form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director the form requests that the applicant automatically be added to the Board agenda. Note that the completion of the form will add the applicant to the agenda, but that an actual appeal to the Board must be received by the Department by 5:00 p.m. Tuesday, May 17, 2005. All appeals should be submitted to the attention of Jennifer Joyce.

A posting of all completed application scores and priority status will be made on the Department's web site at www.tdhca.state.tx.us by Friday, May 20 at 5:00 p.m. A list of those developments being recommended at the June 27 Board meeting will also be available on the web site on or before June 20, 2005. If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Jennifer Joyce by facsimile (512.475.0764 or 512.475.1895) or email to jennifer.joyce@tdhca.state.tx.us. Note that Ms. Joyce will not be responding to any comments prior to Monday, May 23, 2005.

Sincerely,

Brooke Boston

Brooke Boston

Director, Multi-Family Finance Production Division

Board Appeal

FAX

COVER PAGE

MEMORANDUM



the wasserman group, inc.

4206 Zermatt Drive, Smyrna, GA 30080
770.874.8800 • Fax 770.874.8803
email: ccw@wassermangroup.com

To:	Jennifer Joyce	From:	Courtney C. Wasserman
Date:	May 20, 2005	Pages:	17 + Cover
Fax:	512-475-0764	Phone:	(770) 874-8800
Subject:	Appeal Election Forms	CC:	

Dear Jennifer,

The following pages are our formal appeals for the following projects:

RECEIVED

MAY 20 2005

LIHTC

- 05225 Normangee Apartments
- 05226 Lytle Apartments
- 05227 West Retirement
- 05228 City Oaks Apartments
- 05229 Centerville Plaza
- 05230 Coolidge Apartments
- 05231 Kerrville Housing
- 05232 Cibolo Apartments

Following each signed appeal is the supportive documentation requested. We are appealing the adjustment made for Scoring Item 23 for each of the above projects. During the deficiency period we did receive and submitted letters from the USDA which provided evidence that they will continue to provide financing if all conditions of approval are met. The final page is a letter from E-D Capital, Inc. stating that they will provide additional project funding in the event that additional funding is required as provided for in our tax credit applications.

Please feel free to call me anytime if I can provide additional information.

Thank you for your consideration,

Kindest regards,

Courtney

NOTE: The information contained in this facsimile message is privileged and confidential, and is intended only for the individual named above and others who have been specifically authorized to receive such. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return the original communication to us at the address listed above via the U.S. Postal Service. Thank you.



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05225, Normangee Apartments

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed _____

Title _____

Date _____

Please fax or email to the attention of Jennifer Joyce: (fax)
512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development
Huntsville Local Office

May 9, 2005

Mr. Stephen M. Wasserman
The Wasserman Group, Inc
4206 Zermatt Drive
Smyrna, Georgia 30080

RE: Normangee Apts, Ltd

Dear Mr. Wasserman:

This office is in receipt of your application with USDA Rural Development for transfer of subject project, Normangee Apts, Ltd

USDA, Rural Development approval for a transfer/assumption would be based on the complete application and subject to regulatory compliance with the Multi-Family Housing 7 CFR 3560 regulations and an acceptable scope of work prepared by the applicant's architect and approved by the USDA State Architect. RD will continue to provide financing if all the conditions of approval set forth in the Agency's Letter of Conditions are met.

If further information is needed, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Baker". The signature is fluid and cursive.

DEBORAH A. BAKER
Rural Development Manager

Cc: Michael Meehan, Director RH, Temple, TX
Michael Self, RH Specialist, Temple, TX
Gayle Ledyard, RH Specialist, Temple, TX



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05226, Lytle Apartments

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed

[Handwritten Signature]

Title

PRESIDENT

Date

5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax)
512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development
Seguin Local Office

May 10, 2005

Mr. Stephen M. Wasserman
The Wasserman Group, Inc.
4206 Zermatt Drive
Smyrna, Georgia 30080

Ref: Cibolo Apartments and Lyle Apartments

Dear Mr. Wasserman:

You have requested USDA Rural Development provide a recommendation for the above referenced properties, for the Low Income Housing Tax Credit Program Qualified Allocation Plan.

In the event that Texas Department of Housing and Community Affairs (TDHCA) awards tax credits to these properties, and a complete transfer application has been submitted whereby all regulatory requirements have been met, USDA Rural Development will continue to provide financing to facilitate the transfer of the property.

If you have any questions, do not hesitate to contact this office.

Sincerely,

GILBERTO A. MENENDEZ
Rural Development Specialist

Cc: Michael Meehan, Rural Housing Program Director
Reader File

3251 North Hwy. 123Bypass • Seguin, TX 78155-7415
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MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Board Election Form: 05227, West Retirement

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed *John Weber*
Title PRESIDENT
Date 5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax)
512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development
Hillsboro Local Office

May 9, 2005

Stephen M. Wasserman
The Wasserman Group, Inc.
4206 Zermatt Drive
Smyrna, Georgia 30080

RE: West Retirement
West, Texas
USDA #50-55-742485063
TDHCA #05227

Dear Mr. Wasserman:

We are in receipt of your May 6, 2005 letter indicating your intent to transfer ownership and assume the mortgage of the above referenced property.

USDA Rural Development approval of such transfer is subject to regulatory compliance with new regulation, HB-3-3560, Chapter 7, and an acceptable scope of work prepared by the applicant's architect and approved by the USDA Rural Development State Architect.

USDA Rural Development foresees providing financing for the above referenced property subject to approval of an acceptable application for transfer. Upon receipt of the required documents, we will begin processing your transfer request.

Sincerely,

A handwritten signature in cursive script that reads "Terri L. Blevins".

TERRI L. BLEVINS
Rural Development Manager

cc: Michael Meehan, Program Director, Rural Housing, Temple, TX

Valerie Habercorn
Grant and Company
via fax: 916-554-7502

1502 Highway 77 North • Hillsboro, TX 76845
Phone: (254) 582-7326 Ext 4 • Fax: (254) 582-7822 • TDD: (254) 742-9712 • Web: <http://www.rurdev.usda.gov>

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MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05228, City Oaks Apartments

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed

Title

Date

[Signature]
PRESIDENT
5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax)
512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development

Fredericksburg Local Office

May 9, 2005

The Wasserman Group
Attn: Stephen M. Wasserman
4206 Zermatt Drive
Smyrna, Georgia 30080

RE: City Oaks Apartments, Ltd. - Johnson City, TX. - Case # 49-16-742436374:
TDHCA # 05228

Dear Sirs,

USDA- Rural Development (RD) has received an inquiry from the Wasserman Group to transfer the above referenced project. RD understands the Wasserman Group intends on filing an application to transfer the property. As of the above date RD has not received the application for transfer. Rural Development approval of this transfer is subject to regulatory compliance with the new regulation RD 3560 and an acceptable scope of work prepared by the applicant's architect and approved by the USDA State Architect. Rural Development will continue to finance this project subject to the new owners meeting the above requirements.

If you have any questions, please call.

Sincerely,

MARVIN L. CRABTREE
Rural Development Specialist

CC: Margie K. Clinton, RDM #2



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05229, Centerville Plaza

I am in receipt of my 2005 scoring notice, and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed [Signature]
Title PRESIDENT
Date 5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax) 512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development
Huntsville Local Office

May 9, 2005

Mr. Stephen M. Wasserman
The Wasserman Group, Inc
4206 Zermatt Drive
Smyrna, Georgia 30080

RE: Centerville Plaza, Ltd

Dear Mr. Wasserman:

This office is in receipt of your application with USDA Rural Development for transfer of subject project, Centerville Plaza, Ltd.

USDA, Rural Development approval for a transfer/assumption would be based on the complete application and subject to regulatory compliance with the Multi-Family Housing 7 CFR 3560 regulations and an acceptable scope of work prepared by the applicant's architect and approved by the USDA State Architect. RD will continue to provide financing if all the conditions of approval set forth in the Agency's Letter of Conditions are met.

If further information is needed, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Baker". The signature is fluid and cursive.

DEBORAH A. BAKER
Rural Development Manager

Cc: Michael Meehan, Director RH, Temple, TX
Michael Self, RH Specialist, Temple, TX
Gayle Ledyard, RH Specialist, Temple, TX



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05230, Coolidge Apartments

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed [Signature]
Title PRESIDENT
Date 5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax) 512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development
Groesbeck Local Office

May 9, 2005

Mr. Stephen M. Wasserman
The Wasserman Group, Inc.
4206 Zermatt Drive
Smyrna, GA 30080

Dear Mr. Wasserman:

We are receipt of your letter stating your intent to file an application with USDA Rural Development for transfer of the Coolidge Apts., Ltd. (Coolidge, TX).

USDA Rural Development approval for a transfer/assumption would be based on the complete application and subject to regulatory compliance with the Multi-Family Housing 7 CFR 3560 regulations and an acceptable scope of work prepared by the applicant's architect and approved by the USDA State Architect. RD will continue to provide financing if all the conditions of approval as set forth in the Agency's Letter of Conditions are met.

We will be happy to work with you in any way possible in regard to filing and processing an application for this apartment complex. If you should have any questions, please contact Jewelene K. (Judy) Walton, Rural Development Specialist at the Local Servicing Office in Groesbeck, TX. at 254-729-2310, Ext. 4. (email: Jewelene.Walton@tx.usda.gov.)

Sincerely,

Jewelene K. Walton
for LOUIS C. REININGER
Rural Development Manager

Cc: State Director, USDA Rural Development, 101 S. Main, Temple, TX 76501, ATT: Mr. Michael Meehan, Director, Rural Housing Programs

Grant and Company, ATTN: Valerie Habercorn, 1008 Second St., 2nd Floor, Sacramento, CA 95814

P.O. Box 410, 1213 East Yeague, Groesbeck, TX 76642
Phone: (254) 729-2310 Ext. 4 • Fax: (254) 729-3459 • TDD: (254) 742-9712 • Web: <http://www.rurdev.usda.gov/tx>

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MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05231, Kerville Housing

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed

[Signature]

Title

PRESIDENT

Date

5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax)
512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us

09/2005/MON 12:27 PM GRANT AND COMPANY

FAX No. 19165547502

P. 003/003

09-2005 14:53 FROM:FREDERICKSBURG LSC 8309979096

TO: 19165547502

P. 3/3



United States Department of Agriculture
Rural Development

Fredericksburg Local Office

May 9, 2005

The Wasserman Group
Attn: Stephen M. Wasserman
4206 Zermatt Drive
Smyrna, Georgia 30080

RE: Kerrville Housing, Ltd. - Kerrville, TX. - Case # 50-33-742367356: TDECA #
05231

Dear Sirs,

USDA- Rural Development (RD) has received an inquiry from the Wasserman Group to transfer the above referenced project. RD understands the Wasserman Group intends on filing an application to transfer the property. As of the above date RD has not received the application for transfer. Rural Development approval of this transfer is subject to regulatory compliance with the new regulation RD 3560 and an acceptable scope of work prepared by the applicant's architect and approved by the USDA State Architect. Rural Development will continue to finance this project subject to the new owners meeting the above requirements.

If you have any questions, please call.

Sincerely,

MARVIN L. CRABTREE
Rural Development Specialist

CC: Margie K. Gleaton, RDM #2



MULTI-FAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2005 Application Cycle
Final Scoring Notice

Appeal Election Form: 05232, Cibolo Apartments

I am in receipt of my 2005 scoring notice and am filing a formal appeal to the Executive Director before May 20, 2005, although the Department recommends submission by May 17, 2005, for processing (attached). 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 May 26, 2005 TDHCA Board of Directors meeting agenda. I understand that my Board appeal documentation must still be submitted by 5:00 p.m. Tuesday, May 17 to be placed on the May 26 Board book (although Board appeal documentation received by Friday, May 20 will be added as an addendum to the May 26 Board meeting agenda.) If no documentation is submitted, the appeal documentation to the Executive Director will be utilized.

Do not wish to appeal to the Board of Directors.

Signed

Title

Date

[Signature]
PRESIDENT
5/16/05

Please fax or email to the attention of Jennifer Joyce: (fax)
512.475.0764 or 512.475.1895
(email) jennifer.joyce@tdhca.state.tx.us



United States Department of Agriculture
Rural Development
Seguin Local Office

May 10, 2005

Mr. Stephen M. Wasserman
The Wasserman Group, Inc.
4206 Zermatt Drive
Smyrna, Georgia 30080

Ref: Cibolo Apartments and Lytle Apartments

Dear Mr. Wasserman:

You have requested USDA Rural Development provide a recommendation for the above referenced properties, for the Low Income Housing Tax Credit Program Qualified Allocation Plan.

In the event that Texas Department of Housing and Community Affairs (TDHCA) awards tax credits to these properties, and a complete transfer application has been submitted whereby all regulatory requirements have been met, USDA Rural Development will continue to provide financing to facilitate the transfer of the property.

If you have any questions, do not hesitate to contact this office.

Sincerely,

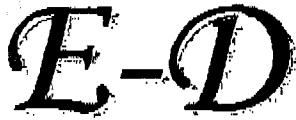
Gilberto A. Menendez
GILBERTO A. MENENDEZ
Rural Development Specialist

cc: Michael Meehan, Rural Housing Program Director
Reader File

3251 North Hwy. 123Bypass • Seguin, TX 78155-7415
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E-D CAPITAL, INC.

2707 Hwy 93 South
Kalispell, MT 59901
Phone: 406-755-2377
Fax: 406-755-2284
E-mail: lender@digisys.net

May 6, 2005

Texas Department of Housing & Community Affairs
P.O. BOX 13941
Austin, TX 78711-3941

Re: Centerville Plaza, Centerville, Texas
Lytle Apartments, Lytle, Texas
Cibolo Apartments, Cibolo, Texas
Kerrville Housing, Kerrville, Texas
City Oaks Apartments, Johnson City, Texas
Coolidge Apartments, Coolidge, Texas
Normangee Apartments, Normangee, Texas
West Retirement, West, Texas

To Whom It May Concern:

Pursuant to the loan amounts indicated in the respective tax credit applications previously submitted to the TDHCA, E-D Capital, Inc. will provide said loans for the captioned properties. The loans will be assumable, but subject to the review of the new applicant's credit and operating experience.

If we can provide any additional information please feel free to contact me directly.

A handwritten signature in black ink that reads 'Spencer Crihfield'. The signature is written in a cursive, slightly slanted style.

Spencer Crihfield
515 Preservation Program

Board Appeal

COATS | ROSE

TAMEA A. DULA
OF COUNSEL

tdula@coatsrose.com
Direct Dial
(713) 653-7322
Direct Fax
(713) 890-3918

May 17, 2005

By Fax to (512) 472-8526

Ms. Edwina Carrington, Executive Director
TDHCA -Housing Tax Credit Program
507 Sabine Street, Suite 300
Austin, TX 78701

RE: Churchill at Cedars Apartment Community (TDHCA # 05250);
Appeal of Quantifiable Community Participation Points.

Dear Ms. Carrington:

This letter appeals the TDHCA's decision to treat a neighborhood organization's letter of support submitted prior to the April 1, 2005 deadline as being neutral, based upon actions that took place after the deadline had passed.

On February 15, 2005, the Cedars Neighborhood Association ("CNA") sent to the TDHCA a letter of registration which included a map with geographic boundaries for the organization indicated and the Churchill at Cedars Apartment Community (the "Project") clearly located within the boundaries. On March 29, 2005, CNA provided a letter of support for the Project. The letter was based upon several meetings with the Executive Committee, including two at which Karen Schaffner of the City of Dallas Housing Department was present. A regular membership meeting was held on February 25, 2005, and the Dallas City Council Member John Loza attended. At that meeting the Project's developers made a presentation and the approximately 38 members attending voted unanimously to support the Project.

On or about April 26, 2005, the TDHCA mailed a notice to CNA concerning two minor deficiencies in the support letter: (i) the President of CNA had neglected to include in the letter a fax or e-mail address for the organization; and (ii) the geographic boundaries described in the support letter did not correspond with those shown on the map provided. These deficiencies were cured by fax sent to and received by the TDHCA on May 1, 2005.

By e-mail dated May 4, 2005, the President of CNA indicated by e-mail to Brooke Boston that at a meeting held on April 28, 2005 (substantially after the deadline for support and

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Ms. Edwina Carrington, Executive Director
TDHCA -Housing Tax Credit Program
May 17, 2005
Page 2

opposition letters) the organization had voted to rescind the support letter. The developer also The minutes of that meeting indicate that with approximately 30 persons in attendance, the vote on withdrawing support was passed 14 to 4. In an e-mail response to the President dated May 5, 2005, Brooke Boston indicated that she would note that CNA was not giving support (or opposition) for the Project. The President replied with an inquiry on May 6th as to how a possible decision by CNA to oppose the Project's application would impact the process. Ms. Boston replied on May 10th that "it is too late to change your comment to opposition for purposes of the Department applying negative points to the application - that would have to have occurred by April 1." Subsequently, on May 12, 2005, the TDHCA sent a letter to CNA indicating that due to the May 5th indication that the organization was withdrawing its support, the letter would be deemed to be "neutral".

The basis of this appeal is that the TDHCA established a deadline of April 1, 2005, under Section 49.9(g)(2)(A) of the 2005 Qualified Allocation Plan (the "QAP"). Pursuant to the QAP, "In order to receive a point score, the letter (and the enclosures) must be received by the Department no later than April 1, 2005..." That section of the QAP also specifically states "Letters received after April 1, 2005 will be summarized for the Board's information and consideration, **but will not affect the score for the Application.**" (emphasis added). This directive was adhered to by Ms. Boston when she indicated in her e-mail communication to the CNA President that "it is too later to change your comment to position for purposes of the Department applying negative points to the application - that would have to have occurred by April 1." We agree with this interpretation of the QAP. This interpretation, however, also means that a letter received by the TDHCA after April 1, 2005, is too late to be considered in reducing support points to neutral points.

The QAP also mentions the April 1, 2005 deadline in Section 49.9(g)(2)© which states "An organization may not submit additional information or documentation after the April 1, 2005 deadline except in response to an e-mail or facsimile from the Department specifically requesting additional information." We respectfully point out that the Department did not request information on any positions taken by the organization subsequent to the April 1, 2005 deadline, and therefore the information provided by the CNA President concerning rescission should not have been considered in determining the points earned by the support letter. The TDHCA has no way of knowing how many other organizations may have backpedaled on their support of a development after submitting a support letter. Organizations that originally failed to support a development prior to the deadline are not permitted to change their stance after the deadline - so why should CNA be permitted to change its position in a manner that affects the points attributable to the support letter? If there is not a clear deadline for an organization's input, the TDHCA may well be faced with rescissions of support letters at any time - including after Commitment Notices have been issued. The whole purpose of the deadline is to avoid such issues and the uncertainty that accompanies the point count of a development when a support letter (or opposition letter) can be rescinded after the deadline.

Ms. Edwina Carrington, Executive Director
TDHCA -Housing Tax Credit Program
May 17, 2005
Page 3

In view of the foregoing, we request that the CNA letter of support be reinstated as Quantifiable Community Participation and that points be assigned to it based upon the contents of the support letter. If the TDHCA staff think it is appropriate that the Board of Directors be advised of a withdrawal of support by CNA **after the deadline for neighborhood organization input and after cure of deficiencies**, then CNA should send a separate letter to the Board of Directors which should be handled pursuant to Section 49.9(g)(2)(A) of the QAP: "Letters received after April 1, 2005 will be summarized for the Board's information and consideration, **but will not affect the score for the Application.**" (emphasis added).

Thanks you very much for your consideration of this appeal. If you require additional information concerning it, please do not hesitate to call me at (713) 653-7322.

Very truly yours,



Tamea A. Dula

cc: Brooke Boston, Director,
Multifamily Finance Production Division

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A Professional Corporation

3 East Greenway Plaza, Suite 2000 Houston, Texas 77046-0307

Phone: 713-651-0111 Fax: 713-651-0220

Web: www.coatsrose.com

COATS
ROSE
YALE
RYMAN,
LEE

FACSIMILE TRANSMITTAL PAGE

Date: May 17, 2005

To: BROOKE BOSTON
DIRECTOR

Fax Number: (512) 475-0764

From: Tamea A. Dula

Phone: (713) 653-7322

No. of Pages (including cover page): 4

Client/Matter #: 004868-000002

Message: Please see enclosed Appeal for Churchill at Cedars Apartment Community (#05250)



If this FAX transmission is illegible or you do not receive all pages,
please call the sender at the number above.

IF YOU WISH TO RESPOND, USE FAX NO. (713) 651-0220

The information contained in this FAX is confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual(s) named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

Brooke Boston

From: Brooke Boston [brooke.boston@tdhca.state.tx.us]
Sent: Thursday, May 05, 2005 8:26 AM
To: 'Doug.Caudill@us.aonwarranty.com'
Cc: 'Brooke Boston'
Subject: RE: Churchill Development's proposed project in the Cedars #052 50

Thank you for your reply and your clarifying voicemail. I will note for the file that your organization is not giving support (or opposition) but wishes to not have comment formalized for scoring purposes.]

Brooke Boston
Director of Multifamily Finance Production
Texas Department of Housing and Community Affairs
512.475.3296

-----Original Message-----

From: Doug.Caudill@us.aonwarranty.com [mailto:Doug.Caudill@us.aonwarranty.com]
Sent: Wednesday, May 04, 2005 3:53 PM
To: brooke.boston@tdhca.state.tx.us
Cc: mguthrie@oldcitypark.org; albert@albertscherbarth.com; bennett@bennettmiller.com; zadr@earthlink.net; eric@cadcouusa.com; sara@milletthepainter.com
Subject: Churchill Development's proposed project in the Cedars #05250

Brooke, this is in response to your letter dated April 26, 2005 to the Cedars Neighborhood Association ("CNA") which I received yesterday regarding the above referenced project. I also have just left you a voicemail regarding the CNA's response to your letter and wanted to also provide this written followup response.

If I understand the contents of your letter correctly the letter that we had previously provided to you has been deemed deficient for the purpose of scoring Quantifiable Community Participation points for the above referenced application. Please be advised that the CNA reconsidered its support for the Churchill in the Cedars project at a meeting held on Thursday April 28, 2005 and it is now the position of the CNA membership that the Churchill project will not be supported by the CNA.

The deficiencies cited in your letter involved the lack of an email and/or fax address. Please note that you can use my email address or fax number of 214-965-9105 to contact me. Effective May 26, 2005 Mary Guthrie will assume the President role of the CNA and she can be reached via the email address listed above or faxed at 214-428-6351. The other persons cc:ed on this memo are the remaining officers of the CNA.

You had also questioned the map that had been provided which showed the boundaries of the Cedars area and a discrepancy between the map and the description in the letter. The boundaries described in the letter were accurate and there is no question that the proposed Churchill project was located squarely in the Cedars neighborhood and within the area for which the CNA acts as the neighborhood association.

The CNA would be very interested in hearing where the Churchill proposal stands with regards to the Tax Credit program being applied for especially in light of the withdrawal of our neighborhood's support for this project. Any information you can provide would be greatly appreciated.

Please don't hesitate to contact me at 214-969-6379(0) or Mary Guthrie at 214-413-3664(0) if you need anything further regarding this matter.]

Doug Caudill
President - Cedars Neighborhood Association

Brooke Boston

From: Doug.Caudill@us.aonwarranty.com
Sent: Friday, May 06, 2005 11:41 AM
To: brooke.boston@tdhca.state.tx.us
Subject: RE: Churchill Development's proposed project in the Cedars #052 50

Brooke, if our organization decides to oppose the application could you please describe how that would impact or effect this process.

Thanks

Doug

Brooke Boston
<brooke.boston@tdhca.s
tate.tx.us>
05/05/2005 08:25 AM

To:
<Doug.Caudill@us.aonwarranty.com>
cc: "'Brooke Boston'"
<brooke.boston@tdhca.state.tx.us>
Subject: RE: Churchill Development's
the Cedars #052 50

proposed project in

Thank you for your reply and your clarifying voicemail. I will note for the file that your organization is not giving support (or opposition) but wishes to not have comment formalized for scoring purposes.

Brooke Boston
Director of Multifamily Finance Production
Texas Department of Housing and Community Affairs
512.475.3296

-----Original Message-----

From: Doug.Caudill@us.aonwarranty.com [mailto:Doug.Caudill@us.aonwarranty.com]
Sent: Wednesday, May 04, 2005 3:53 PM
To: brooke.boston@tdhca.state.tx.us
Cc: mguthrie@oldcitypark.org; albert@albertscherbarth.com; bennett@bennettmiller.com; zadr@earthlink.net; eric@cadcouasa.com; sara@milletthepainter.com
Subject: Churchill Development's proposed project in the Cedars #05250

Brooke, this is in response to your letter dated April 26, 2005 to the Cedars Neighborhood Association ("CNA") which I received yesterday regarding the above referenced project. I also have just left you a voicemail regarding the CNA's response to your letter and wanted to also provide this written followup response.

If I understand the contents of your letter correctly the letter that we had previously provided to you has been deemed deficient for the purpose of scoring Quantifiable Community Participation points for the above referenced application. Please be advised that the CNA reconsidered its support for the Churchill in the Cedars project at a meeting held on Thursday April 28, 2005 and it is now the position of the CNA membership that the Churchill project will not be supported by the CNA.

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of 214-965-9105 to contact me. Effective May 26, 2005 Mary Guthrie will assume the President role of the CNA and she can be reached via the email address listed above or faxed at 214-428-6351. The other persons cc:ed on this memo are the remaining officers of the CNA.

You had also questioned the map that had been provided which showed the boundaries of the Cedars area and a discrepancy between the map and the description in the letter. The boundaries described in the letter were accurate and there is no question that the proposed Churchill project was located squarely in the Cedars neighborhood and within the area for which the CNA acts as the neighborhood association.

The CNA would be very interested in hearing where the Churchill proposal stands with regards to the Tax Credit program being applied for especially in light of the withdrawal of our neighborhood's support for this project. Any information you can provide would be greatly appreciated.

Please don't hesitate to contact me at 214-969-6379(0) or Mary Guthrie at 214-413-3664(0) if you need anything further regarding this matter.

Doug Caudill
President - Cedars Neighborhood Association

Brooke Boston

From: Doug.Caudill@us.aonwarranty.com
Sent: Wednesday, May 04, 2005 3:53 PM
To: brooke.boston@tdhca.state.tx.us
Cc: mguthrie@oldcitypark.org; albert@albertscherbarth.com; bennett@bennettmiller.com; zadr@earthlink.net; eric@cadcousa.com; sara@milletthepainter.com
Subject: Churchill Development's proposed project in the Cedars #05250

Brooke, this is in response to your letter dated April 26, 2005 to the Cedars Neighborhood Association ("CNA") which I received yesterday regarding the above referenced project. I also have just left you a voicemail regarding the CNA's response to your letter and wanted to also provide this written followup response.

If I understand the contents of your letter correctly the letter that we had previously provided to you has been deemed deficient for the purpose of scoring Quantifiable Community Participation points for the above referenced application. Please be advised that the CNA reconsidered its support for the Churchill in the Cedars project at a meeting held on Thursday April 28, 2005 and it is now the position of the CNA membership that the Churchill project will not be supported by the CNA.

The deficiencies cited in your letter involved the lack of an email and/or fax address. Please note that you can use my email address or fax number of 214-965-9105 to contact me. Effective May 26, 2005 Mary Guthrie will assume the President role of the CNA and she can be reached via the email address listed above or faxed at 214-428-6351. The other persons cc:ed on this memo are the remaining officers of the CNA.

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Doug Caudill
President - Cedars Neighborhood Association

Brooke Boston

From: Brooke Boston [brooke.boston@tdhca.state.tx.us]
Sent: Tuesday, May 10, 2005 4:39 PM
To: 'Doug.Caudill@us.aonwarranty.com'
Cc: 'Brooke Boston'
Subject: RE: Churchill Development's proposed project in the Cedars #052 50

At this point in time, it is too late to change your comment to opposition for purposes of the Department applying negative points to the application - that would have to have occurred by April 1. However, we would definitely still pass along to our board that your organization has changed their mind and let them know why so they are fully apprised of your input before they make their decision. Please let me know if that is the case. Thanks!

Brooke Boston
Director of Multifamily Finance Production
Texas Department of Housing and Community Affairs
512.475.3296

-----Original Message-----

From: Doug.Caudill@us.aonwarranty.com [mailto:Doug.Caudill@us.aonwarranty.com]
Sent: Friday, May 06, 2005 11:41 AM
To: brooke.boston@tdhca.state.tx.us
Subject: RE: Churchill Development's proposed project in the Cedars #052 50

Brooke, if our organization decides to oppose the application could you please describe how that would impact or effect this process.

Thanks

Doug

Brooke Boston

<brooke.boston@tdhca.s
"Doug.Caudill@us.aonwarranty.com"
tate.tx.us>
<Doug.Caudill@us.aonwarranty.com>

Boston"

05/05/2005 08:25 AM
<brooke.boston@tdhca.state.tx.us>

Development's proposed project in

To:

cc: "Brooke

Subject: RE: Churchill

the Cedars #052 50

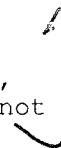
Thank you for your reply and your clarifying voicemail. I will note for the file that your organization is not giving support (or opposition) but wishes to not have comment formalized for scoring purposes.

Brooke Boston
Director of Multifamily Finance Production
Texas Department of Housing and Community Affairs

-----Original Message-----

From: Doug.Caudill@us.aonwarranty.com [mailto:Doug.Caudill@us.aonwarranty.com]
Sent: Wednesday, May 04, 2005 3:53 PM
To: brooke.boston@tdhca.state.tx.us
Cc: mguthrie@oldcitypark.org; albert@albertscherbarth.com; bennett@bennettmiller.com;
zadr@earthlink.net; eric@cadcouasa.com; sara@millettheprinter.com
Subject: Churchill Development's proposed project in the Cedars #05250

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Doug Caudill
President - Cedars Neighborhood Association

Cedars Neighborhood Association
c/o Mary Guthrie at Old City Park
1717 Gano Street
Dallas, Texas 75215

RECEIVED
APR 1 2005
LIHTC

March 29, 2005

Texas Department of Housing and Community Affairs
Attention: Executive Director (Neighborhood Input)
P.O. Box 13941 (MC 332-10)
Austin TX 78711-3941

Re: Quantifiable Community Participation
Development #: 05250
Development: Churchill at Cedars Apartment Community
Development Location: 1800 Block of Beaumont Dallas Texas 75215

As President of The Cedars Neighborhood Association (the CNA), I am writing to provide the CNA's **support** for the above-referenced development which is located in the 1800 Block of Beaumont in Dallas Texas. The Cedars Neighborhood Association is a qualified Neighborhood Organization as further described below.

The boundaries of this organization are as follows:

North Boundary	IH 30	
South Boundary	Grand Avenue	Corinth
East Boundary	Good Latimer	Harwood
West Boundary	Industrial Street	Lamar

} these were in the
NO registry

Enclosed is documentation that establishes the CNA's boundaries. The proposed development is within those boundaries. Enclosed is a map with the geographic boundaries for the CNA and the proposed development site clearly marked within those boundaries.

This organization is: (choose one box and attach documentation)

- On record, as of March 1, 2005, with The Secretary of State as an incorporated entity in good standing. (See enclosed documentation from the Secretary of State.)
- On record, as of March 1, 2005, with The Texas Department of Housing and Community Affairs as permitted by the Qualified Allocation Plan and Rules.

- On record, as of March 1, 2005, with (county name) County, in which the development is proposed to be located. (See enclosed documentation from the county.)

The CNA is an organization of persons residing, working or owning property within the organization's defined boundaries and has a primary purpose of working to maintain or improve the general welfare of the neighborhood. ✓

The CNA has approximately 40 members. The organization reached its decision to support the proposed development by meeting with the developer, Churchill Residential, to receive more information about the proposed development. Several meetings occurred, with representatives of the City of Dallas present on at least one occasion. The members of the organization met in February, with our City Council member, John Loza, present at this meeting. The organization voted to support the funding and development of Churchill at Cedars based on the description of the development provided by the Churchill representatives. The Churchill principals have pledged to work with interested neighborhood parties in the finalization of the design and other details for this project. The CNA reserves the right to withdraw its support of this project if the project does not conform to what was presented and relied on by CNA members to gain our support for this project.

This organization was not formed by any Applicant, Developer or any employee or agent of any Applicant in the 2005 Housing Tax Credit application round, nor has the organization or any member of the organization accepted money or a gift to cause the organization to take its position of support to this development.

The organization **supports** the proposed development for the following reasons:

- ✓ 1) Our neighborhood has deteriorated and Churchill at Cedars will help be a catalyst to generate momentum for much needed new construction in our neighborhood.
- ✓ 2) The CNA supports development to replace the aging housing currently in place on the proposed site that should be demolished, which will help keep this neighborhood safe. We believe this development will aid in this effort.
- ✓ 3) Our neighborhood has been targeted by the Dallas City Council for redevelopment. This new quality multifamily living community will help further that purpose.
- ✓ 4) Brad Forslund, a Principal in Churchill Residential, the developer, has previously developed "In Town" housing around downtown Dallas, and has a good reputation with the City of Dallas.
- ✓ 5) The development of this proposed site will improve the tax base for this neighborhood and help increase overall tax values that will spur new development.
- 6) New residential development of this type will help create a much needed retail base for this part of Dallas.

Sincerely,



Doug Caudill

President

Cedars Neighborhood Association

10062 Betty Jane Lane

Dallas, Texas 75229

214-969-6379(0)

214-566-3763(cell)

Attachments:

Map of Cedars Neighborhood Association

By Laws of Organization

List of Officers

Neighborhood Boundary Map

TDHCA registration letter

CEDARS NEIGHBORHOOD ASSOCIATION BYLAWS

Adopted April 29, 2004

I. NAME

The name of this organization shall be the Cedars Neighborhood Association, a non-profit association, herein referred to as the Association.

II. PURPOSE

The purpose of the Association is to improve the quality of life in the neighborhood in matters such as land use, traffic control, social functions, environmental protection, public services, and other matters of neighborhood concern.

III. OBJECTIVES OF THE ASSOCIATION

- A. Represent and advance the interest of residents, stakeholders and businesses in the neighborhood (herein referred to as "residents").
- B. Keep all residents informed of issues vital to the neighborhood by appropriate communications and meetings.
- C. Establish Standing and Ad-Hoc Committees to investigate and make recommendations to the Association on all matters of neighborhood concern.

IV. MEMBERSHIP

A. Eligibility

1. Membership in the Association shall be open to any person residing, working, or owning property in the Cedars Neighborhood.
2. The Cedars Neighborhood includes all of the property South of I-30, North of Grand, East of Industrial and West of Good Latimer.
3. To become a member of the Association one must provide actual notice of their intent to join at least 10 days prior to an Association meeting. Said Notice may be given to any current officer of the Association and should include the address/contact information and the manner in which the Applicant satisfies the Association's eligibility requirements in IV. A-1.

B. Dues

1. There are no dues required for membership in the Association.

V. VOTING

- A. Members of the Association 18 years of age and older present at any meeting shall be entitled to vote.
- B. A quorum shall be necessary for the transaction of Association business. The minimum number of Members that must be present at a meeting to constitute a quorum shall be ten.
- C. An affirmative vote of more than fifty (50) percent of the quorum shall be required to approve motions presented to the Association.

VI. OFFICERS

A. Positions and Terms of Election

1. The officers of the Association shall be elected from the active membership and shall be President, Vice President(s), Recording Secretary and Treasurer.
2. These elected officers shall comprise the Executive Committee.
3. Officers shall be elected for one-year terms at the April monthly meeting and shall assume office at the May meeting. The officers shall not serve more than three consecutive terms in the same elected office.
4. The President may propose a slate of officers to stand for election at the April meeting. Nominations may also be made from the floor at the meeting.

B. Duties of Officers

1. President and Vice-President(s)
 - a. At least one of the President or Vice-Presidents shall preside at all meetings of the Association and of the Executive Committee
 - b. and shall be an ex-officio member of all Standing and Special Committees
 - c. and one of these officers, either the President or Vice-President(s), shall also cosign all checks drawn on the account of the Association.
2. Recording Secretary
 - a. The Recording Secretary shall keep an accurate record of all topics discussed at official meetings of the Association, including regularly scheduled and special meetings of the Association and the Executive Committee.
 - b. This officer shall also be responsible for the accumulation and maintenance of the central permanent file of such records.
 - c. If the designated Recording Secretary is not present at an Association meeting or Executive Committee meeting the officer presiding over the meeting shall designate a Secretary for that meeting. The minutes or records for that meeting shall be given to the Recording Secretary for inclusion in the Association's permanent records.
3. Treasurer
 - a. The Treasurer shall be responsible for the collection and disbursement of Association Monies,
 - b. shall keep an accurate record of all receipts and expenditures, and shall (along with the President) sign all checks drawn on the account of the Association.

- c. This officer will also provide a report at each regularly scheduled meeting of the Association of the Association's financial condition.

C. Removal from Office

Any officer may be removed from office for cause at any meeting by majority vote of the quorum providing that notice has been furnished to the membership at least two weeks prior to said meeting.

D. Replacement of Officers

When necessary, vacant offices may be filled by appointment from the Executive Committee for the remainder of the original term.

VII. MEETING AND ORGANIZATION

- A. Normally meetings of the general membership of the Association shall be held monthly. The Executive Committee shall set the specific time, place, and agenda of each meeting.
- B. Special meetings may be called by the Executive Committee upon determination that they are justified as a means of disseminating information and discussion of issues of neighborhood concern before the next regularly scheduled meeting. Notice may be given by a Telephone Committee, e-mail, hand bill, or yard signs, if time allows.
- C. The fiscal year of the Association shall be from January 1 – December 31.

VIII. COMMITTEES

- A. The Executive Committee shall transact all business necessary to further the purpose and objectives of the Association, as specified in Articles II and III, in the intervals between regular quarterly meetings, as well, as such other business which may be proposed by the membership. A majority of the Executive Committee shall constitute a quorum for the conduct of business.
- B. Standing and Special Committees may be appointed by the President, with their reports and recommendations to be submitted at general meetings of the Association.

IX. PROHIBITIONS

- A. The Association shall not endorse any candidates for political office nor shall discussion extend to matters outside the purpose of the Association as set out in Article II.
- B. No member may act as spokesperson or represent the Association without the permission of the Executive Committee or a majority of the quorum at a duly called regular or special meeting.

X. AMENDMENT OF BYLAWS

These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the quorum provided that the amendment(s) have been submitted in writing to the membership prior to the vote.

XI. DISSOLUTION

- A. Upon the dissolution of the Cedars Neighborhood Association, no class of member shall have any right nor receive any assets of the Association. The assets of the Association are permanently dedicated to a tax exempt purpose.
- B. In the event of dissolution, the Association's assets, after payment of debts, will be distributed to an organization which itself is tax-exempt under the provisions of Section 501 (c) (3) of the Internal Revenue Code.

- END -

February 15, 2005

Executive Director
Attention: Recording of Neighborhood Organization
Texas Department of Housing and Community Affairs
P.O. Box 13941 (MC 332-10)
Austin TX 78711-3941

Re: Recording of Neighborhood Organization – Cedars Neighborhood
Association in Dallas Texas
Development: Churchill at Cedars Apartment Community
Development Location: 1800 Block of Beaumont, Dallas, TX 75215
Development #:

Dear Madam/Sir:


As the President of Cedars Neighborhood Organization (“the organization”), I am writing this letter to request that Cedars Neighborhood Association be registered as “on record with the State” as permitted by the Qualified Allocation Plan and Rules.

Enclosed is a map with the geographic boundaries for the organization indicating the proposed development site clearly marked within those boundaries. Our organization has an “area of interest” as follows:

North Boundary IH 30
South Boundary Corinth Street
East Boundary Harwood Street
West Boundary Lamar Street

Please confirm receipt of this letter in e-mail to tsisk@churchillresidential.com.

Sincerely,



Doug Caudill
President
Cedars Neighborhood Association
C/O Mary Guthrie
Old City Park
1717 Gano Street
Dallas Texas 78215
214-566-3763

Enclosures: Map of Cedars Neighborhood Association
List of officers

Doug Caudill President
Mary Guthrie Secretary
Albert Scherbargh VP
Eric Anderson Treasurer
Gwen Gaylen VP
Jay Baker VP



Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Quantifiable Community Participation

April 26, 2005

Doug Caudill
Cedars Neighborhood Association, The
10062 Betty Jane Lane
Dallas, TX 75229

Organization Fax:

Organization Email:

Re: Letter from your Neighborhood Organization for Quantifiable Community Participation
Churchill at Cedars, # 05250

Dear Doug Caudill:

I am writing regarding the letter you submitted for the purpose of scoring Quantifiable Community Participation points for the above-referenced application. Thank you for providing your input.

The Department has reviewed the letter you submitted and compared it to the minimum requirements for the letter as required under the Qualified Allocation Plan and Rules (QAP) that govern the Housing Tax Credit Program this year. In our review, one or more requirements have not been satisfied. As permitted under the QAP, the Department may request that you provide additional information or documentation that it deems relevant to clarify information contained in your letter. §49.9(g)(2) of the QAP indicates that, "If the Department determines to request additional information, it will do so by e-mail or facsimile to the e-mail address or facsimile number provided with the organization's letter. If the deficiencies are not clarified or corrected in the Department's determination within ten business days from the date the e-mail or facsimile is sent to the organization, the organization's letter will not be considered further for scoring and the organization will be so advised."

The items listed below are those items that need to be provided to the Department no later than 5:00 p.m. on Tuesday, May 10. Submission prior to that date is encouraged to enable the Department to expedite the final review of your letter.

1. Your letter did not provide e-mail address or facsimile number for the organization.
2. The map you provided does not show the boundaries that are identified in the letter. Please revise either the letter or the map to ensure that the boundaries are reflected correctly and consistently.

Please submit the above requested documentation to the attention of Brooke Boston, Director of Multifamily Finance Production at brooke.boston@tdhca.state.tx.us or via fax at 512-475.0764. While email and fax responses are strongly encouraged, the regular mail address for responses is: Brooke Boston, TDHCA, Multifamily Finance Production, P.O. Box 13941, Austin TX 78711-3941. Note that the documents must be **received, not merely postmarked, by May 10.**



Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Quantifiable Community Participation

Thank you again for your active involvement in our application process and I look forward to receiving the requested documentation to enable a final review of your letter. If you have any questions please call me at 512.475.3296.

Sincerely,

Brooke Boston

Brooke Boston
Director of Multifamily Finance Production

=== COVER PAGE ===

TO:

FROM:

CHURCHILL RES

FAX: 9725507900

TEL: 9725507800

COMMENT:

MAY 2 AM 9:57



Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Quantifiable Community Participation

April 26, 2005

Doug Caudill
Cedars Neighborhood Association, The
10062 Betty Jane Lane
Dallas, TX 75229

RESPONSE ENCLOSED

Organization Fax:

Organization Email:

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Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Quantifiable Community Participation

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Sincerely,

Brooke Boston

Brooke Boston
Director of Multifamily Finance Production

May 1, 2005

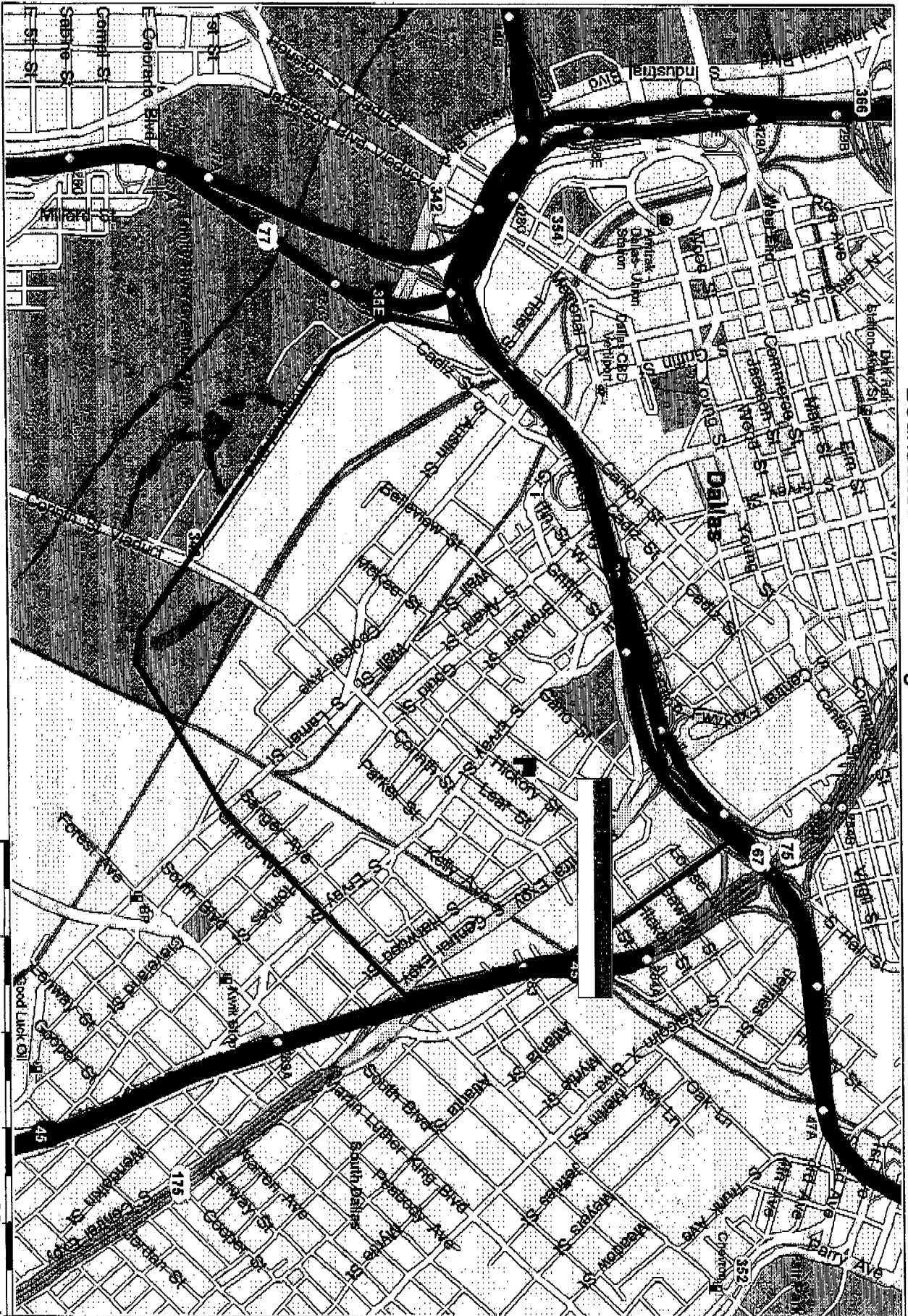
Re: Letter of April 26, 2005 from TDHCA
Request for additional information about Cedars Neighborhood
Association- phone, fax and clarification of CNA street boundaries

The correct street boundaries of CNA are the boundaries shown in the support letter, and in the attached by-laws that were submitted with the application. Enclosed is a map delineating the street boundaries.

Please send future correspondence to: Mary Guthrie-elected president on April 28.

Old City Park
C/O Mary Guthrie
President of Cedars Neighborhood Association
1717 Gano Street
Dallas Texas 78215
214-413-3663
~~214-428-6351 Fax~~
mguthrie@oldcitypark.org

Boundaries of Cedar Neighborhood Association



Copyright © 1996-2003 Microsoft Corp. and/or its suppliers. All rights reserved. <http://www.microsoft.com/streets>
 © Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navteq/Geonames Canada, all rights reserved.
 Statistics Canada and/or Geonames Canada, all rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada

Cedars Neighborhood Association
c/o Mary Guthrie at Old City Park
1717 Gano Street
Dallas, Texas 75215

March 29, 2005

Texas Department of Housing and Community Affairs
Attention: Executive Director (Neighborhood Input)
P.O. Box 13941 (MC 332-10)
Austin TX 78711-3941

Re: Quantifiable Community Participation
Development #: 05250
Development: Churchill at Cedars Apartment Community
Development Location: 1800 Block of Beaumont Dallas Texas 75215

As President of The Cedars Neighborhood Association (the CNA), I am writing to provide the CNA's **support** for the above-referenced development which is located in the 1800 Block of Beaumont in Dallas Texas. The Cedars Neighborhood Association is a qualified Neighborhood Organization as further described below.

The boundaries of this organization are as follows:

North Boundary IH 30
South Boundary Grand Avenue
East Boundary Good Latimer
West Boundary Industrial Street

Enclosed is documentation that establishes the CNA's boundaries. The proposed development is within those boundaries. Enclosed is a map with the geographic boundaries for the CNA and the proposed development site clearly marked within those boundaries.

This organization is: (choose one box and attach documentation)

- On record, as of March 1, 2005, with The Secretary of State as an incorporated entity in good standing. (See enclosed documentation from the Secretary of State.)
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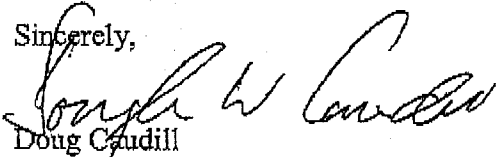
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The organization **supports** the proposed development for the following reasons:

- 1) Our neighborhood has deteriorated and Churchill at Cedars will help be a catalyst to generate momentum for much needed new construction in our neighborhood.
- 2) The CNA supports development to replace the aging housing currently in place on the proposed site that should be demolished, which will help keep this neighborhood safe. We believe this development will aid in this effort.
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- 5) The development of this proposed site will improve the tax base for this neighborhood and help increase overall tax values that will spur new development.
- 6) New residential development of this type will help create a much needed retail base for this part of Dallas.

Sincerely,



Doug Caudill

President

Cedars Neighborhood Association

10062 Betty Jane Lane

Dallas, Texas 75229

214-969-6379(0)

214-566-3763(cell)

Attachments:

Map of Cedars Neighborhood Association

By Laws of Organization

List of Officers

Neighborhood Boundary Map

TDHCA registration letter

CEDARS NEIGHBORHOOD ASSOCIATION BYLAWS

Adopted April 29, 2004

I. NAME

The name of this organization shall be the Cedars Neighborhood Association, a non-profit association, herein referred to as the Association.

II. PURPOSE

The purpose of the Association is to improve the quality of life in the neighborhood in matters such as land use, traffic control, social functions, environmental protection, public services, and other matters of neighborhood concern.

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- A. Represent and advance the interest of residents, stakeholders and businesses in the neighborhood (herein referred to as "residents").
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- C. Establish Standing and Ad-Hoc Committees to investigate and make recommendations to the Association on all matters of neighborhood concern.

IV. MEMBERSHIP

A. Eligibility

1. Membership in the Association shall be open to any person residing, working, or owning property in the Cedars Neighborhood.
2. The Cedars Neighborhood includes all of the property South of I-30, North of Grand, East of Industrial and West of Good Latimer.
3. To become a member of the Association one must provide actual notice of their intent to join at least 10 days prior to an Association meeting. Said Notice may be given to any current officer of the Association and should include the address/contact information and the manner in which the Applicant satisfies the Association's eligibility requirements in IV. A-1.

B. Dues

1. There are no dues required for membership in the Association.

V. VOTING

- A. Members of the Association 18 years of age and older present at any meeting shall be entitled to vote.
- B. A quorum shall be necessary for the transaction of Association business. The minimum number of Members that must be present at a meeting to constitute a quorum shall be ten.
- C. An affirmative vote of more than fifty (50) percent of the quorum shall be required to approve motions presented to the Association.

VI. OFFICERS

A. Positions and Terms of Election

1. The officers of the Association shall be elected from the active membership and shall be President, Vice President(s), Recording Secretary and Treasurer.
2. These elected officers shall comprise the Executive Committee.
3. Officers shall be elected for one-year terms at the April monthly meeting and shall assume office at the May meeting. The officers shall not serve more than three consecutive terms in the same elected office.
4. The President may propose a slate of officers to stand for election at the April meeting. Nominations may also be made from the floor at the meeting.

B. Duties of Officers

1. President and Vice-President(s)
 - a. At least one of the President or Vice-Presidents shall preside at all meetings of the Association and of the Executive Committee
 - b. and shall be an ex-officio member of all Standing and Special Committees
 - c. and one of these officers, either the President or Vice-President(s), shall also cosign all checks drawn on the account of the Association.
2. Recording Secretary
 - a. The Recording Secretary shall keep an accurate record of all topics discussed at official meetings of the Association, including regularly scheduled and special meetings of the Association and the Executive Committee.
 - b. This officer shall also be responsible for the accumulation and maintenance of the central permanent file of such records.
 - c. If the designated Recording Secretary is not present at an Association meeting or Executive Committee meeting the officer presiding over the meeting shall designate a Secretary for that meeting. The minutes or records for that meeting shall be given to the Recording Secretary for inclusion in the Association's permanent records.
3. Treasurer
 - a. The Treasurer shall be responsible for the collection and disbursement of Association Monies,
 - b. shall keep an accurate record of all receipts and expenditures, and shall (along with the President) sign all checks drawn on the account of the Association.

- c. This officer will also provide a report at each regularly scheduled meeting of the Association of the Association's financial condition.

C. Removal from Office

Any officer may be removed from office for cause at any meeting by majority vote of the quorum providing that notice has been furnished to the membership at least two weeks prior to said meeting.

D. Replacement of Officers

When necessary, vacant offices may be filled by appointment from the Executive Committee for the remainder of the original term.

VII. MEETING AND ORGANIZATION

- A. Normally meetings of the general membership of the Association shall be held monthly. The Executive Committee shall set the specific time, place, and agenda of each meeting.
- B. Special meetings may be called by the Executive Committee upon determination that they are justified as a means of disseminating information and discussion of issues of neighborhood concern before the next regularly scheduled meeting. Notice may be given by a Telephone Committee, e-mail, hand bill, or yard signs, if time allows.
- C. The fiscal year of the Association shall be from January 1 – December 31.

VIII. COMMITTEES

- A. The Executive Committee shall transact all business necessary to further the purpose and objectives of the Association, as specified in Articles II and III, in the intervals between regular quarterly meetings, as well, as such other business which may be proposed by the membership. A majority of the Executive Committee shall constitute a quorum for the conduct of business.
- B. Standing and Special Committees may be appointed by the President, with their reports and recommendations to be submitted at general meetings of the Association.

IX. PROHIBITIONS

- A. The Association shall not endorse any candidates for political office nor shall discussion extend to matters outside the purpose of the Association as set out in Article II.
- B. No member may act as spokesperson or represent the Association without the permission of the Executive Committee or a majority of the quorum at a duly called regular or special meeting.

X. AMENDMENT OF BYLAWS

These Bylaws may be amended at any regular or special meeting by a two-thirds vote of the quorum provided that the amendment(s) have been submitted in writing to the membership prior to the vote.

XI. DISSOLUTION

- A. Upon the dissolution of the Cedars Neighborhood Association, no class of member shall have any right nor receive any assets of the Association. The assets of the Association are permanently dedicated to a tax exempt purpose.
- B. In the event of dissolution, the Association's assets, after payment of debts, will be distributed to an organization which itself is tax-exempt under the provisions of Section 501 (c) (3) of the Internal Revenue Code.

- END -



Texas Department of Housing and Community Affairs
Multifamily Finance Production Division
2005 Quantifiable Community Participation

May 12, 2005

Doug Caudill
Cedars Neighborhood Association, The
10062 Betty Jane Lane
Dallas, TX 75229

Organization Fax:

Organization Email: mguthrie@oldcitypark.org

Re: Response from your Neighborhood Organization for Quantifiable Community Participation
Churchill at Cedars, # 05250

Dear Doug Caudill:

I am writing regarding the letter you submitted in response to my deficiency letter for the purpose of scoring Quantifiable Community Participation points for the above-referenced application. Thank you for responding to my request.

The Department has reviewed the letter and the additional documentation you submitted and compared it to the minimum requirements for the letter as required under the Qualified Allocation Plan and Rules (QAP) that govern the Housing Tax Credit Program this year.

Your response email dated May 5 indicated that your organization was withdrawing its support as part of response to deficiency. Therefore, the letter is deemed to be "neutral" - neither in support or in opposition.

Therefore, your organization's letter will not be considered further for scoring. The Department values all public input and while the Department will not assign points to your letter the Department will ensure that the Board of the Department is informed of your withdrawn support.

Thank you again for your active involvement in our application process. If you have any questions, please do not hesitate to contact me at 512.475. 3296.

Sincerely,

Brooke Boston

Brooke Boston
Director of Multifamily Finance Production