

BOARD MEETING OF DECEMBER 12, 2013

J. Paul Ozer, Chair



**TEXAS DEPARTMENT OF
HOUSING & COMMUNITY AFFAIRS**
Building Homes. Strengthening Communities.

Juan Muñoz, Vice-Chair
J. Mark McWatters, Member
Leslie Bingham Escareño, Member
Robert D. Thomas, Member
Tom Gann, Member

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
BOARD MEETING

AGENDA

10:00 a.m.
December 12, 2013

John H. Reagan Building
Room JHR 140, 105 W 15th Street,
Austin, Texas

CALL TO ORDER, ROLL CALL
CERTIFICATION OF QUORUM

J. Paul Oxer, Chairman

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

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

CONSENT AGENDA

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

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

EXECUTIVE

- a) Presentation, Discussion, and Possible Action regarding the Board Minutes Summary for September 12, 2013

Barbara Deane
Board Secretary

LEGAL

- b) Presentation, Discussion and Possible Action on the adoption of an Agreed Final Order concerning Willow Pond Apartments (HTC 94039)

Jeff Pender
Deputy General Counsel

RULES

- c) Presentation, Discussion and Possible Action on proposed new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.1 Concerning Reasonable Accommodation Requests, and directing its publication for public comment in the *Texas Register*

David Johnson
Manager, Program, Planning, Policy
and Metrics

- d) Presentation, Discussion and Possible Action on the statutory four-year review with proposed amendments to 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2, concerning the Department Complaint System, and directing its publication for public comment in the *Texas Register*

- e) Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 1, Subchapter A, §1.19 concerning Deobligated Funds and an order adopting new 10 TAC Chapter 1, §1.19 concerning the Reallocation of Financial Assistance

Brooke Boston
DED, SF-3PM

- f) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1003 and new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §§ 10.1004 - 10.1005, concerning Income and Rent Limits

Patricia Murphy
Chief, Compliance

- g) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.21, concerning Action by Department if Outstanding Balances Exist
- h) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.3, concerning Delinquent Audits and Related Issues
- i) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, concerning Community Affairs Compliance Monitoring Rules
- j) Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 1, §1.24, Foreclosure Data Collection
- k) Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22 and adoption of new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, concerning Providing Contact Information to the Department
- l) Presentation, Discussion, and Possible Action on an order adopting 10 TAC Chapter 21 concerning the Minimum Energy Efficiency Requirements for Single Family Construction Activities
- m) Presentation, Discussion, and Possible Action on orders adopting amendments to all sections of 10 TAC Chapter 23, Single Family HOME Program, and the the repeal of 10 TAC Chapter 23, Single Family HOME Program, Subchapter H, §23.80, concerning Application and Certification of Community Housing Development Organizations and directing publication in the *Texas Register*
- n) Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 5, Community Affairs Programs, Subchapter H, Section 8 Housing Choice Voucher Program, §5.801, concerning the Project Access Initiative

Elizabeth Yevich
Dir. Housing Resource Ctr.

Homero Cabello
Dir. OCI/HTF

Jennifer Molinari
Dir. Home Program

Michael DeYoung
Assist. DED, Network & Customer Service

HOME

Jennifer Molinari
Dir. HOME Program

- o) Presentation, Discussion and Possible Action to authorize the issuance of a 2013 HOME Program Notice of Funding Availability for Single Family non-development Programs, and publication of the NOFA in the *Texas Register*
- p) Presentation, Discussion, and Possible Action on an order adopting amendment to Substantial Amendment to the 2013 State of Texas Consolidated Plan: One-Year Action Plan

BOND FINANCE

Tim Nelson
Dir. Bond Finance

- q) Presentation, Discussion, and Possible Action on Resolution No. 14-008 authorizing modifications to TMP Program 79 and MCC Program 80 and 81 Program Fees if required to comply with Federal Qualified Mortgage Rules, and containing other provisions relating to the subject
- r) Presentation, Discussion, and Possible Action on Resolution No. 14-009 authorizing Publication of Public Notice for Mortgage Credit Certificate Program (MCC) (Program 82)

- s) Presentation, Discussion, and Possible Action on Resolution No. 14-010 authorizing application to the Texas Bond Review Board for reservation of the 2013 single family private activity bond authority carry forward from the Unencumbered State Ceiling

PROGRAM PLANNING AND METRICS

- t) Presentation and Discussion on the Department Snapshot tool for the Multifamily programs

David Johnson
 Manager, Program, Planning, Policy
 and Metrics

ASSET MANAGEMENT

- u) Presentation, Discussion, and Possible Action on approval of Housing Tax Credit Amendment

Cari Garcia
 Dir. Asset Management

13246 - Reserves at Maplewood, Wichita Falls

- v) Report and possible action on a letter from HUD regarding non-performing HOME multifamily activities, including those in Dickinson

HOUSING RESOURCE CENTER

- w) Presentation, Discussion, and Possible Action on the 2014 State of Texas Low Income Housing Plan and Annual Report (Draft for Public Comment), and proposed amendment to 10 TAC §1.23, 2013 State of Texas Low Income Housing Plan and Annual Report (SLIHP), Adoption by Reference, for publication in the *Texas Register* for public comment

Elizabeth Yevich
 Dir. Housing Resource Ctr.

REPORT ITEMS

The Board accepts the following reports:

1. TDHCA Outreach Activities, Nov 2013
2. Status Report on the HOME Program Contracts and Reservation System Participants
3. Executive Report of Multifamily Program Amendments, Extensions, and Ownership Transfers
4. Final Report on the Real Choice Systems Change Grant

Michael Lyttle
 Chief of External Affairs

Jennifer Molinari
 Fair Housing Coordinator

Cari Garcia
 Dir. Asset Management

Elizabeth Yevich
 Dir. Housing Resource Ctr.

ACTION ITEMS

ITEM 2: SINGLE FAMILY, COMMUNITY AFFAIRS AND METRICS

Brooke Boston
 DED SF, CA & Metrics

- a) Report from the Deputy Executive Director for Single Family, Community Affairs and Metrics
- b) Presentation, Discussion, and Possible Action authorizing specific next steps relating to the Section 811 Project Rental Assistance Demonstration Program

ITEM 3: MULTIFAMILY FINANCE DIVISION:

Cameron Dorsey
 Dir. MF Finance

13417	Master's Ranch	San Antonio
13419	Hunter Plaza	Fort Worth
13424	Sikes Road (aka Arthur Robinson II)	Orange
13425	Pine Grove	Orange
13426	Velma Jeter	Orange

- b) Presentation, Discussion, and Possible Action regarding Awards of HOME funds from the 2013-1 HOME Multifamily Development Program Notice of Funding Availability
- c) Presentation, Discussion, and Possible Action to Ratify and Confirm Awards of Competitive 9% Low Income Housing Tax Credits from the 2013 State Housing Tax Credit ceiling from the Waiting List for the 2013 Housing Tax Credit Application Round
- d) Presentation, Discussion, and Possible Action regarding the fulfillment of the 10% test, for HTC #12121, Memorial Apartments in McAllen Texas

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

EXECUTIVE SESSION

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

J. Paul Oser
Chairman

- 1. The Board may go into Executive Session Pursuant to Texas Government Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee
- 2. Pursuant to Tex. Gov't. Code, §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer, including:
 - a) *The Inclusive Communities Project, Inc. v. Texas Department of Housing and Community Affairs, et al., filed in federal district court, Northern District of Texas.*
 - b) *Galveston Open Government Project, et al., v. U.S. Department of Housing and Urban Development, et al., filed in federal district court, Southern District of Texas*
- 3. Pursuant to Tex. Gov't. Code, §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't. Code, Chapter 551
- 4. Pursuant to Tex. Gov't. Code, §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or-
- 5. Pursuant to Tex. Gov't. Code, §2306.039(c) the Department's internal auditor, fraud prevention coordinator, or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste, or abuse.

OPEN SESSION

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

ADJOURN

To access this agenda & details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michael Lytle, 512-475-4542 TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989, at least three (3) days before the meeting so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for this meeting should contact Jorge Reyes, 512-475-4577 at least three (3) days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Jorge Reyes al siguiente número (512) 475-4577 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

CONSENT AGENDA

1a

BOARD ACTION REQUEST
BOARD SECRETARY
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on the Board Minutes Summary for September 12, 2013.

RECOMMENDED ACTION

Approve Board Meeting Minutes Summary for September 12, 2013.

RESOLVED, that the Board Meeting Minutes Summary for September 12, 2013, as having been specifically approved, is hereby approved as presented.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
BOARD MEETING MINUTES

A G E N D A

10:00 a.m.
September 12, 2013

Capitol Extension Auditorium
1500 North Congress, Austin, TX

CALL TO ORDER, ROLL CALL

J. Paul Oxer, Chairman

BOARD MEMBERS PRESENT:

J. Paul Oxer
Tom H. Gann
Leslie Bingham Escareño
J. Mark McWatters
Robert Thomas

CERTIFICATION OF QUORUM

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

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

Introduction of Robert D. Thomas, newly appointed member of the Governing Board.

Recognition of Michele Atkins, Assistant Secretary to the Governing Board, upon her retirement.

Governor's Proclamation read by Michael Lyttle

Bill Wilson read a letter from Senator Leticia Van de Putte regarding allocations under the 2013 tax credit cycle.

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Robin Sisco, Grantworks Incorporated, provided comment in support of changes to the HOME rule.

Tom Gouris, TDHCA, provided clarification on Consent Item 1(j), Artisan at Port Isabel. This project was listed as being located in Mesquite, Texas.

Tom Gouris also provided comment on Consent Item 1(t), Uniform Multifamily Rules, Subchapter D, concerning underwriting, clarifying the language to be used in the preamble.

Peggy Henderson, TDHCA, reported into the record comment regarding Consent Agenda Item 1(j) Artisan at Port Isabel: Lucilla Torrez, in favor of staff's recommendation, and Edgar Sandoval, in favor of staff's recommendation.

Barbara Deane, TDHCA, reported a clarification regarding Consent Item 1(e), 2014 Internal Audit Work Plan, whereby the Audit Committee requested to review the scope of the audit items as once developed, with the opportunity to place any audit items on a future meeting agenda.

Eric Pike, TDHCA, provided a clarification regarding Report Item (b), Request for Proposals for the Program Administrator. Copies of certain items were left out of the Board Book as posted; however, copies were provided to the public at the meeting.

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

LEGAL:

- a) Presentation, Discussion, and Possible Action on the adoption of an Agreed Final Order concerning Pecan Tree Square Apartments (HTC#97003)
- b) Presentation, Discussion, and Possible Action on the adoption of an Agreed Final Order concerning Spanish Park Apartments (HTC#93038)
- c) Presentation, Discussion, and Possible Action on the adoption of an Agreed Final Order concerning Gables Manor (HTF#98031)
- d) Presentation, Discussion, and Possible Action on the adoption of an Agreed Final Order concerning Monterrey Villa Apartments (HTF#09801)

Jeff Pender
Deputy General
Counsel

INTERNAL AUDIT:

- e) Presentation, Discussion, and Possible Approval of the FY2014 Internal Audit Work Plan

Sandy Donoho
Director, Internal
Audit

COMMUNITY AFFAIRS:

- f) Presentation, Discussion, and Possible Action on Program Year (PY) 2013 Community Services Block Grant (CSBG) Discretionary Awards

Michael DeYoung
Assist. DED, Network
& Customer Service

HOUSING RESOURCE CENTER:

- g) Presentation, Discussion, and Possible Approval on the 2014 State of Texas Consolidated Plan: One-Year Action Plan (Draft for Public Comment)

Elizabeth Yevich
Dir. Housing
Resource Center

NEIGHBORHOOD STABILIZATION

- h) Presentation, Discussion, and Possible Ratification on an amendment to a Neighborhood Stabilization Program Contract in order to meet extended deadlines established by HUD

Marni Holloway
Dir. Neighborhood
Stabilization Program

77110000105 Community Development Corporation of Brownsville Brownsville

PROGRAM, PLANNING, POLICY, AND METRICS:

- i) Presentation and Discussion on the Department Snapshot tool for the Mortgage Credit Certificate (MCC) and My First Texas Home (TMP) programs

David Johnson
Mgr., Program
Planning, Policy &
Metrics

ASSET MANAGEMENT:

- j) Presentation, Discussion, and Possible Action on approval of Housing Tax Credit Amendments

Cari Garcia
Dir., Asset
Management

10014 Artisan at Port Isabel Port Isabel

02484 Sycamore Center Villas Fort Worth

02485 Alameda Villas Fort Worth

10079 Steeple Chase Farms Sherman

- k) Presentation, Discussion, and Possible Action on approval of Material LURA Amendments

93038 Spanish Park Apartments Arlington

BOND FINANCE:

- l) Presentation, Discussion, and Possible Action on Resolution No. 14-005 authorizing the sale of mortgage certificates and redemption of bonds relating to Single Family Mortgage Revenue Bonds 2004 Series A

Tim Nelson
Director, Bond
Finance

RULES:

- m) Presentation, Discussion, and Possible Action on the repeal of 10 TAC Chapter 1, §1.24,

Elizabeth Yevich

Foreclosure Data Collection, and directing its publication for public comment in the *Texas Register*

Dir., Housing
Resource Center

- n) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22 and proposed new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, concerning Providing Contact Information to the Department, and directing their publication for public comment in the *Texas Register*
- o) Presentation, Discussion, and Possible Action on proposed amendments to all sections of 10 TAC Chapter 23, Single Family HOME Program; Subchapter A, General Guidance, Purpose; Subchapter B, Availability of Funds, Application Requirements, Review and Award Procedures, General Administrative Requirements, and Resale and Recapture of Funds; Subchapter C, Homeowner Rehabilitation Assistance; Subchapter D, Homebuyer Assistance Program; Subchapter E, Contract for Deed Conversion Program; Subchapter F, Tenant-Based Rental Assistance Program; Subchapter G, Single Family Development Program; and the proposed repeal of Subchapter H, Application Procedures for Certification of Community Housing Development Organization (CHDO), and directing their publication for public comment in the *Texas Register*
- p) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter E, concerning Post Award and Asset Management Requirements, and a proposed new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter E, concerning Post Award and Asset Management Requirements, and directing their publication for public comment in the *Texas Register*
- q) Presentation, Discussion, and Possible Action on proposed amendment to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1003, and proposed new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §§ 10.1004 - 10.1005, concerning Income and Rent Limits, and directing their publication for public comment in the *Texas Register*
- r) Presentation, Discussion, and Possible Action on proposed new 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, concerning Community Affairs Compliance Monitoring Rules, and directing its publication for public comment in the *Texas Register*
- s) Presentation, Discussion, and Possible Action on proposed amendments to 10 TAC Chapter 12, concerning Multifamily Housing Revenue Bond Rules and directing its publication for public comment in the *Texas Register*
- t) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter D and proposed new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter D, concerning Underwriting and Loan Policy, and directing their publication for public comment in the *Texas Register*
- u) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 5, Community Affairs Programs, Subchapter D, concerning Comprehensive Energy Assistance Program, §5.430 and proposed new 10 TAC Chapter 5, Community Affairs Programs, Subchapter D, concerning Comprehensive Energy Assistance Program, §5.430 and directing their publication for public comment in the *Texas Register*

Jennifer Molinari
Director, HOME

Cari Garcia
Director, Asset
Management

Patricia Murphy
Chief of Compliance

Cameron Dorsey
Director, Multifamily
Finance

Brent Stewart
Director, Real Estate
Analysis

Michael DeYoung
Assist. DED, Network
& Customer Service

REPORT ITEMS:

The Board accepts the following reports:

- a) Report on Request for Proposal (RFP) for Master Servicer for the Single Family Mortgage Loan Program

Eric Pike
Director, Texas
Homeownership
Program

- b) Report on Request for Proposal for Program Administrator for the Single Family Mortgage Loan and Mortgage Credit Certificate (MCC) Programs
- c) Status report on the HOME Program Contracts and Reservation System Participants through August, 2013
- d) Executive Report of Multifamily Program Amendments, Extensions, and Ownership Transfers
- e) TDHCA Outreach Activities, July - August 2013

Jennifer Molinari
Director, HOME

Cari Garcia
Dir. , Asset
Management

Michael Lyttle
Chief of External
Affairs

Leslie Bingham Escareño moved to approve the Consent Agenda with the previously noted clarifications for items 13 1(t), 1(j), 1(e), and the third item A and B as 14 as reported by the staff.

Mark McWatters seconded.

Passed by unanimous vote.

ACTION ITEMS:

Agenda Items 5(f) and (g) were then taken out of order:

ITEM 5: MULTIFAMILY FINANCE DIVISION:

5 (f) Presentation, Discussion and Possible Action on Resolution No. 14-001 for the First Supplemental Trust Indenture and Modification Agreement relating to the Multifamily Housing Revenue Bonds, Series 2005 for the Homes at Pecan Grove.

Tom Gann moved to approve Resolution 14-001.

Leslie Bingham Escareño seconded.

Passed by unanimous vote.

5 (g) Presentation, discussion, and Possible Action on Resolution No. 14-004 for the First Supplemental Trust Indenture and Forbearance and Modification Agreement relating to the Multifamily Housing Revenue Bonds, Series 2005 for Mission Del Rio.

Leslie Bingham Escareño moved to approve Resolution 14-004.

Mark McWatters seconded.

Passed by unanimous vote.

ITEM 2: INTERNAL AUDIT:

Report from the Audit Committee Meeting

Sandy Donoho
Director, Internal
Audit

No Board Action Required

ITEM 3: PROGRAM PLANNING POLICY & METRICS

Report from the Deputy Executive Director for Single Family, Community Affairs and Metrics

Brooke Boston
DED, Program
Planning, Policy &
Metrics

No Board Action Required

ITEM 4: COMMUNITY AFFAIRS:

Presentation, Discussion, and Possible Action on Issues Relating to Administration of the Section 8 Housing Choice Voucher Program

Brooke Boston
DED, Program
Planning, Policy &
Metrics

Leslie Bingham Escareño moved to approve staff recommendation for the resolution as clarified by the removal of the second paragraph until there can be further research to be brought back to the Board next meeting.

Tom Gann seconded the motion.

John Henneberger, Texas Low Income Housing Information Service provided comment in favor of the motion.

Andre Adams and Megan Sylvester, TDHCA, provided additional information.

Passed by unanimous vote.

ITEM 5: MULTIFAMILY FINANCE DIVISION:

- a) Presentation, Discussion, and Possible Action on Awards of Competitive 9% Low Income Housing Tax Credits from the Waiting List for the 2013 Housing Tax Credit Application Round

13109 Homestead Apartments Austin

Cameron Dorsey
Director, Multifamily
Finance

Representative Jose Menendez provided comment in opposition to staff's recommendation to award tax credits to Homestead Apartments.

Jean Latsha, TDHCA, gave the staff presentation of this item, provided additional information and responded to questions.

Cameron Dorsey, TDHCA, provided additional information and responded to questions.

Tom Gann moved to table this item.

Mark McWatters seconded the motion.

Walter Moreau, Foundation Communities, provided comment in support of staff's recommendation.

Barry Palmer, Coats Rose, spoke in opposition to staff's recommendation and in favor of tabling this item.

Deborah Guerrero, NRP Group, spoke in favor of tabling this item.

Tom Gann amended his motion in order to table this item until after Executive Session.

The Board entered into Executive Session.

The Board reconvened in Open Session.

Barbara Deane, TDHCA, provided comment regarding legal issues.

Representative Donna Howard provided comment in favor of an award of tax credits to Homestead Apartments.

Tim Irvine, TDHCA, provided additional information.

Tom Gann withdrew his motion to table.

Mark McWatters withdrew his second.

Robert Thomas moved to approve staff's recommendation to award tax credits to Homestead Apartments.

Mark McWatters seconded the motion.

Passed by unanimous vote.

- b) Presentation, Discussion, and Possible Action on Galveston Housing Initiative II, LP, a proposed multifamily development seeking 4% low income housing tax credits. Possible action may include consideration of the granting of waivers and approval of the awarding of 4% low income housing tax credits subject to such conditions and restrictions as the Board may require.

Tim Irvine, TDHCA, gave the staff presentation of this item.

Cameron Dorsey, TDHCA, provided additional information and responded to questions.

No Action Required on this item; Board took public comment:

Antoinette Jackson, Coats Rose, provided comment in support of the development.

Meg Manley, McCormack, Baron, and Salazar, provided comment in support of the development, including, specifically, the requested waivers.

Mona Purgason, Galveston Housing Authority, provided comment in favor of the waiver requests.

John Henneberger, Texas Low Income Housing Information Service, provided comment in favor of the development and with regard to the Conciliation Agreement.

Maddie Sloan, Texas Appleseed, provided comment in favor of the development and with regard to the Conciliation Agreement.

Richard Denson provided comment in opposition to the development.

Steve McIntyre, volunteer with Gulf Coast Interfaith, provided comment in support of the granting of waivers and the award of tax credits.

Joe Campion, Gulf Coast Interfaith, provided comment in support of the granting of waivers and the award of tax credits.

Mike Duffy, McCormack, Baron, and Salazar, provided comment with regard to timing and deadlines.

- c) Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer:

13409 Park Central Port Arthur

Teresa Morales, TDHCA, gave the staff presentation on this item.

Tom Gann moved staff's recommendation to issue determination notices.

Mark McWatters seconded the motion.

Passed by unanimous vote.

- d) Presentation, Discussion, and Possible Action on Inducement Resolution No. 14-002 for Multifamily Housing Revenue Bonds and an Authorization for Filing Applications for Private Activity Bond Authority for the 2013 Waiting List

13606 Peoples El Shaddai Village Dallas

13607 St. James Manor Dallas

13608 Decatur Angle Apartments Fort Worth

Teresa Morales, TDHCA gave the staff presentation on this item.

Robert Thomas moved adoption of Inducement Resolution No. 14-002.

Mark McWatters seconded the motion.

Passed by unanimous vote.

- e) Presentation, Discussion, and Possible Action on Inducement Resolution No. 14-003, amending prior Inducement Resolution #13-008, for Multifamily Housing Revenue Bonds and an Authorization for Filing Applications for Private Activity Bond Authority for the 2013 Waiting List

12606 Park Creek Manor Dallas

Teresa Morales, TDHCA gave the staff presentation on this item.

Mark McWatters moved adoption of Inducement Resolution No. 14-003.

Tom Gann seconded the motion.

Motion passed by unanimous vote.

- f) *Previously heard on the agenda.*

- g) **Previously heard on the agenda.**
- h) Presentation, Discussion and Possible Action on the 2013 HOME Multifamily Rental Development Notice of Funding Availability (NOFA)

Cameron Dorsey, TDHCA, gave the staff recommendation on this item.

Robert Thomas moved approval of the 2013 HOME Multifamily Rental Development Notice of Funding Availability (NOFA).

Tom Gann seconded the motion.

Motion passed by unanimous vote.

Item 6: Rules

- a) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §§10.601 – 10.625, concerning Compliance Monitoring, and proposed new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, §§10.601 – 10.626, concerning Compliance Monitoring, and directing their publication for public comment in the *Texas Register*

Patricia Murphy
Chief of Compliance

Patricia Murphy, TDHCA, gave staff presentation on this item, incorporating a change in the recommendation to §10.613 regarding lease requirements and the compliance chart.

Mark McWatters moved to approve the proposed rulemakings with the changes added by staff.

Tom Gann seconded the motion.

Barry Kahn provided comment in favor of some aspects of the rulemaking and opposed to some aspects of the rulemaking. In general, Mr. Kahn urged that issues/violations that are tenant-created should not be the landlord's responsibility.

Tim Irvine, TDHCA, provided additional information.

Granger McDonald, provided comment related to the number of violations versus the size of a developer's portfolio, and with regard to tenant-created issues.

Jen Joyce, Capstone Management, provided comment with regard to the compliance stakeholders workgroup

Passed by unanimous vote.

- b) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, concerning §1.5, concerning Previous Participation Reviews, and proposed new 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.5 concerning Previous Participation Reviews, and directing their publication for public comment in the *Texas Register*

Patricia Murphy, TDHCA, gave the staff presentation on this item.

Tom Gann moved to approve the proposed rulemaking

Mark McWatters seconded the motion.

No public comment on this item.

Passed by unanimous vote.

Cameron Dorsey
Director, Multifamily
Finance

- c) Presentation, Discussion, and Possible Action on the proposed repeal of 10 TAC Chapter 11, concerning the Housing Tax Credit Program Qualified Allocation Plan, and a proposed new 10 TAC Chapter 11, concerning the Housing Tax Credit Program Qualified Allocation Plan, and directing its publication for public comment in the *Texas Register*

Cameron Dorsey gave the staff presentation on this item and recommended a modification to the proposal regarding academic achievement as follows: For each occurrence of the phrase, “and has achieved at least 95 percent on the total system safeguard” in Sections 11.9(c)(4) and 11.9(c)(5) of the QAP, that it is amended to read, “and has achieved a 77 or greater on Index 1 of the performance index related to academic achievement”

Motion by Tom Gann to approve staff’s recommendation to publish the proposed rule for public comment, as modified by staff.

Mark McWatters seconded the motion.

Michael Lyttle, with TDHCA, read a letter from State Senator Judith Zaffrini, requesting that the Board revise the 2014 draft qualified allocation plan, as it relates to Section 11.9, competitive HTC selection criteria funding by local political subdivision to redesignate public housing authorities as local political subdivisions that are authorized to provide funding for which points are awarded and to remove references to related party from the same section.

Michael Lyttle, with TDHCA, read a letter from State Representative Richard Raymond, also expressing interest in Section 11.9, regarding Public Housing Authorities.

Steve Dietrich, Director of the Mainstreet Program and the Heritage Preservation Officer for the City of Corsicana, provided testimony with regard to possible revisions related to the redevelopment of historic properties.

Craig Lindholm, Executive Director of Community Redevelopment Grants for the City of Texarkana,

Texas, also provided testimony regarding possible revisions related to historic adaptive reuse projects.

Jason Arechiga, with the NRP Group, provided comment with regard to Sections 11.3 and 11.4 of the QAP.

Gerald Jack, with Apartment Market Data, provided comment regarding the market study deadline.

Tim Lang, Tejas Housing Group, provided comment regarding cost per square foot and the extension of the 9% credit.

Linda Brown provided comment regarding the market study deadline, educational excellence, underserved areas, and tie-breakers.

Diana McIver, DMA Development Company, provided comment regarding senior housing, rural high opportunity areas, and leveraging.

Granger McDonald provided comment regarding senior housing, particularly in Kendall County, and the Regional Allocation Formula.

Sara Reidy, provided comment regarding commitment of development funding by local political subdivisions, and development cost per square foot,

Donna Rickenbacker with Marque provided comment regarding educational excellence, and underserved area points, disaster declarations, and input from community organizations.

Robbye Meyer supported prior speakers, and commented on the opportunity index and underserved areas.

Barry Kahn, with Hettig Kahn Development commented regarding a possible maximum percentage of a certain type of housing in a particular region, a revitalization boost, leveraging, and local governmental actions under the QAP.

Toni Jackson, with Coats Rose, commented regarding Public Housing Authorities, RAD and the at-risk set-aside

Mike Gerber, Austin Housing Authority, commented regarding RAD and Public Housing Authorities.

Gerald Cichan, CEO of the Housing Authority City of El Paso, commented regarding RAD and Public Housing Authorities.

Melanie Villalobos, with San Antonio Housing Authority, commented regarding the commitment of funding by local governmental subdivisions, related parties, public housing authorities, and RAD.

Robert Vaughn with the Hunt Companies, El Paso, commented regarding RAD and public housing authorities.

Laura Llanes, Laredo Housing Authority, commented regarding the commitment of funding by local governmental subdivisions, related parties, and public housing authorities

Peggy Henderson, TDHCA, 24 registered opinion for Edgar Sandoval from the San Antonio Housing Authority, on agenda item 6(c) against staff recommendation, and opinion for Lucilla Torrez, also from the San Antonio 3 Housing Authority on agenda item 6(c), against staff recommendation.

Cameron Dorsey, TDHCA, summarized and responded to questions and made the following recommended revisions to staff recommendation: Section 11.4(c) which is related to 30 percent boost, staff recommends the addition of a community revitalization 30 percent boost provision in the same format as provided for in the 2013 QAP. Staff further recommends that in Section 11.4(c), that we add to the QCT, the qualified census tract boost option the same resolution exception as provided for in 11.3(d), related to developments located in certain census tracts. Further, staff recommended that Section 11.9(c)(4)(B) be modified to add a two-point item specific for qualified elderly developments if located within one mile of a senior center. And a two point item for qualified elderly developments if located within one mile of other health facilities, which can be further defined. Staff further recommended that the calendar be revised to add that a market study summary is due by February 28th with the full market study due April 1.

Chairman Oxeer moved to propose the QAP, as modified by staff, via publication in the Texas Register for public comment.

Robert Thomas seconded the motion.

Motion passed by unanimous vote.

- d) Presentation, Discussion, and Possible Action on proposed repeals of 10 TAC Chapter 10 Subchapter A, concerning General Information and Definitions, Subchapter B, concerning Site and Development Requirements and Restrictions, Subchapter C, concerning Application Submission Requirements, Ineligibility Criteria, Board Decisions and Waiver of Rules, and Subchapter G, concerning Fee Schedule, Appeals and Other Provisions, and proposed new 10 TAC Chapter 10 Subchapter A, concerning General Information and Definitions, Subchapter B, concerning Site and Development Requirements and Restrictions, Subchapter C, concerning Application Submission Requirements, Ineligibility Criteria, Board Decisions and Waiver of Rules, and Subchapter G, concerning Fee Schedule, Appeals and Other Provisions, and directing their publication for public comment in the *Texas Register*

Cameron Dorsey, TDHCA, gave the staff presentation on this item and recommended a modification to the proposal: Section 10.101(b)(4), (5) and (7) be amended to include a statement which requires that tenants be notified of the elections made by the development owner.

Tom Gann moved to accept staff recommendation to publish the rulemaking in the Texas Register, as modified by staff, for public comment.

Mark McWatters seconded the motion.

Robbye Meyer commented with regard to extension of deadlines.

Motion passed by unanimous vote.

PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS. PUBLIC COMMENT MAY INCLUDE REQUESTS THAT THE BOARD PLACE SPECIFIC MATTERS ON FUTURE AGENDAS FOR CONSIDERATION.

No public comment was offered.

Robert Thomas moved to adjourn

Mark McWatters seconded the motion.

Motion passed by unanimous vote.

EXECUTIVE SESSION

J. Paul Oser
Chairman

The Board may go into Executive Session (close its meeting to the public) with regard to any posted item.

1. Pursuant to Texas Government Code, §551.074 the Board may go into Executive Session for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including the Director of Internal Audit.
2. Pursuant to Texas Government Code, §551.071(1) the Board may go into Executive Session to seek the advice of its attorney about pending or contemplated litigation or a settlement offer, including:
 - a) *The Inclusive Communities Project, Inc. v. Texas Department of Housing and Community Affairs, et al., filed in federal district court, Northern District of Texas.*
 - b) *Threatened litigation – letter from Shari Goldsberry dated August 20, 2013*
3. Pursuant to Texas Government Code, §551.071(2) the Board may go into Executive Session for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code, Chapter 551:
4. Pursuant to Texas Government Code, §551.072 the Board may go into Executive Session to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or-
5. Pursuant to Texas Government Code, §2306.039(c) the Board may go into Executive Session to receive reports from the internal auditor, fraud prevention coordinator, or ethics advisor and discuss issues related to fraud, waste or abuse.

OPEN SESSION

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

ADJOURN

To access this agenda & details on each agenda item in the board book, please visit our website at www.tdhca.state.tx.us or contact Michele Atkins, 512-475-3916 TDHCA, 221 East 11th Street, Austin, Texas 78701, and request the information.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989, at least three (3) days before the meeting so that appropriate arrangements can be made.

Non-English speaking individuals who require interpreters for this meeting should contact Jorge Reyes, 512-475-4577 at least three (3) days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Jorge Reyes al siguiente número (512) 475-4577 por lo menos tres días antes de la junta para hacer los preparativos apropiados.

1b

BOARD ACTION REQUEST

LEGAL SERVICES

DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on a proposed Agreed Final Order with respect to Willow Pond Apartments (HTC# 94039)

RECOMMENDED ACTION

WHEREAS, Willow Pond Apartments in Dallas, Dallas County, Texas, owned by WPA Investment Group, Ltd., has a history of uncorrected violations of the applicable land use restriction agreement;

WHEREAS, on November 19, 2013, representatives of WPA Investment Group, Ltd., met with the TDHCA Administrative Penalty Committee ("Committee") and agreed, subject to Board approval, to enter into an Agreed Final Order with the following requirements:

1. WPA Investment Group, Ltd, is assessed an administrative penalty in the amount of \$5,000, which is partially deferred and may be satisfied by partial payment and full and timely compliance with the terms of the Agreed Final Order, in lieu of the unpaid balance, as follows;
2. A \$500 portion of the assessed administrative penalty will be immediately due and payable;
3. Outstanding annual compliance fees in the amount of \$17,370 must be paid in full on or before March 12, 2014;
4. All outstanding violations must be corrected and sufficient evidence of correction must be submitted to TDHCA as indicated in the Agreed Final Order on or before March 12, 2014; and
5. If outstanding violations are not fully resolved and sufficient evidence of the corrections reasonably acceptable to the Compliance Division staff have not been submitted within the established timeline, the remaining \$4,500 administrative penalty will become due and payable; and

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

NOW, therefore, it is hereby

RESOLVED, that the Agreed Final Order assessing a \$5,000 administrative penalty as outlined above for noncompliance at Willow Pond Apartments (HTC 94039), substantially in the form presented at this meeting, and including

any non-substantive technical corrections, is hereby adopted as the order of this Board.

BACKGROUND

WPA Investment Group, Ltd. is the current owner of Willow Pond Apartments, a 385-unit apartment complex located in Dallas, Texas, which is subject to a Land Use Restriction Agreement ("LURA") signed in 1996 in consideration for an allocation of low income housing tax credits in the annual amount of \$350,260 awarded by TDHCA. WPA Investment Group, Ltd. acquired the property in 2009. The LURA remains in effect per Section 7 of the LURA which stipulates that its restrictions run with the land.

Owner representatives attended an informal conference with the Committee in August of 2009 and informally agreed to a series of benchmarks to correct Uniform Physical Condition Standards ("UPCS") Violations. The Committee considered the property again in October of 2010 and voted to: (1) re-inspect the property to confirm the correction of prior UPCS violations, (2) require owner to attend 1st Thursday and Compliance training, and (3) refer the property back to the Compliance Division so that they could set an appropriate deadline of up to 12 months for resolution of the file monitoring violations. The property submitted much of the requested documentation but did not submit evidence of supportive services or correct all of the tenant files within the required time period set by Compliance. An onsite monitoring review was performed in 2012 and, although the review confirmed that most of the prior tenant file violations had been resolved, two old household income violations remained uncorrected and several new violations were identified. The owner did not submit corrective documentation before the September 11, 2012, deadline. A UPCS inspection was performed in 2012 and a corrective deadline of January 14, 2013, was established, but no corrective response was received. After multiple unsuccessful attempts by the Compliance and Legal Divisions, the matter was brought before the Committee again for consideration of a penalty recommendation and hearing before the State Office of Administrative Hearings.

A final opportunity was extended for the owner to attend an informal conference and settle the penalty case before TDHCA initiated the hearing process. An informal conference was held with the Committee on November 19, 2013 and owner representatives indicated that although they had not submitted corrective documentation, most of the violations had been resolved. They agreed to pay a portion of a deferred penalty and to correct all violations on or before March 12, 2014. Violations that are currently outstanding include:

1. 2006 UPCS Violations;
2. 2011 UPCS violations (includes 2008 and 2009 inspection findings);
3. 2012 UPCS violations;
4. Household income violations for units 1056 and 2045;
5. Failure to provide supportive services;
6. Failure to pay annual compliance fees for the years 2010 through 2012 in the amount of \$17,370;
7. Failure to make units 1111 and 1117 available for rent;
8. Failure to provide affirmative marketing plan;
9. Failure to execute required lease provisions or exclude prohibited lease language;
10. Failure to provide required pre-onsite documentation; and
11. Failure to submit Part B of the 2011 Annual Owner's Compliance Report.

Consistent with direction from the Department's Administrative Penalty Committee, a partially deferred penalty in the amount of \$5,000 is recommended, with \$500 to be paid immediately and \$4,500 to be deferred and possibly forgiven provided that WPA Investment Group, Ltd. complies with all terms of the Agreed Final Order.

ENFORCEMENT ACTION AGAINST
WPA INVESTMENT GROUP, LTD
WITH RESPECT TO WILLOW POND
APARTMENTS (LIHTC FILE # 94039)

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BEFORE THE
TEXAS DEPARTMENT OF
HOUSING AND
COMMUNITY AFFAIRS

AGREED FINAL ORDER

General Remarks and official action taken:

On this 12th day of December, 2013, the Governing Board ("Board") of the Texas Department of Housing and Community Affairs ("Department") considered the matter of whether enforcement action should be taken against **WPA INVESTMENT GROUP, LTD**, a Texas limited partnership ("Respondent").

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

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

FINDINGS OF FACT

Jurisdiction:

1. On October 1, 1996, Dallas/Glen Hills, L.P., a Texas limited partnership ("Prior Owner") was awarded an allocation of Low Income Housing Tax Credits by the Board, in an annual amount of \$350,260 to rehabilitate Glen Hills Apartments, which are now known as Willow Pond Apartments ("Property") (HTC file No. 94039 / CMTS No. 1229 / LDLD No. 100).
2. Prior Owner signed a land use restriction agreement ("LURA") regarding the Property. The LURA was effective October 1, 1996, and filed of record on December 30, 1996 at Document Number 2521702 of the Official Public Records of Real Property of Dallas County, Texas ("Records".) In accordance with Section 2 of the LURA, the LURA is a restrictive covenant/deed restriction encumbering the property and binding on all successors and assigns for the full term of the LURA.
3. Respondent purchased the Property on April 3, 2009 and the property continues to be subject to the LURA.

4. Respondent is a Texas limited partnership that is approved by the Department as qualified to own, construct, acquire, rehabilitate, operate, manage, or maintain a housing development that is subject to the regulatory authority of the Department. Respondent's mailing address is: WPA Investment Group, Ltd., 6003 Abrams Road, Attn: Office, Dallas, Texas 75231. Respondent can also be contacted by telephone at (214) 758-0808 and by electronic mail at tim@willowpondapts.com and/or RickMabus@sbcglobal.net.

Compliance Violations¹:

5. The following violations existed at the time that Respondent purchased the Property and remain unresolved:
 - a. **A violation of 10 TEX. ADMIN. CODE § 60.13 (Inspection Standard), as amended.**

A Uniform Physical Condition Standards ("UPCS") inspection was conducted on December 27, 2006, and inspection reports showed numerous serious property condition violations. Respondent was notified of the violations on August 3, 2009 and a corrective action deadline of November 3, 2009 was set to provide Respondent a reasonable opportunity to respond to the report and bring the Property into compliance. The violations indicated at Attachment 2 remain unresolved.
 - b. **A violation of 10 TEX. ADMIN. CODE § 60.116 (Property Condition Standards), as amended.**

A UPCS inspection was conducted on July 23, 2008, and inspection reports showed numerous serious property condition violations. Respondent was notified of the violations on August 3, 2009 and a corrective action deadline of November 3, 2009 was set to provide Respondent a reasonable opportunity to respond to the report and bring the property into compliance. The violations indicated at Attachment 3 remain unresolved.
6. An on-site monitoring review was conducted on May 13, 2009, to determine whether Respondent was in compliance with LURA requirements to lease units to low income households, maintain records demonstrating eligibility and comply with additional LURA requirements. The monitoring review found violations of the LURA and Department rules. Reports were mailed to Respondent and, in conformance with 10 TEX. ADMIN. CODE § 60.117 (Notice to Owners), as amended, a 90-day corrective action deadline of November 3, 2009 was set to provide Respondent a reasonable opportunity to respond to the report and bring the property into compliance. Partial corrective documentation was submitted and additional deadlines were set, however, the following violations remain unresolved:

¹ Within this Agreed Final Order, all references to violations of TDHCA Compliance Monitoring rules at 10 TEX. ADMIN. CODE, CHAPTERS 10 AND 60 refer to the versions of the code in effect at the time of the compliance monitoring reviews and/or inspections that resulted in recording each violation. All past violations remain violations under the current code and all interim amendments.

- a. **A violation of the representations made at page 1 of the LURA, Section 4 of the LURA, and 10 TEX. ADMIN. CODE §60.108 (Determination, Documentation and Certification of Annual Income), as amended.**

Respondent failed to provide documentation that household incomes were within prescribed limits upon initial occupancy for units 1056 and 2045.

- b. **A violation of Appendix A of the LURA and 10 TEX. ADMIN. CODE §60.114 (Monitoring for Social Services), as amended.**

Respondent failed to submit evidence that health education programs had been provided. Although Respondent provided evidence that multiple other social services not required by the LURA were being provided to tenants, and submitted a copy of a contract for providing the required health education programs, no evidence was submitted to prove that the required social services had actually been performed. The supportive service violation remains outstanding and cannot be corrected because the Compliance Period ended December 31, 2011.

7. **A violation of 10 TEX. ADMIN. CODE §60.116 (Property Condition Standards), as amended.**

A UPCS inspection was conducted on October 15, 2009, and inspection reports showed numerous serious property condition violations. Reports were mailed to Respondent and, in conformance with 10 TEX. ADMIN. CODE § 60.117 (Notice to Owners), as amended, a 90-day corrective action deadline of February 14, 2010 was set to provide Respondent a reasonable opportunity to respond to the report and bring the property into compliance. The violations indicated at Attachment 3 remain unresolved.

8. **A violation of Section 7 of the LURA.**

On December 1, 2010, the Department sent an invoice for Annual Compliance Fees in the amount of \$5,790. Payment is due upon receipt and Respondent failed to submit payment. The invoice remains unpaid.

9. **A violation of 10 TEX. ADMIN. CODE §60.118 (Property Condition Standards), as amended.**

A special UPCS inspection was conducted on October 26, 2011 to verify correction of violations previously found during 2008 and 2009 UPCS inspections indicated at FOF #5b. and 7. Although a large portion of the violations had been corrected, the violations indicated at Attachment 3 remained unresolved. Reports were mailed to Respondent but no subsequent corrective documentation was submitted and the violations indicated at Attachment 2 remain unresolved.

10. **A violation of Section 7 of the LURA.**

On December 1, 2011, the Department sent an invoice for Annual Compliance Fees in the amount of \$5,790. Payment is due upon receipt and Respondent failed to submit payment. The invoice remains unpaid.

11. An on-site monitoring review was conducted on May 8, 2012, to determine whether Respondent was in compliance with LURA requirements to lease units to low income households, maintain records demonstrating eligibility, and comply with additional LURA requirements. The monitoring review found violations of the LURA and Department rules. Notifications of noncompliance were sent, however, the following violations were not corrected before the September 11, 2012 corrective action deadline:

a. **A violation of representations at page 1 of the LURA and Appendix A of the LURA.**

Respondent failed to make all units at the property available for rent by using units 1111 and 1117 for maintenance storage. The Property is required to lease 100% of the units in all 40 buildings to individuals or families whose income is 60% or less of the area median gross income;

b. **A violation of 10 TEX. ADMIN. CODE §60.114 (Requirements Pertaining to Households with Rental Assistance), as amended.**

Respondent failed to provide an affirmative marketing plan;

c. **A violation of 10 TEX. ADMIN. CODE §60.110 (Lease Requirements), as amended.**

Respondent failed to execute required lease provisions or exclude prohibited lease language. Housing Tax Credit Properties are required to state in the lease, or in an addendum attached to the lease, that evictions or terminations of tenancy for other than good cause are prohibited and that lockouts are not permissible; and

d. **A violation of 10 TEX. ADMIN. CODE §60.115 (Onsite Monitoring), as amended.**

Respondent failed to submit pre-onsite documentation. Respondent is required to make available any additional file monitoring information that the Department deems necessary. Specifically, the following documentation was not provided:

- i. Respondent failed to complete a unit status report, which must be submitted prior to an onsite monitoring visit in accordance with 10 TEX. ADMIN. CODE §60.105(h) (Reporting Requirements);
- ii. Respondent failed to submit its utility allowance. Per 10 TEX. ADMIN. CODE §60.109 (Utility Allowances), all Housing Tax Credit Properties are required to comply with published rent limits which include a utility allowance;
- iii. Respondent failed to submit written wait list policy

Respondent failed to provide documentation supporting any application fees charged to tenants. Per 10 TEX. ADMIN. CODE §60.120(c) (Special Rules Regarding Rents and Rent Limit Violations), owners may only charge the actual costs incurred for processing an application and the Department will review fee documentation during onsite monitoring visits in order to ensure that tenants are not over-charged.

12. A violation of 10 TEX. ADMIN. CODE § 60.118 (Property Condition Standards), as amended.

A UPCS inspection was conducted on June 29, 2012, and inspection reports showed numerous serious property condition violations. Reports were mailed to Respondent and, in conformance with 10 TEX. ADMIN. CODE § 60.119 (Notice to Owners), as amended, a 90-day corrective action deadline of January 14, 2013 was set to provide Respondent a reasonable opportunity to respond to the report and bring the property into compliance. The violations indicated at Attachment 4 remain unresolved.

13. A violation of 10 TEX. ADMIN. CODE §60.105 (Reporting Requirements), as amended.

On July 11, 2012, the Department sent notice that Respondent had failed to timely submit their 2011 Annual Owner's Compliance Report. Each development must submit an Annual Owner's Compliance Report on or before March 1 of each year. Parts A, C, and D were submitted, but Part B remains outstanding.

14. A violation of Section 7 of the LURA.

On December 1, 2012, the Department sent an invoice for Annual Compliance Fees in the amount of \$5,790. Payment is due upon receipt and Respondent failed to submit payment. The invoice remains unpaid.

15. The following violations remain outstanding at the time of this order:

- a. 2006 UPCS violations described in Findings of Fact(" FOF") #5a;
- b. 2008 UPCS violations described in FOF #5b;
- c. Household income violations described in FOF #6a;
- d. Social services violation described in FOF #6b;
- e. 2009 UPCS violations described in FOF #7;
- f. 2010 annual compliance fee violation described in FOF #8;
- g. 2011 UPCS violations described in FOF #9;
- h. 2011 annual compliance fee violation described in FOF #10;
- i. Unit availability violation described in FOF #11a;
- j. Affirmative marketing plan violation described in FOF #11b;
- k. Lease language violation described in FOF #11c;
- l. Pre-onsite documentation violations described in FOF #11d;
- m. 2012 UPCS violations described in FOF #12;

- n. Reporting violation described in FOF #13; and
- o. 2012 annual compliance fee violation described in FOF #14.

CONCLUSIONS OF LAW

1. Because the Respondent owns the Property and has violated Department rules and agreements, the Department has personal and subject matter jurisdiction over this matter pursuant to Tex. Gov't Code §§2306.041 (Imposition of a Penalty), 2306.185 (Long Term Affordability and Safety of Multifamily Housing Developments), 2306.261-.275 (Regulating Housing Sponsors) and 2306.176 (Fees).
2. Respondent is a "housing sponsor" as that term is defined in Tex. Gov't Code §2306.004(14).
3. Respondent violated 10 TEX. ADMIN. CODE § 60.13 in 2006, 10 TEX. ADMIN. CODE § 60.116 in 2008 and 2009, 10 TEX. ADMIN. CODE § 60.118 in 2011 and 2012, by failing to comply with the U.S. Department of Housing and Urban Development ("HUD") Uniform Physical Condition Standards when major violations were discovered and not timely corrected.²
4. Respondent violated representations made on page 1 of the LURA, Section 4 of the LURA, and 10 TEX. ADMIN. CODE §60.108 by failing to provide documentation that household incomes were within prescribed limits upon initial occupancy for units 1056 and 2045.
5. Respondent violated 10 TEX. ADMIN. CODE §60.114 and Appendix A of the LURA during 2009 by failing to provide evidence that all required social services were being provided;
6. Respondent violated Section 7 of the LURA by failing to pay required annual compliance fees for the years 2010 through 2012;
7. Respondent violated the representations at page 1 of the LURA and Appendix A of the LURA during 2012 by using Units 1111 and 1117 for non-residential use as maintenance storage;
8. Respondent violated 10 TEX. ADMIN. CODE § 60.114 during 2012 by failing to provide an affirmative marketing plan;
9. Respondent violated 10 TEX. ADMIN. CODE § 60.110 during 2012 by failing to execute required lease provisions or exclude prohibited lease language;

² HUD's Uniform Physical Condition Standards are the standards adopted by TDHCA pursuant to 10 TEX. ADMIN. CODE §10.616(a)

10. Respondent violated 10 TEX. ADMIN. CODE § 60.105(h), 10 TEX. ADMIN. CODE § 60.109, 10 TEX. ADMIN. CODE § 60.115, and 10 TEX. ADMIN. CODE § 60.120(c), during 2012 by failing to submit all required pre-onsite documentation;
11. Respondent violated 10 TEX. ADMIN. CODE § 60.105 by failing to submit all parts of the 2011 Annual Owner's Compliance Report that came due on March 1, 2012;
12. Because Respondent is a housing sponsor, the Department may order Respondent to perform or refrain from performing certain acts in order to comply with the law, Department rules, or the terms of a contract or agreement to which Respondent and the Department are parties, pursuant to Tex. Gov't Code §2306.267.
13. Because Respondent has violated rules promulgated pursuant to Tex. Gov't Code Chapter 2306 and has violated agreements with the Agency to which Respondent is a party, the Agency may impose an administrative penalty pursuant to TEX. GOV'T CODE §2306.041.
14. An administrative penalty of \$5,000 is an appropriate penalty in accordance with 10 TAC §§60.307 and 60.308.

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

IT IS HEREBY ORDERED that Respondent is assessed an administrative penalty in the amount of \$5,000, subject to deferral as further ordered below.

IT IS FURTHER ORDERED that Respondent shall maintain existing contact information as set forth in finding of fact #4, above, until April 30, 2014. Respondent shall notify the Department of any changes in contact information thereafter pursuant to 10 TEX. ADMIN. CODE 1.22 (Providing Contact Information to the Department).

IT IS FURTHER ORDERED that Respondent shall pay and is hereby directed to pay a \$500 portion of the assessed administrative penalty by check payable to the "Texas Department of Housing and Community Affairs" within thirty days of the date this Agreed Final Order is approved by the Board.

IT IS FURTHER ORDERED that Respondent shall pay and is hereby directed to pay \$5790 for annual compliance fees that came due on 12/1/2013. Payment must be made on or before January 1, 2014 by check payable to the "Texas Department of Housing and Community Affairs."

IT IS FURTHER ORDERED that Respondent shall pay and is hereby directed to pay \$17,370 for delinquent annual compliance fees that came due during 2010, 2011, and 2012. Payment must be made on or before March 12, 2014 by cashier's check payable to the "Texas Department of Housing and Community Affairs."

IT IS FURTHER ORDERED that Respondent shall submit a complete and accurate Part B of the 2011 Annual Owner's Compliance Report via the Compliance Monitoring and Tracking System ("CMTS") at <https://pox.tdhca.state.tx.us/aims2/pox> on or before March 12, 2014.

IT IS FURTHER ORDERED that Respondent shall correct all file monitoring violations as indicated in Attachment 1 and submit fully acceptable documentation of the corrections to the Department on or before March 12, 2014.

IT IS FURTHER ORDERED that Respondent shall repair all UPCS violations listed in Attachments 2, 3 and 4 on or before March 12, 2014. An inspection will be performed by the Department on or after that date and all violations in the attachments will be reviewed to verify correction.

IT IS FURTHER ORDERED that if, in the determination of the Department, Respondent timely and fully complies with the terms and conditions of this Agreed Final Order, and the violations are corrected as required, the satisfactory performance under this order will be accepted in lieu of the remaining assessed administrative penalty in the amount of \$4,500, which will be deferred and forgiven.

IT IS FURTHER ORDERED that if Respondent fails to satisfy any conditions or otherwise violates any provision of this order, then the remaining administrative penalty in the amount of \$4,500 shall be immediately due and payable to the Department. Such payment shall be made by cashier's check payable to the "Texas Department of Housing and Community Affairs" within thirty days of the date the Department sends written notice to Respondent that it has violated a provision of this order.

IT IS FURTHER ORDERED that corrective documentation must be uploaded to the Compliance Monitoring and Tracking System ("CMTS") at <https://pox.tdhca.state.tx.us/aims2/pox> per the instructions that can be found online at <http://www.tdhca.state.tx.us/pmcdocs/CMTSUserGuide-AttachingDocs.pdf>. If it comes due and payable, the penalty payment must be submitted to the following address:

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

(Remainder of page left intentionally blank)

Approved by the Governing Board of the Department on _____, 2013.

By: _____
Name: J. Paul Ozer
Title: Chair of the Board of TDHCA

By: _____
Name: Barbara B. Deane
Title: Secretary of the Board of TDHCA

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary public, on this 12th day of December, 2013, personally appeared J. Paul Ozer, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal)

Notary Public, State of Texas

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

Before me, the undersigned notary public, on this 12th day of December, 2013, personally appeared Barbara B. Deane, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

(Seal)

Notary Public, State of Texas

STATE OF TEXAS

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COUNTY OF _____

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

1. "My name is _____, I am of sound mind, capable of making this statement, and personally acquainted with the facts herein stated.
2. I hold the office of _____ for Respondent. I am the authorized representative of Respondent, owner of Willow Pond Apartments, which is subject to a Land Use Restriction Agreement monitored by the Department in the State of Texas, and I am duly authorized by Respondent to execute this document.
3. Respondent knowingly and voluntarily enters into this Agreed Final Order, and agrees with and consents to the issuance and service of the foregoing Agreed Order by the Board of the Texas Department of Housing and Community Affairs.
4. Respondent hereby waives its right to any evidentiary hearing and any right to judicial review of this Agreed Final Order"

I, _____, AN AUTHORIZED REPRESENTATIVE OF RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED FINAL ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED FINAL ORDER, I WAIVE CERTAIN RIGHTS INCLUDING THE RIGHT TO AN EVIDENTIARY HEARING AND ANY RIGHT TO JUDICIAL REVIEW OF THIS ORDER. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED FINAL ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL WIRTTEN OR OTHERWISE.

RESPONDENT:

WPA INVESTMENT GROUP, LTD, a Texas limited partnership

WILLOW POND PARTNERS, LLC, a Texas limited liability company

By: _____

Name: _____

Title: _____

Given under my hand and seal of office this _____ day of _____, 2013.

Signature of Notary Public

Printed Name of Notary Public

NOTARY PUBLIC IN AND FOR THE STATE OF _____

My Commission Expires: _____

Attachment 1

File Monitoring Instructions

1. Submit tenant files. Follow the instructions below with respect to units 1056, 2045, 1111, and 1117, and submit fully acceptable documentation on or before March 12, 2014.

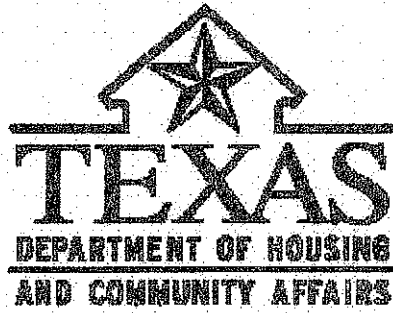
Circumstance with respect to units listed above	Required Action
If unit is occupied by a qualified household	Submit the full tenant file for the current household, including the tenant application, verifications of all sources of income and assets, tenant income certification, lease, lease addendum, and Fair Housing Choice Disclosure Notice ³ .
If unit is occupied by a nonqualified household on a month-to-month lease	<ol style="list-style-type: none">1. Follow your normal procedures for terminating residency and provide a copy of documentation to TDHCA.2. As soon as the unit is occupied by a qualified household, you must submit the full tenant file, including the tenant application, verifications of all sources of income and assets, tenant income certification, lease, lease addendum and Fair Housing Choice Disclosure Notice³.
If unit is occupied by a nonqualified household with a non-expired lease	<ol style="list-style-type: none">1. Issue a nonrenewal notice to tenant and provide a copy to TDHCA.2. As soon as the unit is occupied by a qualified household, you must to submit the full tenant file, including the tenant application, verifications of all sources of income and assets, tenant income certification, lease, lease addendum, and Fair Housing Choice Disclosure Notice³. Receipt after March 12, 2013 is acceptable for this circumstance provided that Requirement 1 is fulfilled.
If unit is vacant	<ol style="list-style-type: none">1. Unit must be made ready for occupancy and a letter certifying to that effect must be submitted to TDHCA.2. As soon as the unit is occupied by a qualified household, you must submit the full tenant file, including the tenant application, verifications of all sources of income and assets, tenant income certification, lease, lease addendum and Fair Housing Choice Disclosure Notice³. Receipt after March 12, 2013 is acceptable for this circumstance provided that Requirement 1 is fulfilled.

³ The Fair Housing Choice Disclosure Notice is required for any households signing leases after 12/27/2012

- 2. Submit Affirmative Marketing Plan and evidence of special outreach on or before 3/12/2013.** The property must maintain an Affirmative Marketing Plan designed to identify and target the segments of the eligible populations that are least likely to apply for housing without special outreach efforts. Among other things, the plan must specifically identify methods to market the property to (1) persons with disabilities and (2) other targeted groups, and the plan must be accompanied by evidence of special outreach efforts to both. Evidence of special outreach commonly includes letters and flyers to groups that specifically serve the targeted population segments.
- 3. Sign lease addenda with all households and submit owner's certification on or before 3/12/2013.** The property is required to state in its lease or in an addendum attached to the lease that evictions or terminations of tenancy for other than good cause are prohibited and that lockouts are not permissible. The current rule relating to this requirement is 10 Tex. Admin. Code §10.608. Respondent has indicated that it will use the TAA Lease Contract Addendum for Units Participating in Government Regulated Affordable Housing Programs. All households must sign that addendum, then Respondent must submit an owner certification indicating that the lease addenda have been signed.
- 4. Submit the following pre-on-site documentation on or before 3/12/2013:**
 - a. Submit via CMTS forms:
 - i. Entrance interview questionnaire;
 - ii. Unit Status Report;
 - b. Utility Allowance;
 - c. Written leasing criteria, including required deposits and refund policy;
 - d. Written wait list policy; and
 - e. Documentation supporting any application fees or other charges that are charged to tenants. If there are no fees, please indicate that in your response.

Attachment 2:
2006 UPCS Violations

(see attached)



www.tdhca.state.tx.us

Physical Assessment of
Willow Pond Apartments - #94039
In Compliance with UPCS

Re-Inspection Date: December 27, 2006

Submitted by: _____
Lisa Longval, Deputy Program Manager



100 Crescent Road
Needham, MA 02494
(781) 433 - 1404
FAX: (781) 444 - 5352

List of Completed Repairs



100 Crescent Road
Needham, MA 02494
(781) 433 - 1404
FAX: (781) 444 - 5352

Completed Repairs

<u>Building #</u>	<u>Unit #</u>	<u>Location</u>	<u>Deficiency Title</u>	<u>Notes</u>
Site		Grounds	Erosion Rutting Areas	Filled in soil
Site		Grounds	Overgrown vegetation	Cut trees
10		Domestic Water	Leaking Central Water Supply	Leak repaired
11	1058	Health & Safety	Infestation	Exterminator
12	2059	Health & Safety	Infestation	Exterminator
12	2060	Health & Safety	Air Quality - Mold	Cleaned area
12	2060	Kitchen	Plumbing - Leaking Faucet/Pipes	leak repaired
13	2066	Doors	Damaged Surface	Hole repaired in bedroom passage door
14		Walls	Missing pieces/holes	Repaired wall
15		Doors	Damaged frames/thresholds	Repaired door
16		Walls	Missing pieces/holes	Replaced siding
16	1076	Doors	Damaged Hardware	Replaced hardware
16	1076	Doors	Damaged Surface	Hole repaired in bedroom passage door
16	1076	Outlets/Switches	Missing Covers	Replaced cover
19		Walls	Missing pieces/holes	Replaced siding
19	1087	Health & Safety	Infestation	Exterminator
19	2088	Doors	Damaged Surface	Hole repaired in bedroom passage door
19	2088	Electrical	GFI Inoperable	Replaced GFI
19	2088	Kitchen	Range Hood	Repaired hood
19	2088	Lighting	Missing Inoperable fixture	Repaired Light
20		Domestic Water	Leaking Central Water Supply	Leak repaired
21	2095	Health & Safety	Hazard - Tripping	Cable wires hidden
21	2095	Health & Safety	Infestation	Exterminator
22		Walls	Missing pieces/holes	Replaced siding
22	1100	Doors	Damaged Hardware	Bathroom door hardware repaired
22	1100	Health & Safety	Infestation	Exterminator
22	1101	Doors	Damaged Hardware	Bathroom door hardware repaired
22	1101	Doors	Damaged Surface	Entry and bathroom door hole repaired
22	1101	Health & Safety	Air Quality - Mold	Cleaned area
22	1101	Smoke Detector	Missing/Inoperable	Detector replaced
22	2099	Health & Safety	Air Quality - Mold	Cleaned area
23	2103	Bathroom	Tub damaged	Tub hardware replaced
23	2103	Kitchen	Range/Stove Inoperable	Stove burners repaired
23	2105	Doors	Damaged Hardware	Bathroom door hardware repaired
23	2105	Health & Safety	Hazard - Tripping	Cable wires hidden
23	2105	Smoke Detector	Missing/Inoperable	Replaced detector
23	2106	Health & Safety	Hazard - Tripping	Cable wires hidden
23	2106	Health & Safety	Infestation	Exterminator
24	2107	Kitchen	Refrigerator - Missing/Damaged/Inoperable	Replaced Refrigerator
25	1112	Doors	Damaged Hardware	Bathroom door hardware repaired
25	1112	Electrical	Missing Breakers/Fuses	Covered breaker ports
25	1112	Health & Safety	Air Quality - Mold	Cleaned area
25	1112	Kitchen	Range/Stove Inoperable	Stove burners repaired
25	1118	Doors	Damaged Hardware	Bathroom door hardware repaired
25	1118	Doors	Damaged Surface	bathroom door hole repaired
26		Walls	Missing pieces/holes	Replaced siding
26	1116	Bathroom	Plumbing - Leaking Faucet/Pipes	Leak repaired
26	1116	Electrical	GFI Inoperable	Replaced GFI
26	1116	Health & Safety	Infestation	Exterminator
26	2122	Doors	Damaged Surface	bathroom door hole repaired
27		Walls	Missing pieces/holes	Replaced siding
27	1129	Doors	Damaged Hardware	Entry door hardware repaired
27	2126	Health & Safety	Air Quality - Mold	Cleaned area
27	2127	Health & Safety	Air Quality - Mold	Cleaned area
27	2127	Smoke Detector	Missing/Inoperable	Replaced detector

Willow Pond Apartments #94039

Completed Repairs

<u>Building #</u>	<u>Unit #</u>	<u>Location</u>	<u>Deficiency Title</u>	<u>Notes</u>
27	2129	Bathroom	Water Closet	Repaired water closet
28	1131	Doors	Deteriorated/Missing seals	Replaced seals
28	1136	Doors	Damaged Hardware	Bathroom door hardware repaired
28	1136	Health & Safety	Infestation	Exterminator
29	2146	Health & Safety	Air Quality - Mold	Cleaned area
29	2146	Health & Safety	Infestation	Exterminator
30	2147	Smoke Detector	Missing/Inoperable	Replaced detector
3	1006	Doors	Damaged Hardware	Bathroom door hardware repaired
3	1006	Health & Safety	Infestation	Exterminator
31	1153	Kitchen	Range /Stove inoperable	Stove burners repaired
31	1153	Smoke Detector	Missing/Inoperable	Replaced detector
32	1155	Health & Safety	Infestation	Exterminator
32	1162	Doors	Damaged hardware	Bathroom door hardware repaired
32	1162	Health & Safety	Infestation	Exterminator
32	2161	Health & Safety	Air Quality - Mold	Cleaned area
33	1165	Kitchen	Plumbing - Leaking Faucet/Pipes	Leak repaired
33	1167	Health & Safety	Air Quality - Mold	Cleaned area
33	1167	Health & Safety	Infestation	Exterminator
34	1173	Doors	Damaged Surface	bathroom door hole repaired
34	1173	Health & Safety	Air Quality - Mold	Cleaned area
34	1173	Kitchen	Range /Stove inoperable	Stove burners repaired
37	1191	Bathroom	Tub damaged	Tub hardware replaced
37	2192	Doors	Damaged hardware	front entry door hardware replaced
37	2193	Health & Safety	Air Quality - Mold	Cleaned area
37	2193	Kitchen	Plumbing - Leaking Faucet/Pipes	Leak repaired
38	1198	Doors	Damaged Hardware/Locks	patio door hardware repaired
38	1198	Kitchen	Range /Stove inoperable	Stove burners repaired
5	1016	Doors	Damaged hardware	Bathroom door hardware repaired
6	2018	Health & Safety	Infestation	Exterminator
6	2018	Kitchen	Range /Stove inoperable	Stove burners repaired
7	2032	Bathroom	Tub damaged	Tub hardware replaced
8	1035	Smoke Detector	Missing/Inoperable	Replaced detector
8	1041	Health & Safety	Infestation	Exterminator

Willow Pond Apartments #94039

Completed Repairs

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Site		Grounds	Overgrown vegetation	Cut trees
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12	2059	Health & Safety	Infestation	Exterminator
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14		Walls	Missing pieces/holes	Repaired wall
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Willow Pond Apartments #94039

Completed Repairs

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32	2161	Health & Safety	Air Quality - Mold	Cleaned area
33	1165	Kitchen	Plumbing - Leaking Faucet/Pipes	Leak repaired
33	1167	Health & Safety	Air Quality - Mold	Cleaned area
33	1167	Health & Safety	Infestation	Exterminator
34	1173	Doors	Damaged Surface	bathroom door hole repaired
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38	1198	Doors	Damaged Hardware/Locks	patio door hardware repaired
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6	2018	Health & Safety	Infestation	Exterminator
6	2018	Kitchen	Range /Stove inoperable	Stove burners repaired
7	2032	Bathroom	Tub damaged	Tub hardware replaced
8	1035	Smoke Detector	Missing/Inoperable	Replaced detector
8	1041	Health & Safety	Infestation	Exterminator

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

Def. Found	Def. Found			Deficiency Title	Roll	Exp	Notes
	L1	L2	L3				
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
			X	Erosion/Rutting Areas	0	0	Run off has extensively displaced soil, potential failure of structure or foundation
			X	Overgrown/Penetrating Vegetation	0	0	Trees have visibly damaged a component, roof, fascia in more than one location
Market Appeal	X			Graffiti	0	0	
Parking/Drives	X			Potholes/Loose Material	0	0	
Refuse Disposal		X		Broken/Damaged Enclosure-Inadequate Outside Storage	0	0	
Retaining Walls		X		Damaged/Falling/Leaning	0	0	
Bldg 32 - 4 steps with no railing Bldg 28 N side - trip hazard							
Building Exterior							
Roofs	X			Damaged Soffits/Fascia	0	0	
		X		Missing/Damaged Components from Downspout/Gutter	0	0	
Walls	X			Missing Pieces/Holes/Spalling	0	0	
	X			Stained/Peeling/Needs Paint	0	0	
Building Systems							
Domestic Water			X	Leaking Central Water Supply	0	0	leakinggg
Unit: H154							
No Keys							
Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0	
	X			Shower/Tub - Damaged/Missing	0	0	
Doors	X			Damaged Hardware/Locks	0	0	
			X	Damaged Surface (Holes/Paint/Rusting)	0	0	bedroom passage door has hole larger than 1" in diameter
Floors	X			Floor Covering Damage	0	0	
Kitchen	X			Plumbing - Leaking Faucet/Pipes	0	0	
	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
Unit: 2052							
No Keys							
Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0	
	X			Shower/Tub - Damaged/Missing	0	0	
Kitchen		X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
	X			Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	0	0	
			X	Range/Stove - Missing/Damaged/Inoperable	0	0	two or more burners do not function
Building Exterior							
Roofs	X			Damaged Soffits/Fascia	0	0	
		X		Missing/Damaged Components from Downspout/Gutter	0	0	
Walls	X			Missing Pieces/Holes/Spalling	0	0	

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building Exterior							
	Walls		X		Stained/Peeling/Needs Paint	0	0
	Windows	X			Damaged Sills/Frames/Lintels/Trim	0	0
Unit: 1058							
	Doors		X		Damaged Hardware/Locks	0	0
			X		Missing Door	0	0
Completed	Health & Safety			X	Infestation - Insects	0	0
	Kitchen		X		Refrigerator-Missing/Damaged/Inoperable	0	0
	Walls		X		Damaged	0	0
			X		Water Stains/Water Damage/Mold/Mildew	0	0
							roach infestation in kitchen
Building Exterior							
	Roofs		X		Missing/Damaged Components from Downspout/Gutter	0	0
	Walls		X		Missing Pieces/Holes/Spalling	0	0
			X		Stained/Peeling/Needs Paint	0	0
Unit: 2059-Vacant							
	Bathroom		X		Shower/Tub - Damaged/Missing	0	0
	Doors		X		Missing Door	0	0
Completed	Health & Safety			X	Infestation - Insects	0	0
	Kitchen		X		Refrigerator-Missing/Damaged/Inoperable	0	0
							roach infestation in kitchen
Unit: 2060							
	Bathroom		X		Lavatory Sink - Damaged/Missing	0	0
			X		Shower/Tub - Damaged/Missing	0	0
Completed	Floors		X		Rot/Deteriorated Subfloor	0	0
Completed	Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0
Completed	Kitchen			X	Plumbing - Leaking Faucet/Pipes	0	0
				X	Range/Stove - Missing/Damaged/Inoperable	0	0
			X		Refrigerator-Missing/Damaged/Inoperable	0	0
	Walls		X		Water Stains/Water Damage/Mold/Mildew	0	0
							evidence of mold and mildew on tub walls
							Associated pipes are leaking water that is adversely affecting the area around it
Building Exterior							
	Walls		X		Missing Pieces/Holes/Spalling	0	0
			X		Stained/Peeling/Needs Paint	0	0

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building:							
Unit: 1064							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Floors		X		Rot/Deteriorated Subfloor	0	0
	Health & Safety			X	Infestation - Insects	0	0 roach infestation in kitchen
Broken glass on ground by bldg							
Unit: 1065(All Unit)							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Ceiling	X			Water Stains/Water Damage/Mold/Mildew	0	0
	Doors	X			Damaged Hardware/Locks	0	0
	Walls	X			Damaged	0	0
		X			Needs Paint	0	0
Unit: 2066							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
Completed	Doors			X	Damaged Surface (Holes/Paint/Rusting)	0	0 bedroom passage door has hole larger than 1" in diameter
Bath door hardware defective							
Building Exterior							
	Roofs	X			Damaged Soffits/Fascia	0	0
Completed	Walls			X	Missing Pieces/Holes/Spalling	0	0 Deterioration affects area larger than 8 1/2 inches by 11 inches
				X	Stained/Peeling/Needs Paint	0	0
Unit: 2068(All Unit)							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Ceiling	X			Needs Paint	0	0
	Doors			X	Damaged Hardware/Locks	0	0
Building Exterior							
Completed	Doors			X	Damaged Frames/Threshold/Lintels/Trim	0	0 Bldg 15 is offline
Condemned by city							
Building Exterior							
	Roofs	X			Damaged Soffits/Fascia	0	0
				X	Missing/Damaged Components from Downspout/Gutter	0	0
Completed	Walls			X	Missing Pieces/Holes/Spalling	0	0 Missing siding affects area larger than 8 1/2 inches by 11 inches
				X	Stained/Peeling/Needs Paint	0	0
Unit: 1070							

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

		Def. Found						
		L1	L2	L3	Deficiency Title	Roll	Exp	Notes
Willow Pond Apartments								
6003 Abrams Dallas, Tx 75231								
Unit: 1076								
Completed	Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
				Completed	Damaged Surface (Holes/Paint/Rusting)	0	0	bedroom passage door has hole larger than 1" in diameter
	Floors	X			Missing Door	0	0	
	Kitchen	X			Floor Covering Damage	0	0	
			X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
				X	Refrigerator-Missing/Damaged/Inoperable	0	0	
Completed	Outlets/Switches			X	Missing/Broken Cover Plates	0	0	outlet cover is missing exposed wires
Building Exterior								
	Roofs	X			Damaged Soffits/Fascia	0	0	
	Walls		X		Missing Pieces/Holes/Spalling	0	0	
				X	Stained/Peeling/Needs Paint	0	0	
Building Exterior								
	Walls		X		Missing Pieces/Holes/Spalling	0	0	
				X	Stained/Peeling/Needs Paint	0	0	
	Windows	X			Damaged Sills/Frames/Lintels/Trim	0	0	
Building Exterior								
	Roofs	X			Damaged Soffits/Fascia	0	0	
				X	Missing/Damaged Components from Downspout/Gutter	0	0	
Completed	Walls			X	Missing Pieces/Holes/Spalling	0	0	Deterioration of siding affects area larger than 8 1/2 inches by 11 inches
				X	Stained/Peeling/Needs Paint	0	0	
	Windows	X			Damaged Sills/Frames/Lintels/Trim	0	0	
Patio/Porch/Balcony								
	Ceiling			X	Holes/Missing Tiles/Panels/Cracks	0	0	
Unit: 1087 (All Unit)								
	Bathroom	X			Cabinets - Damaged/Missing	0	0	
		X			Lavatory Sink - Damaged/Missing	0	0	
		X			Plumbing - Leaking Faucet/Pipes	0	0	
		X			Shower/Tub - Damaged/Missing	0	0	
	Doors	X			Damaged Hardware/Locks	0	0	
Completed	Health & Safety			X	Infestation - Insects	0	0	roach infestation throughout

Texas Department of Housing and Community Affairs

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List of Deficiencies Found

LicName

Def. Found	Def. Found			Roll	Exp	Notes
	L1	L2	L3			
Willow Pond Apartments						
6003 Abrams Dallas, Tx 75231						
Unit: 1087 (Alt Unit)						
Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
Unit: 2088 (Vacant)						
Bathroom	X			Cabinets - Damaged/Missing	0	0
	X			Lavatory Sink - Damaged/Missing	0	0
	X			Shower/Tub - Damaged/Missing	0	0
		X		Ventilation/Exhaust System - Inoperable	0	0
		X		Water Closet - Damaged/Clogged/Missing	0	0
Doors			X	Damaged Hardware/Locks	0	0 front entry door does not function as it should because of damage to door hardware
			Completed X	Damaged Surface (Holes/Paint/Rusting)	0	0 bedroom passage door has hole larger than 1" in diameter
		X		Missing Door	0	0
Completed Electrical			X	GFI Inoperable	0	0 GFI does not function-electric shutoff
Floors	X			Floor Covering Damage	0	0
HVAC System			X	Inoperable	0	0 HVAC does not function-electric shutoff
Kitchen		X		Cabinets - Missing/Damaged	0	0
		X		Countertops - Missing/Damaged	0	0
		X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0
			Completed X	Range Hoods/Exhaust Fans - Excessive Grease/Inoperable	0	0 range hood does not function-electric shutoff
			X	Range/Stove - Missing/Damaged/Inoperable	0	0 range does not function-electric shutoff
			X	Refrigerator-Missing/Damaged/Inoperable	0	0 refrigerator does not cool-electric shutoff
Lighting			Completed X	Missing/Inoperable Fixture	0	0 Permanent lighting in two or more rooms does not function-electric shutoff
Walls	X			Damaged	0	0
Building Exterior						
Walls		X		Missing Pieces/Holes/Spalling	0	0
Building Exterior						
Roofs	X			Damaged Soffits/Fascia	0	0
Walls		X		Missing Pieces/Holes/Spalling	0	0
		X		Stained/Peeling/Needs Paint	0	0
Patio/Porch/Balcony						
Ceiling		X		Holes/Missing Tiles/Panels/Cracks	0	0

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		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Unit: 2093							
No Keys							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Plumbing - Leaking Faucet/Pipes	0	0
			X		Shower/Tub - Damaged/Missing	0	0
	Health & Safety			X	Infestation - Insects	0	0
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
	Walls	X			Damaged	0	0
							Tub drain and associated hardware has failed roach infestation throughout
Building Exterior							
	Roofs	X			Damaged Soffits/Fascia	0	0
Building Systems							
	Domestic Water			X	Leaking Central Water Supply	0	0
							leaking
Unit: 1097							
Building Exterior							
	Roofs	X			Damaged Soffits/Fascia	0	0
	Walls		X		Missing Pieces/Holes/Spalling	0	0
			X		Stained/Peeling/Needs Paint	0	0
Unit: 1097							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Doors		X		Damaged Surface (Holes/Paint/Rusting)	0	0
	Floors	X			Floor Covering Damage	0	0
	Health & Safety			X	Infestation - Insects	0	0
							roach infestation in kitchen
Unit: 2095							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
	Doors		X		Damaged Hardware/Locks	0	0
	Health & Safety			X	Hazards - Tripping	0	0
				X	Infestation - Insects	0	0
	Kitchen	X			Plumbing - Leaking Faucet/Pipes	0	0
		X			Refrigerator-Missing/Damaged/Inoperable	0	0
	Walls	X			Damaged	0	0
							TV cable on hallway and bedroom floors roach infestation in kitchen
Building Exterior							
	Roofs	X			Damaged Soffits/Fascia	0	0
			X		Missing/Damaged Components from Downspout/Gutter	0	0

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Def. Found		Deficiency Title		Roll	Exp	Notes	
L1	L2	L3					
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building Exterior							
Completed	Walls		X	Missing Pieces/Holes/Spalling	0	0	Deterioration of siding affects area larger than 8 1/2 inches by 11 inches
			X	Stained/Peeling/Needs Paint	0	0	
Patio/Porch/Balcony							
	Ceiling		X	Holes/Missing Tiles/Panels/Cracks	0	0	
Unit: 1100							
	Bathroom		X	Cabinets - Damaged/Missing	0	0	
Completed	Doors		X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
Completed	Health & Safety		X	Infestation - Insects	0	0	roach infestation throughout
	Kitchen		X	Range/Stove - Missing/Damaged/Inoperable	0	0	
	Outlets/Switches		X	Missing/Broken Cover Plates	0	0	
	Walls		X	Damaged	0	0	
			X	Needs Paint	0	0	
Unit: 1101							
	Bathroom		X	Shower/Tub - Damaged/Missing	0	0	
Completed	Doors		X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
Completed		Completed	X	Damaged Surface (Holes/Paint/Rusting)	0	0	Entry and bath door has hole larger than 1" in diameter
Completed	Health & Safety		X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
	Kitchen		X	Cabinets - Missing/Damaged	0	0	
			X	Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
			X	Range/Stove - Missing/Damaged/Inoperable	0	0	
	Outlets/Switches		X	Missing/Broken Cover Plates	0	0	
Completed	Smoke Detector		X	Missing/Inoperable	0	0	Missing smoke alarm
	Walls		X	Water Stains/Water Damage/Mold/Mildew	0	0	
Insect Infestation throughout unit							
Unit: 2099 (Air Unit)							
	Bathroom		X	Lavatory Sink - Damaged/Missing	0	0	
	Floors		X	Floor Covering Damage	0	0	
Completed	Health & Safety		X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
	Kitchen		X	Cabinets - Missing/Damaged	0	0	
			X	Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
			X	Range/Stove - Missing/Damaged/Inoperable	0	0	
	Walls		X	Damaged	0	0	

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Def. Found						
L1	L2	L3	Deficiency Title	Roll	Exp	Notes
Willow Pond Apartments						
6003 Abrams Dallas, Tx 75231						
Unit: 2099						
	Walls	X	Needs Paint	0	0	
		X	Water Stains/Water Damage/Mold/Mildew	0	0	
Building Exterior						
	Roofs	X	Damaged Soffits/Fascia	0	0	
		X	Missing/Damaged Components from Downspout/Gutter	0	0	
	Walls	X	Missing Pieces/Holes/Spalling	0	0	
		X	Stained/Peeling/Needs Paint	0	0	
Unit: 2103						
	Bathroom	X	Lavatory Sink - Damaged/Missing	0	0	
		X	Plumbing - Leaking Faucet/Pipes	0	0	
		Completed X	Shower/Tub - Damaged/Missing	0	0	Tub drain and associated hardware has failed
		X	Water Closet - Damaged/Clogged/Missing	0	0	
	Kitchen	X	Cabinets - Missing/Damaged	0	0	
		X	Range Hoods/Exhaust Fans - Excessive Grease/Inoperable	0	0	
		Complete X	Range/Stove - Missing/Damaged/Inoperable	0	0	two or more burners do not function
Unit: 2105						
	Bathroom	X	Shower/Tub - Damaged/Missing	0	0	
	Completed Doors	X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
	Completed Health & Safety	X	Hazards - Tripping	0	0	TV cable on hallway and bedroom floors
	Kitchen	X	Refrigerator-Missing/Damaged/Inoperable	0	0	
	Completed Smoke Detector	X	Missing/Inoperable	0	0	missssss
Level 3 hole in left bathroom door						
Unit: 2106						
	Bathroom	X	Lavatory Sink - Damaged/Missing	0	0	
	Completed Health & Safety	X	Hazards - Tripping	0	0	TV cable on hallway and bedroom floors
		Completed X	Infestation - Insects	0	0	roach infestation throughout
	Kitchen	X	Range/Stove - Missing/Damaged/Inoperable	0	0	
	Walls	X	Damaged	0	0	
Building Exterior						

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Def. Found	Def. Found			Deficiency Title	Roll	Exp	Notes
	L1	L2	L3				
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building Exterior							
Roofs	X			Damaged Soffits/Fascia	0	0	
		X		Missing/Damaged Components from Downspout/Gutter	0	0	
Walls		X		Missing Pieces/Holes/Spalling	0	0	
		X		Stained/Peeling/Needs Paint	0	0	
Unit: 1110							
Bathroom	X			Cabinets - Damaged/Missing	0	0	
	X			Plumbing - Leaking Faucet/Pipes	0	0	
	X			Shower/Tub - Damaged/Missing	0	0	
Floors	X			Floor Covering Damage	0	0	
Kitchen		X		Cabinets - Missing/Damaged	0	0	
	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
Walls	X			Damaged	0	0	
Unit: 2107-Vacant							
Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	
Kitchen		X		Range/Stove - Missing/Damaged/Inoperable	0	0	
		Completed	X	Refrigerator-Missing/Damaged/Inoperable	0	0	refrigerator is missing
Outlets/Switches	X			Missing/Broken Cover Plates	0	0	
Building Exterior							
Walls	X			Cracks/Gaps	0	0	
	X			Missing Pieces/Holes/Spalling	0	0	
	X			Stained/Peeling/Needs Paint	0	0	
Patio/Porch/Balcony							
Ceiling	X			Holes/Missing Tiles/Panels/Cracks	0	0	
Floors	X			Rot/Deteriorated Subfloor	0	0	
Unit: 1112							
Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	
		X		Shower/Tub - Damaged/Missing	0	0	Tub drain and associated hardware has failed
Doors	Completed	X		Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
Electrical	Completed	X		Missing Breakers/Fuses	0	0	missing breaker open port
Floors	X			Floor Covering Damage	0	0	
Health & Safety	Completed	X		Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on L/R and closet walls
Kitchen	X			Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	0	0	
	Completed	X		Range/Stove - Missing/Damaged/Inoperable	0	0	two or more burners do not function

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		Def. Found						
		L1	L2	L3	Deficiency Title	Roll	Exp	Notes
Willow Pond Apartments								
6003 Abrams Dallas, Tx 75231								
Building								
Unit: 1112								
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
	Walls		X		Damaged	0	0	
			X		Damaged/Deteriorated Trim	0	0	
			X		Needs Paint	0	0	
			X		Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 1118								
	Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0	
			X		Shower/Tub - Damaged/Missing	0	0	
	Completed Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
	Completed			X	Damaged Surface (Holes/Paint/Rusting)	0	0	bath door has hole larger than 1" in diameter
	Floors	X			Floor Covering Damage	0	0	
	Kitchen		X		Cabinets - Missing/Damaged	0	0	
			X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
			X		Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	0	0	
			X		Range/Stove - Missing/Damaged/Inoperable	0	0	
		X			Refrigerator-Missing/Damaged/Inoperable	0	0	
	Walls		X		Damaged	0	0	
			X		Needs Paint	0	0	
Unit: 2111								
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	
	Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
Building Exterior								
	Roofs	X			Damaged Soffits/Fascia	0	0	
			X		Missing/Damaged Components from Downspout/Gutter	0	0	
	Completed Walls			X	Missing Pieces/Holes/Spalling	0	0	Deterioration of siding affects area larger than 8 1/2 inches by 11 inches
				X	Stained/Peeling/Needs Paint	0	0	
Unit: 2116								
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	

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		Def. Found			Roll	Exp	Notes
L1	L2	L3	Deficiency Title				
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Unit: 1110							
Completed	Bathroom	X	Plumbing - Leaking Faucet/Pipes	0	0	Associated pipes are leaking water that is adversely affecting the area around it	
		X	Shower/Tub - Damaged/Missing	0	0		
Completed	Electrical	X	GFI Inoperable	0	0	GFI does not function in kitchen	
	Floors	X	Floor Covering Damage	0	0		
Completed	Health & Safety	X	Infestation - Insects	0	0	roach infestation throughout	
	Walls	X	Damaged	0	0		
		X	Needs Paint	0	0		
Unit: 2122							
	Bathroom	X	Plumbing - Leaking Faucet/Pipes	0	0		
		X	Shower/Tub - Damaged/Missing	0	0		
Completed	Doors	X	Damaged Surface (Holes/Paint/Rusting)	0	0	bath door has hole larger than 1" in diameter	
	Electrical	X	GFI Inoperable	0	0	GFI does not function in kitchen	
	Floors	X	Floor Covering Damage	0	0		
	Health & Safety	X	Infestation - Insects	0	0	roach infestation throughout	
Building Exterior							
	Roofs	X	Damaged Soffits/Fascia	0	0		
		X	Missing/Damaged Components from Downspout/Gutter	0	0		
Completed	Walls	X	Missing Pieces/Holes/Spalling	0	0	Deterioration of siding affects area larger than 8 1/2 inches by 11 inches	
		X	Stained/Peeling/Needs Paint	0	0		
Unit: 1129 (Air Unit)							
	Bathroom	X	Lavatory Sink - Damaged/Missing	0	0		
Completed	Doors	X	Damaged Hardware/Locks	0	0	front entry door does not function as it should because of damage hardware	
	Kitchen	X	Range/Stove - Missing/Damaged/Inoperable	0	0		
		X	Refrigerator-Missing/Damaged/Inoperable	0	0		
	Walls	X	Damaged	0	0		
Unit: 2126							
	Bathroom	X	Lavatory Sink - Damaged/Missing	0	0		
		X	Shower/Tub - Damaged/Missing	0	0		
	Floors	X	Rot/Deteriorated Subfloor	0	0		
Completed	Health & Safety	X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls	
	Kitchen	X	Range/Stove - Missing/Damaged/Inoperable	0	0		

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		Def. Found						
		L1	L2	L3	Deficiency Title	Roll	Exp	Notes
Willow Pond Apartments								
6003 Abrams Dallas, Tx 75231								
Unit: 2126								
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
	Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 2127								
	Doors	X			Damaged Hardware/Locks	0	0	
Completed	Health & Safety		X		Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
Completed	Smoke Detector		X		Missing/Inoperable	0	0	Missing smoke alarm
	Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 2129								
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	
Completed			X		Water Closet - Damaged/Clogged/Missing	0	0	water closet does not flush
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
Building Exterior								
	Walls	X			Missing Pieces/Holes/Spalling	0	0	
Unit: 1131								
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0	
Completed	Doors		X		Deteriorated/Missing Seals (Entry Only)	0	0	Seals are missing on entry door
	Health & Safety		X		Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
	Kitchen	X			Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
			X		Range/Stove - Missing/Damaged/Inoperable	0	0	
			X		Refrigerator-Missing/Damaged/Inoperable	0	0	
	Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 1132								
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
Unit: 1136-Vacant								
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0	
Completed	Doors		X		Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware

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		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building:							
Unit: 1136-Vacant							
	Floors	X			Floor Covering Damage	0	0
Completed	Health & Safety			X	Infestation - Insects	0	0 roach infestation throughout
	Walls	X			Damaged	0	0
Building Exterior							
	Walls		X		Missing Pieces/Holes/Spalling	0	0
Unit: 1141							
	Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0
Unit: 1142							
	Floors	X			Floor Covering Damage	0	0
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
Unit: 1146(AH Unit)							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
Unit: 2141							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
	Kitchen		X		Range/Stove - Missing/Damaged/Inoperable.	0	0
			X		Refrigerator-Missing/Damaged/Inoperable	0	0
Unit: 2146							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
Completed	Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0 evidence of mold and mildew on tub walls
Completed			X		Infestation - Insects	0	0 roach infestation in kitchen
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
	Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0
Unit: 2147							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
	Floors		X		Rot/Deteriorated Subfloor	0	0
	Kitchen		X		Range/Stove - Missing/Damaged/Inoperable	0	0
Completed	Smoke Detector			X	Missing/Inoperable	0	0 Missing smoke alarm

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		Def. Found		Deficiency Title	Roll	Exp	Notes
LI	L2	L3					
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building:							
Unit: 1006							
		Bathroom	X	Shower/Tub - Damaged/Missing	0	0	
		Completed Doors		Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage of door hardware
		Completed Health & Safety		Infestation - Insects	0	0	roach infestation in kitchen
		Kitchen	X	Refrigerator-Missing/Damaged/Inoperable	0	0	
Unit: 1013 Hazard - sharp glass broken window							
Unit: 2011							
		Bathroom	X	Lavatory Sink - Damaged/Missing	0	0	
		Doors		Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
		Floors	X	Floor Covering Damage	0	0	
		Walls	X	Damaged	0	0	
		Windows		Cracked/Broken/Missing Panes	0	0	Window pane is broken in L/R area
Entry door/frame broken -L3							
Building:							
Unit: 1151 (All Unit)							
		Bathroom	X	Plumbing - Leaking Faucet/Pipes	0	0	
		Health & Safety		Infestation - Insects	0	0	roach infestation throughout
		Kitchen	X	Refrigerator-Missing/Damaged/Inoperable	0	0	
Unit: 1153							
		Bathroom	X	Shower/Tub - Damaged/Missing	0	0	
		Health & Safety		Hazards - Tripping	0	0	TV cable on hallway and bedroom floors
		Kitchen		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
		Completed	X	Range/Stove - Missing/Damaged/Inoperable	0	0	two or more burners do not function
		Outlets/Switches	X	Missing/Broken Cover Plates	0	0	
		Completed Smoke Detector		Missing/Inoperable	0	0	Missing smoke alarm
Unit: 2153							
		Bathroom	X	Shower/Tub - Damaged/Missing	0	0	
		Doors	X	Damaged Hardware/Locks	0	0	
Building Exterior							
		Roofs		Missing/Damaged Components from Downspout/Gutter	0	0	
			X	Missing/Damaged Shingles	0	0	
		Walls	X	Missing Pieces/Holes/Spalling	0	0	

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		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
		Deficiency Title					
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building Exterior							
	Walls		X		Stained/Peeling/Needs Paint	0	0
Unit: 1155							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
Completed	Health & Safety			X	Infestation - Insects	0	0
							flea infestation throughout carpet area
	Walls	X			Damaged	0	0
Unit: 1162							
Completed	Doors			X	Damaged Hardware/Locks	0	0
							bath door does not function as it should because of damage to door hardware
Completed	Health & Safety			X	Infestation - Insects	0	0
							roach infestation throughout
Unit: 2157							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Shower/Tub - Damaged/Missing	0	0
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
	Smoke Detector			X	Missing/Inoperable	0	0
							Missing smoke alarm
Unit: 2161 (All Unit)							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Ceiling	X			Water Stains/Water Damage/Mold/Mildew	0	0
Completed	Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0
				X	Hazards - Tripping	0	0
							evidence of mold and mildew on tub walls TV cable on hallway and bedroom floors
	Kitchen		X		Range/Stove - Missing/Damaged/Inoperable	0	0
		X			Refrigerator-Missing/Damaged/Inoperable	0	0
	Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0
Unit: 2162							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Doors		X		Damaged Hardware/Locks	0	0
Building Exterior							
	Roofs	X			Damaged Soffits/Fascia	0	0
		X			Missing/Damaged Components from Downspout/Gutter	0	0
	Walls		X		Missing Pieces/Holes/Spalling	0	0

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

Def. Found		L1 L2 L3		Deficiency Title	Roll	Exp	Notes
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Building							
Unit: 1165 (Alt Unit)							
Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0	
	X			Shower/Tub - Damaged/Missing	0	0	
Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
Completed Kitchen			X	Plumbing - Leaking Faucet/Pipes	0	0	Associated pipes are leaking water that is adversely affecting the area around it
	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 1167 (Alt Unit)							
Completed Bathroom	X			Shower/Tub - Damaged/Missing	0	0	
Completed Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
Completed Walls	X		X	Infestation - Insects	0	0	roach infestation in kitchen
	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 1168 sliding glass door broken out							
Building							
Building Exterior							
Walls		X		Missing Pieces/Holes/Spalling	0	0	
Unit: 1171							
No Keys							
Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	
	X			Shower/Tub - Damaged/Missing	0	0	
Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
			X	Damaged Surface (Holes/Paint/Rusting)	0	0	bath door has hole larger than 1" in diameter
Health & Safety			X	Infestation - Insects	0	0	roach infestation throughout
Kitchen	X			Cabinets - Missing/Damaged	0	0	
	X			Range/Stove - Missing/Damaged/Inoperable	0	0	
	X			Refrigerator-Missing/Damaged/Inoperable	0	0	
Smoke Detector			X	Missing/Inoperable	0	0	Missing smoke alarm
Unit: 1173							
Bathroom	X			Shower/Tub - Damaged/Missing	0	0	
Ceiling	X			Holes/Missing Tiles/Panels	0	0	
	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Completed Doors			X	Damaged Surface (Holes/Paint/Rusting)	0	0	bath door has hole larger than 1" in diameter

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes	
		L1	L2	L3				
Willow Pond Apartments								
6003 Abrams Dallas, Tx 75231								
Unit: 1173								
Completed		Health & Safety		X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
		Kitchen		X	Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
				X	Range Hoods/Exhaust Fans - Excessive Grease/Inoperable	0	0	
			Completed	X	Range/Stove - Missing/Damaged/Inoperable	0	0	two or more burners do not function
		Walls		X	Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 2173-Vacant								
No Keys		Bathroom		X	Shower/Tub - Damaged/Missing	0	0	Tub drain and associated hardware has failed
		Health & Safety		X	Infestation - Insects	0	0	roach infestation throughout
		Kitchen		X	Refrigerator-Missing/Damaged/Inoperable	0	0	
		Walls		X	Damaged	0	0	
Unit: 2180								
No Keys		Bathroom	X		Lavatory Sink - Damaged/Missing	0	0	
			X		Shower/Tub - Damaged/Missing	0	0	
		Floors	X		Floor Covering Damage	0	0	
		Health & Safety		X	Infestation - Insects	0	0	roach infestation throughout
		Kitchen		X	Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
				X	Plumbing - Clogged Drains	0	0	
				X	Range/Stove - Missing/Damaged/Inoperable	0	0	
Unit: 2183-Vacant								
		Bathroom	X		Plumbing - Leaking Faucet/Pipes	0	0	
		Doors	X		Missing Door	0	0	
Building Exterior								
		Roofs		X	Missing/Damaged Components from Downspout/Gutter	0	0	
Unit: 2182								
		Bathroom	X		Lavatory Sink - Damaged/Missing	0	0	
		Doors		X	Damaged Hardware/Locks	0	0	
		Kitchen		X	Range/Stove - Missing/Damaged/Inoperable	0	0	

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

Lic Name

Def. Found		Deficiency Title		Roll	Exp	Notes	
L1	L2	L3					
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Unit: 1191 (All Unit)							
Bathroom	X		Lavatory Sink - Damaged/Missing	0	0		
	Completed	X	Shower/Tub - Damaged/Missing	0	0	Tub drain and associated hardware has failed	
		X	Ventilation/Exhaust System - Inoperable	0	0		
Ceiling	X		Holes/Missing Tiles/Panels	0	0		
	X		Water Stains/Water	0	0		
			Damage/Mold/Mildew				
Doors		X	Damaged Hardware/Locks	0	0		
Floors	X		Floor Covering Damage	0	0		
Kitchen		X	Cabinets - Missing/Damaged	0	0		
		X	Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0		
Unit: 2192 (All Unit)							
Ceiling		X	Holes/Missing Tiles/Panels	0	0		
		X	Water Stains/Water	0	0		
			Damage/Mold/Mildew				
Completed	Doors		X	Damaged Hardware/Locks	0	0	front entry door does not function as it should because of damage to door hardware
Unit: 2193 (All Unit)							
Bathroom	X		Shower/Tub - Damaged/Missing	0	0		
Ceiling		X	Water Stains/Water	0	0		
			Damage/Mold/Mildew				
Completed	Health & Safety		X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
Completed	Kitchen		X	Plumbing - Leaking Faucet/Pipes	0	0	Associated pipes are leaking water that is adversely affecting the area around it
		X	Range Hoods/Exhaust Fans - Excessive Grease/Inoperable	0	0		
		X	Range/Stove - Missing/Damaged/Inoperable	0	0		
Walls	X		Damaged/Deteriorated Trim	0	0		
	X		Water Stains/Water	0	0		
			Damage/Mold/Mildew				
Building Exterior							
Roofs	X		Damaged Soffits/Fascia	0	0		
Walls		X	Stained/Peeling/Needs Paint	0	0		
Unit: 108							
Bathroom	X		Lavatory Sink - Damaged/Missing	0	0		
	X		Shower/Tub - Damaged/Missing	0	0		

Texas Department of Housing and Community Affairs

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List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes	
		L1	L2	L3				
Willow Pond Apartments								
6003 Abrams Dallas, TX 75231								
Building:								
Unit: 1198								
Completed	Doors			X	Damaged Hardware/Locks	0	0	patio door does not function as it should because of damage to door hardware
	Health & Safety			X	Infestation - Insects	0	0	roach infestation throughout
	Kitchen		X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
	Completed		X		Range/Stove - Missing/Damaged/Inoperable	0	0	
Loose TV cable in living room								
Unit: 1196								
	Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0	
				X	Shower/Tub - Damaged/Missing	0	0	Tub drain and associated hardware has failed
Building:								
Building Exterior								
	Walls		X		Missing Pieces/Holes/Spalling	0	0	
Unit: 1016								
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0	
Completed	Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
	Kitchen		X		Range/Stove - Missing/Damaged/Inoperable	0	0	
			X		Refrigerator-Missing/Damaged/Inoperable	0	0	
Entry door frame damage								
Unit: 1022								
No Keys	Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage of door hardware
	Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0	evidence of mold and mildew on tub walls
				X	Infestation - Insects	0	0	roach infestation throughout
	Kitchen		X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
	Walls	X			Water Stains/Water Damage/Mold/Mildew	0	0	
Building:								
Building Exterior								
	Roofs	X			Damaged Soffits/Fascia	0	0	
	Walls		X		Cracks/Gaps	0	0	
Unit: 2018								
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0	

Texas Department of Housing and Community Affairs

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List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Unit: 2018							
	Ceiling		X		Water Stains/Water Damage/Mold/Mildew	0	0
	Doors		X		Damaged Hardware/Locks	0	0
			X		Missing Door	0	0
Completed	Health & Safety			X	Infestation - Insects	0	0 ant infestation throughout unit
	Kitchen		X		Cabinets - Missing/Damaged	0	0
			Completed	X	Range/Stove - Missing/Damaged/Inoperable	0	0 two or more burners do not function
	Outlets/Switches	X			Missing/Broken Cover Plates	0	0
Unit: 1033							
Building Exterior							
	Walls			X	Missing Pieces/Holes/Spalling	0	0 hole in siding affects area larger than 8 1/2 inches by 11 inches
Unit: 2028							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
Unit: 2032							
Completed	Bathroom			X	Shower/Tub - Damaged/Missing	0	0 Tub drain and associated hardware has failed
	Ceiling	X			Holes/Missing Tiles/Panels	0	0
			X		Water Stains/Water Damage/Mold/Mildew	0	0
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
	Smoke Detector			X	Missing/Inoperable	0	0 missing smoke alarm
Unit: 1035							
Building Exterior							
	Roofs	X			Missing/Damaged Components from Downspout/Gutter	0	0
Unit: 1035							
	Bathroom	X			Shower/Tub - Damaged/Missing	0	0
	Doors	X			Damaged Hardware/Locks	0	0
Completed	Smoke Detector			X	Missing/Inoperable	0	0 missing smoke alarm

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List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes
		L1	L2	L3			
Willow Pond Apartments							
6003 Abrams Dallas, Tx 75231							
Unit: 1035							
	Walls		X		Damaged	0	0
Unit: 1041							
	Bathroom	X			Lavatory Sink - Damaged/Missing	0	0
		X			Plumbing - Clogged Drains	0	0
	Doors		X		Damaged Surface (Holes/Pain/Rusting)	0	0
	Floors		X		Rot/Deteriorated Subfloor	0	0
Completed	Health & Safety			X	Infestation - Insects	0	0
	Walls	X			Damaged	0	0
Unit: 2037							
No Keys	Bathroom	X			Plumbing - Leaking Faucet/Pipes	0	0
		X			Shower/Tub - Damaged/Missing	0	0
	Doors		X		Damaged Hardware/Locks	0	0
							front entry door does not function as it should because of damage to door hardware
	Health & Safety			X	Infestation - Insects	0	0
	Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	0	0
							roach infestation throughout
	Smoke Detector			X	Missing/Inoperable	0	0
							missing smoke alarm
Building Exterior							
	Roofs	X			Missing/Damaged Components from Downspout/Gutter	0	0
Unit: 1049-Vacant							
No Keys	Bathroom	X			Cabinets - Damaged/Missing	0	0
		X			Lavatory Sink - Damaged/Missing	0	0
			X		Ventilation/Exhaust System - Inoperable	0	0
	Ceiling	X			Holes/Missing Tiles/Panels	0	0
		X			Water Stains/Water Damage/Mold/Mildew	0	0
	Doors	X			Damaged Hardware/Locks	0	0
		X			Damaged Surface (Holes/Paint/Rusting)	0	0
		X			Missing Door	0	0
	Electrical			X	GFI Inoperable	0	0
							GFI does not function-electric shut-off
	Floors	X			Floor Covering Damage	0	0
		X			Missing Flooring	0	0
	Health & Safety			X	Air Quality - Mold and/or Mildew Observed	0	0
							evidence of mold and mildew on several walls
	HVAC System			X	Inoperable	0	0
							HVAC does not function-electric shut-off
	Kitchen	X			Cabinets - Missing/Damaged	0	0

Texas Department of Housing and Community Affairs

Report Date: May 22, 2006

List of Deficiencies Found

LicName

		Def. Found			Roll	Exp	Notes	
		L1	L2	L3				
Willow Pond Apartments								
6003 Abrams Dallas, Tx 75231								
Unit: 1049-Vacant								
	Kitchen		X		Dishwasher/Garbage Disposal - Damaged/Inoperable	0	0	
				X	Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	0	0	range hood does not function-electric shutoff
				X	Range/Stove - Missing/Damaged/Inoperable	0	0	range does not function-electric shutoff
				X	Refrigerator-Missing/Damaged/Ino perable	0	0	refrigerator does not cool-electric shutoff
	Lighting			X	Missing/Inoperable Fixture	0	0	Permanent lighting for two or more rooms does not function-electric shutoff
	Walls		X		Damaged	0	0	
			X		Damaged/Deteriorated Trim	0	0	
			X		Needs Paint	0	0	
			X		Water Stains/Water Damage/Mold/Mildew	0	0	
Unit: 2045								
	Bathroom		X		Lavatory Sink - Damaged/Missing	0	0	
			X		Plumbing - Leaking Faucet/Pipes	0	0	
			X		Shower/Tub - Damaged/Missing	0	0	
	Kitchen		X		Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	0	0	
				X	Range/Stove - Missing/Damaged/Inoperable	0	0	
No Keys	Unit: 2049							
	Doors			X	Damaged Hardware/Locks	0	0	bath door does not function as it should because of damage to door hardware
	Walls	X			Needs Paint	0	0	

Exigent and Fire Safety Hazards



100 Crescent Road
Needham, MA 02494
(781) 433 - 1404
FAX: (781) 444 - 5352



100 Crescent Road, Needham, MA 02494 (781) 433-1404 FAX: (877) 797-0609

NOTIFICATION OF EXIGENT AND FIRE SAFETY HAZARDS OBSERVED

TDHCA Number:	94039	Inspection Date:	12/29/06
Property Name:	Willow Pond	Property Phone:	214-361-8837
Property Address:	6003 Abrams Road		
Property City:	Dallas	Zip:	75231

PART 1: EXIGENT HEALTH AND SAFETY HAZARDS

Air Quality A-- Propane/Natural Gas/Methane Gas Detected Electrical Hazards B-- Exposed Wires/Open Panels C-- Water Leaks On or Near Electrical Equipment	Emergency Equipment/Fire Exits/Fire Escapes D-- Emergency/Fire Exits/Blocked/Unusable Fire Escapes E-- Blocked Egress/Ladders Gas/Oil Hot Water Heater/Gas/Oil HVAC F-- Carbon Monoxide Hazard - Gas/Oil Fired Unit -Missing / Misaligned
--	--

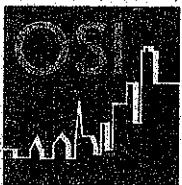
NO ITEMS FOUND

PART 2: FIRE SAFETY HAZARD

Emergency Equipment/Fire Exits/Fire Escapes G-- Window Security Bars Prevent Egress H-- Fire Extinguishers Expired	Smoke Detectors I -- Missing/Inoperative
---	---

NO ITEMS FOUND

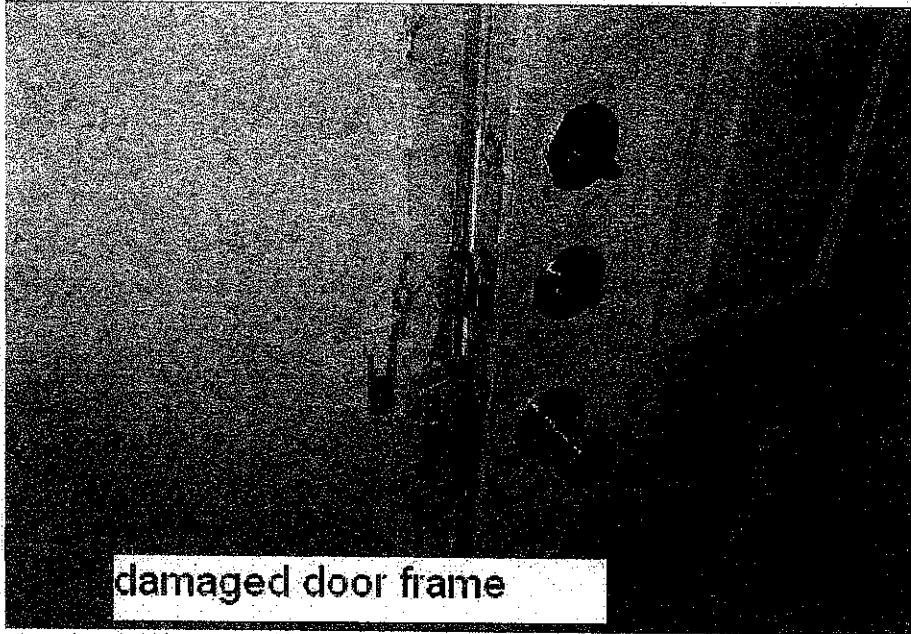
Photos



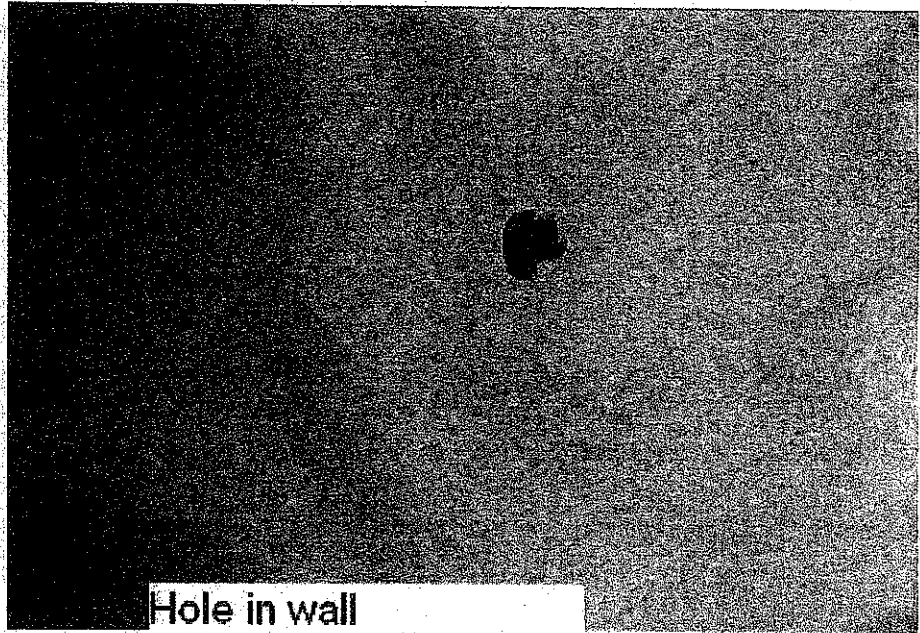
ON-SITE

INSIGHT

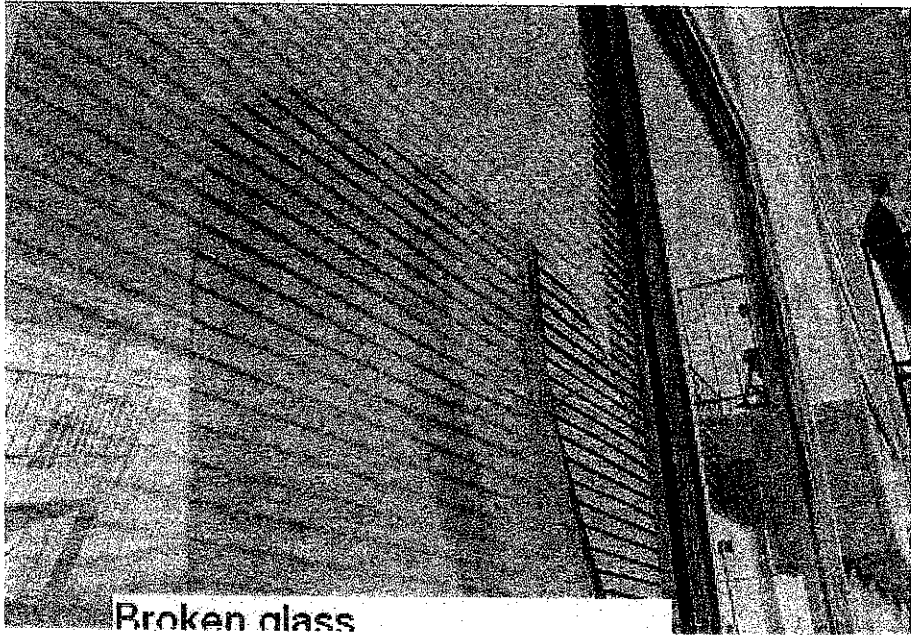
100 Crescent Road
Needham, MA 02494
(781) 433 - 1404
FAX: (781) 444 - 5352



damaged door frame



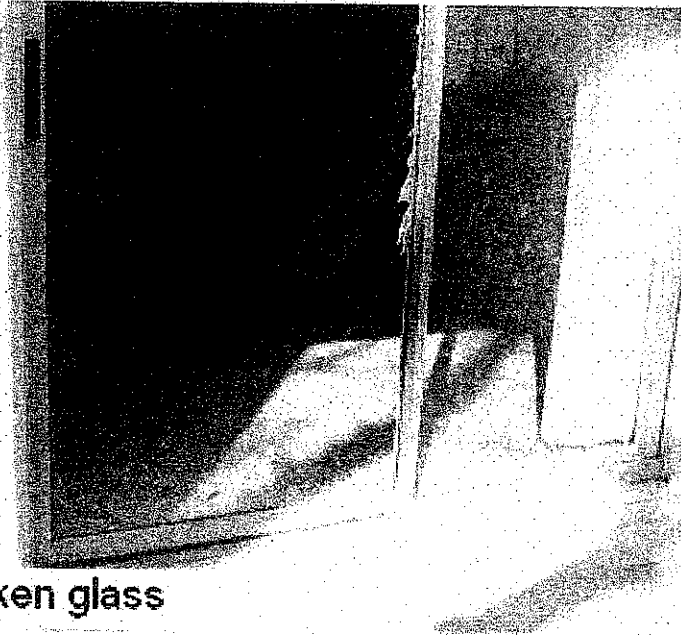
Hole in wall



Broken glass



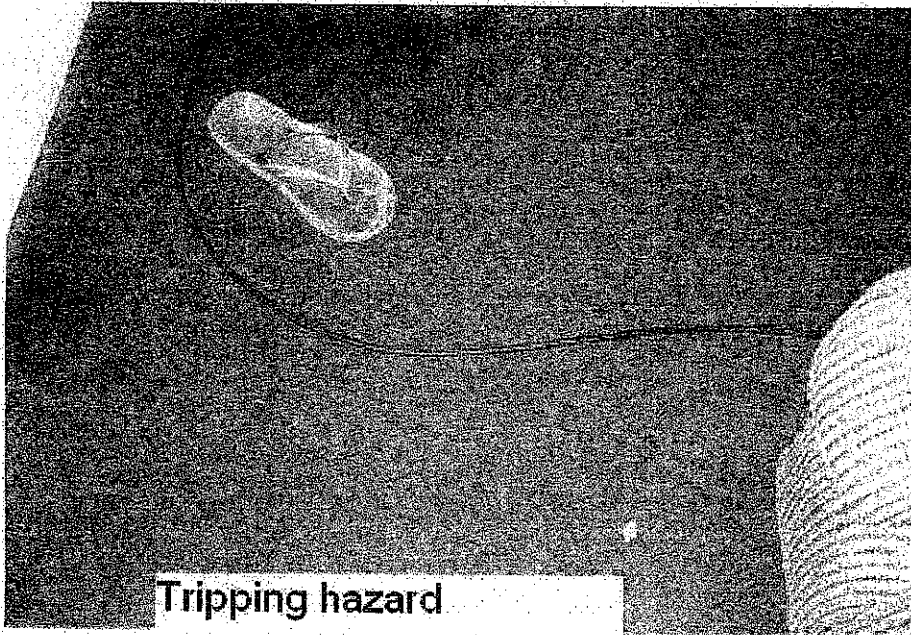
Broken glass



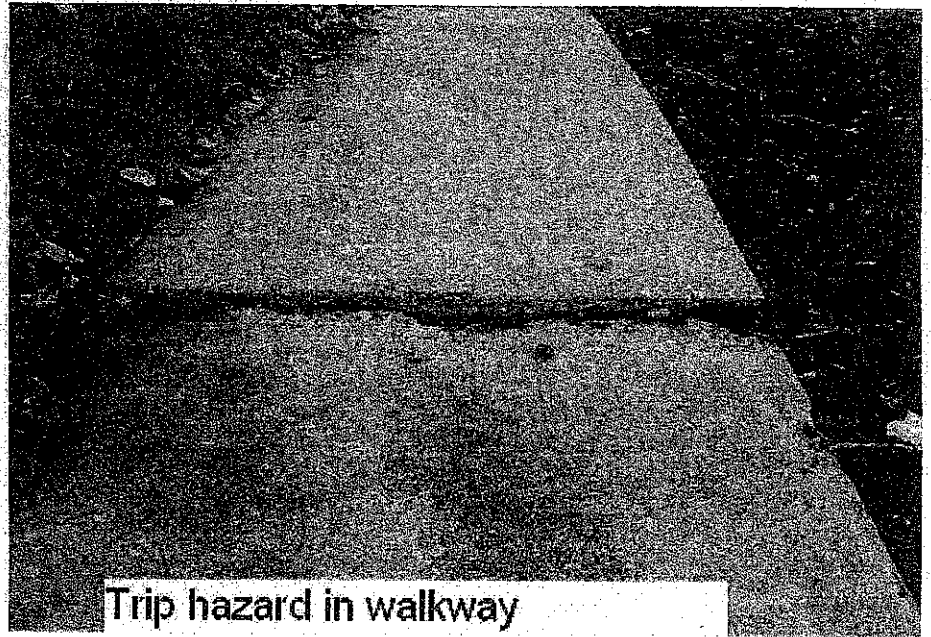
Broken glass



Door hardware missing



Tripping hazard



Trip hazard in walkway

Attachment 3:

2008 and 2009 UPCS Violations (as verified during a follow-up inspection conducted on 10/26/2011)

(see attached)

Area	Build	Unit	Inspected Item	Observation	Severity	Comments	2008/2009/ Both	Corrected?
Site			Fencing and Gates	Damaged/Falling/Leaning	L3	entry Gates missing	2008	NO
Site			Grounds	Erosion/Rutting Areas	L2large ruts/ruts and dirt washing over walkways under walkways and patios	Both Years	no
Site			Grounds	Overgrown Penetrating Vegetation	L2	trees/bushes blocking walkways	2009	No
Site			Parking/Drives	Cracks/Gaps	L2	parking and drives	2009	no
Site			Retaining walls	Damaged/Falling/Leaning	L2	damaged-cracked	Both Years	No
2 TX-94-00058								
Ca	2	Laundry	Floors	Floor Covering Damage	L2	tiles damaged	Both Years	no
CA	2	Laundry	Windows	cracked/ broken/missing panes	L3	glass missing	Both Years	no
Ca	2	Laundry	H&S	Outlet/switches/cover plate	L3	missing	2011-follow up	no
Du	2	2010	Kitchen	Range/Stove-Missing/Damaged/inoperable	L3	stove missing	2009	no
DU	2	2010	H&S	Outlet/switches/cover plate	L3	missing	2011-follow up	need appliances to be ready
4 TX-94-00060								
BldgExt	4		Roofs	Missing/Damaged Components Downspout/Gutt	L1	splash blocks missing & gutter damage	Both Years	no
8 TX-94-00064								
BldgExt	8		Roofs	Missing/Damaged Components Downspout/Gutt	L1	splashblocks missing	Both Years	downspout missing
9 TX-94-00065								
BldgExt	9		Roofs	Missing/Damaged Components Downspout/Gutt	L2	down spouts damaged/splashblocks missing	Both Years	no
11 TX-94-00067								
BldgExt	11		Roofs	Missing/Damaged Components Downspout/Gutt	L2	gutters damaged	2008	No-down spout missing
DU	11	1056	H&S	Hazards-tripping	L3	livingroom cable causes trip hazard	2009	no
DU	11	1056	walls	damaged	L1	kitchen	2009	no
12 TX-94-00068								
BldgExt	12		walls	Cracks/Gaps	L2	east side walls cracked	2008	no
CA	12	storage	walls	damaged	L3	holes in storage room walls	2008	no
DU	12	1061	Doors	damaged hardware	L2	bedroom hardware damage	2008	no
DU	12	1061	Doors	damaged surface	L3	hole in 1st bedroom door/door broken	Both Years	no
DU	12	1061	H&S	infestation	L3	Insects	2008	no
13 TX-94-00069								
BldgExt	13		Roofs	Damaged Soffits/Fascia	L1	north soffit	2009	no
BldgExt	13		Roofs	Missing/Damaged Components Downspout/Gutt	L1		2008	No-down spout missing
14 TX-94-00070								
BldgExt	14		Roofs	Damaged Soffits/Fascia	L1	fascia damaged	2008	no
BldgExt	14		Roofs	Damaged Vents	L1	soffit vents damaged	2008	no
BldgExt	14		Roofs	Missing/Damaged Components Downspout/Gutt	L1		Both Years	no
DU	14	1068	H&S	Infestation-insects	L3	roaches	2009	no
DU	14	2069	doors	Deteriorated/Missing Seal	L3	entry door seal has failed	2008	no
DU	14	2069	H&s	Hazards-tripping	L3	livingroom cable trip hazard	2008	no
15 TX-94-00071 Completely Vacant Unoccupied & Secured								
BldgExt	15		Foundations	cracks/gaps	L2	cracks	2008	no
BldgExt	15		Lighting	broken fixtures/bulbs	L2	fixture broken -south side	2008	no
BldgExt	15		Roofs	Missing/Damaged Components Downspout/Gutt	L2	gutters damaged	2008	no
BldgExt	15		walls	cracks/gaps	L3	cracks in exterior	2008	no
BldgExt	15		walls	Missing pieces/holes/spalling	L3	dryrot-spalling of exterior stucco	2008	no

Area	Build	Unit	Inspected Item	Observation	Severity	Comments	Date Complete
16 TX-94-00072							
BldgExt	16		Lighting	broken fixtures/bulbs	L2	fixture broken	2008 no
BldgExt	16		Roofs	Missing/Damaged Components Downspout/Gutter	L1	downspout damaged	Both Years no
BldgExt	16		Roofs	missing/damaged shingles	L2	shingles damaged	Both Years no
DU	16	207	Doors	damaged frames/threshold	L3	bath door not closing	2009 no-vacant 3 years
DU	16	207	Kitchen	Range/Stove-Missing/Damaged/Inoperable	L3	Missing	2008 no-vacant 3 years
17 TX-94-00073							
BldgExt	17		Roofs	Missing/Damaged Components Downspout/Gutter	L1	downspout damaged	Both Years no
18 TX-92-00074							
DU	18	1088	H&S	Infestation-insects	L3	kitchen-live roaches	2008 no
19 TX-94-00075							
BldgExt	19		Foundations	spalling/exposed rebar	L3	nw corner rebar exposed	2008 no
BldgExt	19		Walls	Missing Pieces/holes/Spalling	L2	dry rot on siding	2008 no
20 TX-94-00076							
BldgExt	20		Roofs	Damaged Soffits/Fascia	L1	south fascia	2009 no-over patio #2094
DU	20	2094	Ceiling	Needs paint	L2	bath	2009 no
21 TX-94-00077							
BldgExt	21		Roofs	Damaged Soffits/Fascia	L3	fascia damaged	Both Years no
DU	21	1098	Kitchen	plumbing-leaking faucet	L1	sink faucet	2009 no-at cold valve
DU	21	1098	kitchen	Refrigerator	L1	gasket tom	2009 no-refrigerator missing
24 TX-94-00080							
BldgExt	24		Roofs	Damaged Soffits/Fascia	L1	fascia & soffit	Both Years no
BldgExt	24		Walls	Missing Pieces/holes/Spalling	L2	dry rot on siding	2008 no-at stairs over #1107
DU	24	2108	Doors	Deteriorated/Missing Seal	L3	door seal has failed	2008 no
25 TX-94-00081							
BldgExt	25		Walls	cracks/gaps	L2	cracks in stucco	2008 no
DU	25	2112	Doors	damaged frames/threshold	L3	bathroom door frame damaged	2008 no
27 TX-94-00083							
DU	27	2128	H&S	Hazards-other	L3	cluttered-6 cats	2008 unable to inspect
DU	27	2128	Kitchen	plumbing-leaking faucet	L1	sink faucet leaks	2008 unable to inspect
DU	27	2128	Kitchen	Range/Stove-Missing/Damaged/Inoperable	L2	1 burner inoperable	2008 unable to inspect
29 TX-94-00084							
BldgExt	29		Walls	Missing Pieces/holes/Spalling	L3	hole in siding	2009 no-seperation at stairwell
DU	29	1144	Bathroom	plumbing-leaking faucet	L1	tub faucet	2009 no
33 TX-94-00086							
DU	33	2169	Kitchen	Range/Stove-Missing/Damaged/Inoperable	L3	missing	2008 no
DU	33	2169	Kitchen	refrigerator	L3	missing	2008 no
DU	33	2170	HVAC	inoperable	L3	east side of unit hvac inop	2009 unknown-HVAC not turned on
34 TX-94-00089							
DU	34	1176	Kitchen	refrigerator	L1	gasket tom	2008 no
DU	34	1176	Kitchen	Range/Stove-Missing/Damaged/Inoperable	L3	stove missing	2009 yes-but damaged at knob
35 TX-94-00090							
DU	35	2188	Windows	cracked/ broken/missing panes	L3	bdrm glass missing	2009 no
38 TX-94-00093							
DU	38	1197	Kitchen	Dishwasher/Garbage Disposal-inoperable	L2	inoperable	2008 no-corrected during inspection
DU	38	1197	Kitchen	Range/Stove-Missing/Damaged/Inoperable	L3	missing	2008 no
DU	38	1197	Kitchen	refrigerator	L1	tom gasket	2008 no

Attachment 4:

2012 UPCS Violations

(see attached)

List of Deficiencies Found

Report Date: 6/29/2012

Def. Found

L1 L2 L3 Deficiency Title Notes
CMTS 1229 Willow Pond
6003 Abrams Rd Dallas, TX 75231

Grounds			X	Erosion/Rutting Areas	EROSION MULTI LOCATIONS
			X	Overgrown/Penetrating Vegetation	OVERGROWN VEGETATION ON SIDEWALKS / TREES ON BUILDING
Retaining Walls		X		Damaged/Falling/Leaning	DETERIORATED SEVERAL AREAS

Building: 10

Unit: 2051

Health & Safety			X	Infestation - Insects	ROACHES
			X	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	BR1 WINDOW INOPERABLE BLOCKING EGRESS
Windows			X	Inoperable/Not Lockable	BR1 WINDOW INOPERABLE

Building: 12

Unit: 1061

Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	GASKET
Lighting	X			Missing/Inoperable Fixture	BR1 CLOSET

Building: 13

Building Exterior

Roofs		X		Missing/Damaged Components from Downspout/Gutter	DAMAGED DOWNSPOUTS
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Unit: 2066

Kitchen	X			Refrigerator-Missing/Damaged/Inoperable	GASKET
Lighting	X			Missing/Inoperable Fixture	PORCH

Building: 14

Unit: 2069

Doors			X	Damaged Hardware/Locks	SLIDING GLASS DOOR INOPERABLE
Health & Safety			X	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	BR1,2 HEADBOARD BLOCKING EGRESS
Kitchen			X	Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	INOPERABLE

Building: 15 DOWN BUILDING

Closet/Utility/Mechanical

Electrical			X	Missing Covers	TIMER EXPOSED WIRE- REPAIRED
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Building: 16

Building Exterior

Health & Safety			X	Electrical Hazards - Exposed Wires/Open Panels	MISSING BREAKERS - REPAIRED
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Building: 17

Unit: 2079

Doors			X	Damaged Hardware/Locks	BATH1 HINGES
Health & Safety			X	Hazards - Tripping	CABLE CORD- REPAIRED
Kitchen	X			Cabinets - Missing/Damaged	DOOR DAMAGED
	X			Refrigerator-Missing/Damaged/Inoperable	GASKET
Walls	X			Damaged	BR1 HOLE

Building: 18

Building Exterior

Health & Safety			X	Electrical Hazards - Exposed Wires/Open Panels	GAP AROUND BREAKERS
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Building: 2

Building Systems

Fire Protection			X	Missing/Damaged/Expired Extinguishers	MISSING EXTINGUISHER
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Laundry Room

Floors		X		Rot/Deteriorated Subfloor	DAMAGED SUB FLOOR
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Building: 20

Unit: 2093

Outlets/Switches			X	Missing/Broken Cover Plates	BR2 MISSING COVER - REPAIRED
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Building: 21

Unit: 2098 VACANT

Health & Safety			X	Emergency Fire Exits - Emergency/Fire Exits Blocked/Unusable	BR1 INOPERABLE
Kitchen			X	Range/Stove - Missing/Damaged/Inoperable	MISSING
			X	Refrigerator-Missing/Damaged/Inoperable	MISSING

Building: 22

Unit: 1101

Kitchen	X			Plumbing - Clogged Drains	
		X		Range/Stove - Missing/Damaged/Inoperable	1 BURNNER INOPERABLE

Building: 23

Building Exterior

Health & Safety			X	Electrical Hazards - Exposed Wires/Open Panels	MISSING BREAKER - REPAIRED
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Building: 24

Unit: 2107

Health & Safety			X	Hazards - Tripping	CABLE CORD
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Building: 26

Unit: 2116

Kitchen	X			Range/Stove - Missing/Damaged/Inoperable	GREASE
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Building: 27

Building Exterior

Walls	X			Stained/Peeling/Needs Paint	PEELING PAINT
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Unit: 2123

Bathroom	X			Lavatory Sink - Damaged/Missing	DETERIORATED
Doors		X		Missing Door	BEDROOM , PANTRYMISSING
Electrical			X	Blocked Access to Electrical Panel	BLOCKED ACCESS

Building: 28

Unit: 1135

		X	Inoperable/Not Lockable	BEDROOM INOPERABLE
Windows				

Building: 3

Unit: 1012

		X	Infestation - Insects	ROACHES
Health & Safety	X		Missing/Inoperable Fixture	KITCHEN, CLOSET
Lighting		X	Missing/Inoperable	HALLWAY MISSING - REPAIRED
Smoke Detector				

Building: 31

Unit: 2154 VACANT

		X	Range Hoods/Exhaust Fans -Excessive Grease/Inoperable	MISSING
Kitchen		X	Refrigerator-Missing/Damaged/Inoperable	MISSING

Building: 33

Unit: 2170

	X		Missing Door	BATHROOM
Doors				

Building: 36

Unit: 1185

		X	Infestation - Insects	ROACHES
Health & Safety	X		Missing/Inoperable Fixture	KITCHEN
Lighting				

Building: 37

Building Exterior

		X	Missing/Damaged Components from Downspout/Gutter	DAMAGED DOWNSPOUTS
Roofs				

Unit: 1189

	X		Missing/Inoperable Fixture	BATHROOM
Lighting				

Building: 4

Unit: 2013 VACANT

		X	Shower/Tub - Damaged/Missing	HARDWARE INOPERABLE
Bathroom		X	Infestation - Insects	ROACHES
Health & Safety		X	Missing/Broken Cover Plates	MISSING COVER - REPAIRED
Outlets/Switches				

Building: 5

Unit: 1016

	X		Missing Door	CLOSET
Doors		X	Infestation - Insects	ROACHES
Health & Safety				

Building: 7

Unit: 1027

		X	Damaged Surface (Holes/Paint/Rusting)	HOLE BR CLOSET
Doors		X	Range/Stove - Missing/Damaged/Inoperable	1 BURNNER INOPERABLE
Kitchen	X		Damaged	KITCHEN
Walls	X		Damaged	KITCHEN

1c

BOARD ACTION REQUEST
PROGRAM PLANNING, POLICY, AND METRICS (3PM)
DECEMBER 12, 2013

Presentation, Discussion and Possible Action on proposed new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.1 Concerning Reasonable Accommodation Requests, and directing its publication for public comment in the *Texas Register*.

RECOMMENDED ACTION

WHEREAS, program participants can request reasonable accommodations within Department programs; and

WHEREAS, the Department has been requested to provide a documented process by which such requests can be submitted and processed;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the proposed rule, in the form presented to this meeting, to be published in the *Texas Register* for review and public comment, and in connection therewith, make such non-substantive technical corrections as they deem necessary to effectuate the foregoing.

BACKGROUND

Staff has received requests for Reasonable Accommodations in connection with several of the Department's programs. For the benefit of both Department staff and the public, a written policy is provided to document and clarify the procedure by which a request for Reasonable Accommodation can be submitted, reviewed, and approved/denied.

Attachment A: Preamble and proposed new 10 TAC Chapter 1, Subchapter A, §1.1

The Texas Department of Housing and Community Affairs proposes new 10 TAC Chapter 1, *Administration*, Subchapter A, *General Policies and Procedures*, §1.1 regarding *Reasonable Accommodation Requests*, for public comment and publication in the *Texas Register*. The purpose of the rule is to provide the process for requesting a Reasonable Accommodation. The proposed rule provides applicable definitions, a process whereby a written request may be made, the required contents of the request, and for submission of the request to the Executive Director, or his designee.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the proposed rule will be in effect, enforcing or administering the proposed rule does not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the rule will be in effect, the public benefit anticipated as a result of the rule will be to enhance Department access and provide clarity on the Reasonable Accommodation Requests process. There will not be any economic cost to any individuals required to comply with the rule as a result of this action.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. Written comments may be submitted to the Texas Department of Housing and Community Affairs, *David Johnson*, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-4798. **ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. January 29, 2013.**

STATUTORY AUTHORITY. The new section is proposed pursuant to Tex. Gov't Code Ann. §2306.053 which generally authorizes the Department to adopt rules, and more specifically *Tex. Gov't Code Ann. §2306.092* which authorizes the Department to promulgate rules regarding its *programs*.

§1.1. Reasonable Accommodation Requests

- A. Purpose. The purpose of this section is to establish the procedures by which a Requestor may ask that a Reasonable Accommodation is made by the Department.
- B. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - 1. Board--Texas Department of Housing and Community Affairs Governing Board
 - 2. Director--Department staff member supervising the division containing the program for which a Reasonable Accommodation is being requested.
 - 3. Disability--a physical or mental impairment that substantially limits one or more major life activities; or having a record of such an impairment; or being regarded as having such an impairment. Included in this meaning is the term handicap as defined in the Fair Housing Act or as defined by other applicable federal or state law.
 - 4. Fair Housing Act--Fair Housing Act of 1968, also known as Title VIII of the Civil Rights Act of 1968.
 - 5. Reasonable Accommodation--An accommodation and/or modification that is an alteration, change, exception, or adjustment to a program, service, building, dwelling unit, that will allow a qualified person with a Disability to:
 - (a) Participate fully in a program;
 - (b) Take advantage of a service;
 - (c) Live in a dwelling; or
 - (d) Use and enjoy a dwelling.
 - 6. Requestor--Includes applicants, members of the public, clients of Department programs, and program participants.
 - 7. Section 504--Section 504 of the Rehabilitation Act of 1973, as amended.
- C. Procedures.
 - 1. The Requestor of the Reasonable Accommodation shall submit a written request to the Director.
 - 2. The request will contain, at minimum:
 - A. Department program;
 - B. Household information;
 - i. Name; and
 - ii. Address
 - C. Description of the Reasonable Accommodation being requested; and
 - D. Reason the Reasonable Accommodation is necessary.
 - 3. The Director and the supervising Deputy Executive Director/Chief, if any, may ask for additional information from the Requestor to determine:
 - A. If the proposed Reasonable Accommodation is covered under Section 504 and/or the Fair Housing Act or any other federal or state law; and

- B. Whether they will recommend approval, recommendation of an alternative Reasonable Accommodation, or denial to the Executive Director.
4. The request is then sent to the Executive Director or their designee, resulting in one of the following steps:
- A. The Executive Director determines Board action is not necessary and approves the request;
 - B. The Executive Director proposes an alternative Reasonable Accommodation to the Requestor;
 - C. The Executive Director determines Board action is necessary and presents the request and any proposed alternative Reasonable Accommodation at an ensuing Board meeting. The Executive Director can choose to include a recommendation for or against the request;
 - D. The Executive Director refers the request to the Department's Dispute Resolution Coordinator for an Alternative Dispute Resolution procedure as outlined in 10 TAC §1.17; or
 - E. The Executive Director denies the request. The Requestor can ask that their request be placed on the agenda for the next available Board meeting.

1d

BOARD ACTION REQUEST
PROGRAM PLANNING, POLICY, AND METRICS (3PM)
DECEMBER 12, 2013

Presentation, Discussion and Possible Action on the statutory four-year review with amendments of Department rules at 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2, Concerning Department Complaint System, pursuant to Texas Government Code §2001.039, and directing its publication for public comment in the *Texas Register*.

RECOMMENDED ACTION

WHEREAS, Texas Government Code §2001.039 requires a state agency to review the utility of its rules every four years; and

WHEREAS, 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2, Concerning Department Complaint System is due to be reviewed under the agency's review plan;

WHEREAS, Texas Government Code §2306.066 (a)-(c) requires the Department to have a policy to handle complaints; and

WHEREAS, the proposed amendments to 10 TAC Chapter 1, Subchapter A, §1.2, clarify responsibilities and definitions and to update the rule to reflect Department practices;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the proposed rule, in the form presented to this meeting, to be published in the *Texas Register* for review and public comment, and in connection therewith, make such non-substantive technical corrections as they deem necessary to effectuate the foregoing.

BACKGROUND

Texas Government Code §2001.039 requires that a state agency review its rules every four years. The primary purpose of the review is to determine whether the reason for the initial adoption of the rules continues to exist. During the review process, an agency may determine that a rule as currently in effect continues to be necessary, or that a rule needs to be amended, or that a rule is no longer valid or applicable and should be repealed. The agency is required to publish in the *Texas Register* a citation to the rule under review (Notice of Intention to Review) and solicit public comment. Staff recommends publication in the *Texas Register* of a Notice of Intention to Review 10 TAC §1.2, Concerning Department Complaint System. Further, the Department has

determined that amendments to the rule will help to clarify responsibilities, update the process given changes in the Department, and comply with statute.

Attachment A: Preamble and proposed amendments to 10 TAC Chapter 1, Subchapter A, §1.2

The Texas Department of Housing and Community Affairs proposes amendments to 10 TAC Chapter 1, *Administration*, Subchapter A, *General Policies and Procedures*, §1.2 regarding *Department Complaint System*, for public comment and publication in the *Texas Register*. The purpose of the amendment is to clarify responsibilities and definitions as well as updating the rule to reflect needed changes in Department practices, and to comply with Texas Government Code §2306.066 (a)-(c), which requires the Department to have a policy to handle complaints. A separate notice in the *Texas Register* will simultaneously provide notification of a four-year rule review in accordance with Texas Government Code §2001.039.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments does not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the amendments will be in effect, the public benefit anticipated as a result of the amendment of the rule will be enhanced Department administration of the complaint process. There will not be any economic cost to any individuals required to comply with the rule as a result of this action.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. Written comments may be submitted to the Texas Department of Housing and Community Affairs, *David Johnson*, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-4798. **ALL COMMENTS MUST BE RECEIVED BY *January 29, 2014 5:00 P.M.***

STATUTORY AUTHORITY. The amendment is proposed pursuant to Tex. Gov't Code Ann. §2306.053 which generally authorizes the Department to adopt rules, and more specifically *Tex. Gov't Code Ann. §2306.092* which authorizes the Department to promulgate rules regarding its programs, and Tex. Gov't Code §2306.066 (a)-(c), which requires the Department to have a policy to handle complaints.

§1.2. Department Complaint System.

- A. Purpose. The purpose of this section is to establish the procedures by which complaints that the department has the authority to resolve are answered.
- B. Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 1. Complaint--A written complaint that a person believes the department has the authority to resolve, other than a complaint about the quality of services funded by a block grant administered by the department or consumer complaints relating to manufactured housing.

2. Department--The Texas Department of Housing and Community Affairs.
3. Person--Any individual, other than an employee of the Department, and any partnership, corporation, association, governmental subdivision, or public or private organization of any character.
4. Complaint Coordinator – Person designated by the Executive Director or his designee to monitor the database of complaints received by the agency and coordinate activities related to complaints.
- 3.5. Complaint Liaison – Person designated by each division director to handle each division’s complaint-related issues.

C. Procedures. A person who has a written complaint may submit such complaint to ~~the department's director of the housing resource center or to any employee of the department~~ for submission to the director of the housing resource center or the designee of the director of the housing resource center Complaint Coordinator or Complaint Liaison.

1. ~~The director of the housing resource center or a designee~~ The Complaint Coordinator or Complaint Liaison shall assign a ~~control~~ complaint number to the complaint, reviews the complaint, and investigates, or causes an investigation to be completed, ~~and submits the department's findings to the executive director of the department.~~

1.2. The Complaint Coordinator will submit periodic summary reports to the Executive Director or his designee.

2.3. ~~The department~~ Department shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the Department's policies and procedures relating to complaint investigation and resolution.

3.4. ~~The executive director or a designee~~ The Department shall either notify the complainant of the resolution of the complaint within 15 business days after the date ~~the director of the housing resource center received the complaint number~~ was assigned the complaint, or notify the complainant, within such period, of the date the complaint can be resolved.

4.5. ~~The executive director or a designee~~ Department shall notify the complainant of the status of the complaint at least quarterly and until the final disposition of the complaint ~~unless the notice would jeopardize an undercover investigation.~~

5.6. An information file about each complaint shall be maintained. The file must include:

A. the complaint number

~~A.~~ B. the name of the person who filed the complaint;

~~B.~~ C. the date the complaint is was received by the Department;

~~C.~~ D. the subject matter of the complaint;

~~D.~~ E. the name of each person contacted in relation to the complaint;

~~E.~~ F. a summary of the results of the review or investigation of the complaint;

and

G. an explanation of the reason the file was closed, if the Department closed the file without taking action other than to investigate the complaint.

—

7. This procedure will not be followed where another procedure is required by law or if following this procedure would jeopardize an undercover investigation.

Attachment B: Preamble for Notice of Intention to Review 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2, Concerning Department Complaint System.

Notice of Intention to Review Rules
Texas Department of Housing and Community Affairs
Title 10, Part 1

The Texas Department of Housing and Community Affairs (“Department”) will review 10 Texas Administrative Code, Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.2, concerning Department Complaint System. The review is being conducted in accordance with Texas Government Code, §2001.039, which requires state agencies to review and consider their administrative rules for repeal, re-adoption, or revision every four years. The review shall assess whether the reasons for initially adopting the rules continue to exist.

The Department will accept public comments for 30 days following the publication of this notice concerning whether the reasons for initially adopting the rule continue to exist. This review is being done in conjunction with proposed amendments to the rule.

Any written comments pertaining to this notice should be directed to David Johnson, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, TX 78711-3941, or by fax to (512) 469-9606. **ALL COMMENTS MUST BE RECEIVED BY *January 29, 2014 5:00 P.M.*** Any proposed repeals or amendments to these rules as a result of the review will be proposed and published in the *Texas Register* accordance with the Administrative Procedure Act, Texas Government Code, Chapter 2001.

1e

BOARD ACTION REQUEST
SINGLE FAMILY PROGRAMS

DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 1, Subchapter A, §1.19 concerning Deobligated Funds and an order adopting new 10 TAC Chapter 1, §1.19 concerning the Reallocation of Financial Assistance.

RECOMMENDED ACTION

WHEREAS, the Governing Board of the Texas Department of Housing and Community Affairs (the "Department") periodically reviews and updates its policies and rules;

WHEREAS, the rules describing the uses of deobligated funds identified in 10 TAC Chapter 1, Subchapter A, §1.19 concerning Deobligated Funds will benefit from simplification and greater clarity;

WHEREAS, the proposed repeal of 10 TAC Chapter 1, Subchapter A, §1.19 concerning Deobligated Funds and the proposed adoption of new 10 TAC Chapter 1, §1.19 concerning the Reallocation of Financial Assistance were published in the *Texas Register* for public comment; and

WHEREAS, no public comment was received;

NOW, therefore, it is hereby

RESOLVED, that the final order adopting the repeal of 10 TAC Chapter 1, Subchapter A, §1.19 concerning Deobligated Funds, is hereby ordered and approved, together with the preambles presented to this meeting, for publication in the *Texas Register*;

RESOLVED, that the final order adopting 10 TAC Chapter 1, Subchapter A, §1.19 concerning the Reallocation of Financial Assistance is hereby ordered and approved, together with the preambles presented to this meeting, for publication in the *Texas Register*; and

FURTHER RESOLVED, that the Executive Director and his designees be and each them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the repeal and new rule, in the form presented to this meeting, to be published in the *Texas Register* for final adoption and in connection therewith, make such nonsubstantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The purpose of the repeal and the new rule are to: (1) be more clear regarding which contract or program funds are covered by the rule, (2) allow for the reprogramming of funds into activities already authorized by the Board for that program's funds without recurrent Board approval; (3) ensure that the rule does not unduly limit or restrict the Department in using funds for permissible activities for which there is a relevant need that has been identified by the Board, (4) add flexibility for the language

relating to the setting aside of HOME funds for the amelioration of disasters (recovery), and (5) remove details regarding which events trigger a deobligation, since those are captured elsewhere in program rules and guidance. Additionally, some sections are removed as they are unnecessary because all funds referenced in this rule are correlated to programs already governed by other rules with those sections; those sections include the definitions, the list of what circumstances may trigger a deobligation, and the notification process for a deobligation.

Attachment 1: Preamble and adoption of repeal of 10 TAC, Chapter 1, §1.19.

The Texas Department of Housing and Community Affairs (the “Department”) adopts the repeal of 10 TAC Chapter 1, Subchapter A, §1.19 concerning Deobligated Funds without changes to the proposal as published in the (date) issue of the *Texas Register* (38 TexReg 7397). The new 10 TAC Chapter 1, Subchapter A, Section 1.19, is published concurrently with this repeal in this issue of the *Texas Register*.

REASONED JUSTIFICATION. The purpose of the repeal is to allow for proposal of a simplified policy for the use of deobligated or other available funds the program governs. The Department accepted public comments between October 18, 2013, and November 20, 2013. Comments regarding the repeal were accepted in writing and by fax. No comments were received concerning the repeal.

The Board approved the final order adopting the repeal on December 12, 2013.

STATUTORY AUTHORITY. The repeal is adopted pursuant to the authority of Texas Government Code, §2306.053 which authorizes the Department to adopt rules.

§1.19. Deobligated Funds.

Attachment 2: Preamble and adoption of new 10 TAC Chapter 1, §1.19.

The Texas Department of Housing and Community Affairs (the “Department”) adopts new 10 TAC Chapter 1, Subchapter A, §1.19 concerning the Reallocation of Financial Assistance, without changes to the proposed text as published in the (date) issue of the *Texas Register* (38 TexReg 7397) and will not be republished. The purpose of the proposed new section is to set forth a simplified policy for the use of deobligated funds. The proposed repeal of 10 TAC Chapter 1, Subchapter A, Section 1.19, is published concurrently with this proposed new section in this issue of the *Texas Register*.

REASONED JUSTIFICATION. The purpose of the adopted new rule is to provide greater clarity regarding which contract or program funds are covered by the rule; to allow for the reprogramming of funds into activities already authorized by the Board for that program’s funds without recurrent Board approval; to ensure that the rule does not unduly limit or restrict the Department in using funds for permissible activities for which there is a relevant need that has been identified by the Board; to add flexibility for the language relating to the setting aside of HOME funds for the amelioration of disasters (recovery); and to remove details regarding which events trigger a deobligation, since those are captured elsewhere in program rules and guidance.

The Department accepted public comments between October 18, 2013, and November 20, 2013. Comments regarding the new section were accepted in writing and by fax. No comments were received.

The Board adopted the new rule at the December 12, 2013, meeting of the Board.

STATUTORY AUTHORITY. The new section is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules. The proposed new rule affects no other code, article, or statute.

§1.19. Reallocation of Financial Assistance

- (a) Purpose. It is the policy of the Department to take prudent measures to ensure that, when funds are provided to recipients for assistance, they are timely and lawfully utilized and that, if they cannot be timely and lawfully utilized by the initial recipient, there are mechanisms in place to reallocate those funds to other recipients in order to ensure their full utilization while maximizing assistance to beneficiaries.
- (b) Consistent with Texas Government Code, §2306.111(h), this rule establishes the policy of the Department for the reallocation of federal or state financial assistance administered by the Department when:
- (1) an administrator or contractor returns contracted funds;
 - (2) reserved funds are not fully utilized at completion of an activity;
 - (3) balances on contracts remain unused;
 - (4) funds in a contract or reservation are partially or fully recaptured or terminated; or
 - (5) in instances where the Department recaptures funds because a party to a contract with the Department has been unable to meet required benchmarks or expend funds within the time frames agreed, despite notices and opportunities to cure as provided in the related rule, contract and/or written correspondence (if any) from the Department.
- (c) Reallocation of financial assistance for specific federal or state funding sources or programs administered by the Department may already be governed by or provided for in:
- (1) federal regulations and requirements;
 - (2) state rules adopted in other Sections of this Part;
 - (3) in funding plans approved by the Board governing federal or state resources; or
 - (4) written agreements relating to the administration of such funds.
- (d) To the extent that programs or funding sources are governed by any of the items provided for in subsection (c) of this section, further Board approval is not required. Those funding uses not governed by subsection (c) of this section will require Board approval.
- (e) To the extent that certain programs are required to regionally allocate their annual allocations of funds, funds reallocated under this section do not require subsequent regional allocation.
- (f) At least one million dollars of HOME funds made available under this section, or other HOME program funds including program income, will be set-aside by the Department annually for the purposes of disaster relief.
- (g) Funds made available under this section may be aggregated over a period of time prior to being reallocated.
- (h) Consistent with the requirements of Texas Government Code, §2306.111(h), if the Department's obligation of financial assistance related to bonds is terminated prior to issuance, the assistance will be reallocated among other activities permitted by that bond issuance and any indenture associated with those bonds, as approved by the Board.
- (i) Any portion of this rule may be waived for good cause by the Governing Board of the Department.

1f

BOARD ACTION REQUEST

COMPLIANCE DIVISION

DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1003 and new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §§ 10.1004 - 10.1005, concerning Income and Rent Limits

RECOMMENDED ACTION

WHEREAS, the Board approved proposed amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1003 concerning Tax Exempt Bond Developments and new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §§ 10.1004 - 10.1005 concerning Housing Tax Credit Properties, TCAP, Exchange and HTF and HOME and NSP to be published in the *Texas Register* for public comment, at the September 12, 2013, Board meeting; and,

WHEREAS, the rulemaking was published in the October 4, 2013 issue of the *Texas Register* and the public comment period has ended; and,

WHEREAS, Department staff has noted an error needing correction prior to final adoption in the proposed new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §10.1004 concerning Housing Tax Credit, TCAP, Exchange and HTF,

NOW, therefore, it is hereby

RESOLVED, that the amendments to 10 TAC §10.1003 and new 10 TAC §10.1005 are adopted and that the Executive Director and his designees be and each of them are hereby authorized, empowered and directed, for and on behalf of the Department, to publish the amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1003 concerning Tax Exempt Bond Developments and new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §10.1005 concerning HOME and NSP, in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

FURTHER RESOLVED, the Executive Director and his designees are authorized, empowered, and directed to withdraw the previously published version and re-propose new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1004 concerning Housing Tax Credit Properties, TCAP, Exchange and HTF for public comment in the *Texas Register*, in the form presented to this meeting, to be published in the *Texas Register* for public comment and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing, including the preparation of subchapter specific preambles.

BACKGROUND

The Board approved the proposed amendments to 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits, §10.1003 concerning Tax Exempt Bond Developments and new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §§ 10.1004 - 10.1005 concerning Housing Tax Credit Properties, TCAP, Exchange and HTF and HOME and NSP at the September 12, 2013, Board meeting to be published in the *Texas Register* for public comment. The rulemaking was published in the October 4, 2013 issue of the *Texas Register* and made available for public comment from October 4, 2013, through November 4, 2013. No comment was received.

Although no comment was received, Department staff noted an error in 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, §10.1004 concerning Housing Tax Credit Properties, TCAP, Exchange and HTF subsection (h) and, as a result, intends to withdraw the version approved for public comment and re-propose the new section. In addition, staff took this opportunity to clarify subsection (f). Although the section will be withdrawn and posed to the *Texas Register* as new, it is shown here in the black lined format to identify changes made.

The Texas Department of Housing and Community Affairs (the "Department") adopts amendments to 10 TAC Chapter 10, Subchapter H, Income and Rent Limits §10.1003 concerning Tax Exempt Bond Developments without changes to the proposed text as published in the October 4, 2013 issue of the *Texas Register* (38 TexReg 6794) and will not be republished.

REASONED JUSTIFICATION. This Rule adopts the manner in which income and rent limits will be calculated for Tax Exempt Bond Developments.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS. Comments were accepted from October 4, 2013, through November 4, 2013. No comments were received concerning the amendments.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The amendment affects no other code, article, or statute.

§10.1003.Tax Exempt Bond Developments.

(a) Tax Exempt Bond Developments must use the Multifamily Tax Subsidy Program (MTSP) income limits released by HUD, generally, on an annual basis. The MTSP limit tables include:

- (1) The 50 percent and 60 percent Area Median Gross Income (AMGI) by household size.
- (2) In areas where the income limits did not decrease in 2007 and 2008 because of HUD's hold harmless policy, a HERA Special 50 percent and HERA Special 60 percent income limit by household size. These higher limits can only be used if at least one building in the Project was placed in service on or before December 31, 2008.

(b) If HUD releases a 30 percent, 40 percent, 60 percent or 80 percent income limit in the MTSP charts the Department will make that data available without any calculations. Otherwise, the following calculation will be used, without rounding, to determine additional income limits:

- (1) To calculate the 30 percent AMGI, the 50 percent AMGI limit will be multiplied by .60 or 60 percent.
- (2) To calculate the 40 percent AMGI, the 50 percent AMGI limit will be multiplied by .80 or 80 percent.
- (3) To calculate the 60 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.2 or 120 percent.
- (4) To calculate the 80 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.6 or 160 percent.

(c) The Land Use Restriction Agreement (LURA) for some, but not all, Tax Exempt Bond properties restricts the amount of rent the Development Owner is permitted to charge. If the LURA restricts rents, rent limits will be calculated in accordance with §10.1004(d) of this subchapter (relating to Housing Tax Credit Properties, TCAP, Exchange and HTF).

(d) Tax Exempt Bond LURAs are hereby amended to be consistent with this section.

(e) The Department will make available a memorandum in a recordable form reflecting the applicable rent limits in accordance with this section and the legal description of the affected property. The owner of the property will bear any costs associated with recording such memorandum in the real property records for the county in which the property is located.

(f) Nothing in this section prevents a Development Owner from pursuing a Material Amendment to their LURA in accordance with the procedures found in §10.405 of this chapter (relating to Amendments and Extensions).

Attachment 2. Preamble, adoption of new 10 TAC Chapter 10, Subchapter H, § 10.1005

The Texas Department of Housing and Community Affairs (the "Department") adopts new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits §10.1005, concerning HOME and NSP without changes to the proposed text as published in the October 4, 2013 issue of the *Texas Register* (38 TexReg 6795) and will not be republished. Proposed §10.1004 is withdrawn.

REASONED JUSTIFICATION. This Rule adopts the manner in which income and rent limits will be calculated for HOME and NSP.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS. Comments were accepted from October 4, 2013, through November 4, 2013. No comments were received concerning the new section.

The Board approved the final order adopting the new section on December 12, 2013.

STATUTORY AUTHORITY. The new section is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The proposed new section affects no other code, article, or statute.

§10.1005. HOME and NSP.

(a) HOME Developments must use the HOME Program Income and Rent Limits that are calculated annually by HUD's Office of Policy Development and Research (PDR). The limits are made available for each Metropolitan Statistical Areas (MSA), Primary Metropolitan Statistical Areas (PMSA) and Area, District or County by State.

(1) Upon publication, the Department will determine which counties are in each MSA, PMSA, Area or District.

(2) Generally, PDR publishes income limits in tables identifying the following Area Median Gross Income (AMGI) by household size:

(A) 30 percent Limits;

(B) Very Low-Income Limits which are generally 50 percent of median income, but not less than the State non-metropolitan median which will be shown as the 50 percent limit in the Department's income limits;

(C) 60 percent Limits;

(D) Low-Income Limits which are generally 80 percent of the median income, but capped at the national median income with some exceptions which will be shown as the 80 percent limits in the Department's income limits.

(3) If not published, the Department will use the following methodology to calculate, without rounding, additional income limits from the HOME Program income limits released by PDR:

(A) To calculate the 30 percent AMGI, the 50 percent AMGI limit will be multiplied by .60 or 60 percent.

(B) To calculate the 40 percent AMGI, the 50 percent AMGI limit will be multiplied by .80 or 80 percent.

(C) To calculate the 60 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.2 or 120 percent.

(b) PDR publishes High and Low HOME rent limits by bedroom size.

(c) PDR does not publish a 30 percent or 40 percent rent limits that certain HOME Developments are required to use. These limits will be calculated using the same formulas described in §10.1004 of this subchapter (relating to Housing Tax Credit Properties, TCAP, Exchange and HTF).

(d) In the event that PDR publishes rent limits after the HOME program income limits, the Department permits HOME Developments to delay the implementation of the 30 percent and 40 percent rent limits until the High and Low HOME rent limits must be used.

(e) NSP income limits are published annually by HUD for each county with tables identifying the 50 percent AMGI and 120 percent AMGI for household size. If not published, the Department will use the following methodology to calculate, without rounding, additional income limits from the HOME Program income limits released by HUD:

(1) To calculate the 30 percent AMGI, the 50 percent AMGI limit will be multiplied by .60 or 60 percent.

(2) To calculate the 40 percent AMGI, the 50 percent AMGI limit will be multiplied by .80 or 80 percent.

(3) To calculate the 60 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.2 or 120 percent.

(4) To calculate the 80 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.6 or 160 percent.

(f) If the LURA for an NSP Development restricts rents, the amount of rent the Development Owner is permitted to charge will be the High or Low HOME rent published by PDR or calculated in the same manner described in §10.1004 of this subchapter using the HOME income limits.

Attachment 3. Preamble, withdrawal and re-propose new 10 TAC Chapter 10, Subchapter H, § 10.1004 concerning Housing Tax Credit Properties, TCAP, Exchange and HTF

The Texas Department of Housing and Community Affairs (the “Department”) proposes new 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter H, Income and Rent Limits §10.1004, concerning Housing Tax Credit Properties, TCAP, Exchange and HTF. The proposed new section provides standards to identify which properties can use the rural income limits and details the calculation used for determining the income and rent limits for Housing Tax Credit Properties, TCAP, Exchange and HTF Developments administered by the Department

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the new section is in effect, enforcing or administering the new section does not have any foreseeable implications related to costs or revenues of the state or local governments.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the new section is in effect, the public benefit anticipated, as a result of the new sections, will be improved compliance and clarity regarding requirements. There will not be any additional economic cost to any individuals required to comply with the new sections.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES. The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held December 27, 2013 through January 27, 2014, to receive input on the new sections. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Patricia Murphy, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by fax to (512) 475-3359. ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. JANUARY 27, 2014.

STATUTORY AUTHORITY. The new section is proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The proposed new section affects no other code, article, or statute.

§10.1004. Housing Tax Credit Properties, TCAP, Exchange and HTF.

(a) Except for certain rural properties, Housing Tax Credit, TCAP, Exchange, and HTF Developments must use the Multifamily Tax Subsidy Program (MTSP) income limits released by HUD, generally, on an annual basis. The MTSP limit tables include:

- (1) The 50 percent and 60 percent Area Median Gross Income (AMGI) by household size.
- (2) In areas where the income limits did not decrease in 2007 and 2008 because of HUD's hold harmless policy, a HERA Special 50 percent and HERA Special 60 percent income limit by household size. These higher limits can only be used if at least one building in the Project (as defined on line 8b on Form 8609) was placed in service on or before December 31, 2008.

(b) If HUD releases a 30 percent, 40 percent, 60 percent or 80 percent income limit in the MTSP charts the Department will use that data. Otherwise, the following calculation will be used, without rounding, to determine additional income limits:

- (1) To calculate the 30 percent AMGI, the 50 percent AMGI limit will be multiplied by .60 or 60 percent.
- (2) To calculate the 40 percent AMGI, the 50 percent AMGI limit will be multiplied by .80 or 80 percent.
- (3) To calculate the 60 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.2 or 120 percent.
- (4) To calculate the 80 percent AMGI, the 50 percent AMGI limit will be multiplied by 1.6 or 160 percent.

(c) Treatment of Rural Properties. Section 42(i)(8) of the Code permits certain Housing Tax Credit, Exchange and Tax Credit Assistance properties to use the national non-metropolitan median income limit when the area median gross income limit for a place is less than the national non-metropolitan median income. The Department will make the determination if a place qualifies as rural using the following process:

(1) When HUD releases MTSP income limits, the Compliance Division will review the most current listing of places on the Housing Tax Credit Site Demographic Characteristics Report found on the Department's website, which classifies each place as Rural or Urban. This determination is made in accordance with §10.3(a)(116) of this chapter (relating to Definitions). For the purposes of determining places that are eligible to use the rural income and rent limits, the following places will be removed from the list:

- (A) Urban places.
 - (B) Places with a population in excess of 20,000 as of the 2010 census.
 - (C) Places with a population between 10,000 and 20,000 as of the 2010 census that are in a Metropolitan Statistical Area.
 - (D) Places that have an income limit greater than the national non-metropolitan income limit.
- (2) All remaining places will be eligible to use the national non-metropolitan median income.
- (3) Generally, HUD only releases the national non-metropolitan median income by household size for the 50 percent AMGI. The Department will calculate the additional income limits in accordance with subsection (b) of this section.
- (4) The Department allows the use of rural income limits for HTF multifamily rental Developments that are considered rural using the process described in paragraph (1)(A) - (D) of this subsection.

(d) Rent limits are a calculation of income limits and cannot exceed 30 percent of the applicable Imputed Income Limit. Rent limits are published by bedroom size and will be rounded down to the nearest dollar. Example 1004(1): To calculate the 30 percent 1 bedroom rent limit:

- (1) Determine the imputed income limited by multiplying the bedroom size by 1.5: 1 bedroom x 1.5 persons = 1.5.
- (2) To calculate the 1.5 person income limit, average the 1 person and 2 person income limits: If the 1 person 30 percent income limit is \$12,000 and the 2 person 30 percent income limit is \$19,000, the imputed income limit would be \$15,500 ($\$12,000 + \$19,000 = \$31,000 / 2 = \$15,500$).
- (3) To calculate the 30 percent 1 bedroom rent limit, multiply the imputed income limit of \$15,500 by 30 percent, then divide by 12 months and round down. In this example, the 30 percent 1 bedroom limit

is \$387 (\$15,500 times 30 percent divided by 12 = \$387.50 per month. Rounded down the limit is \$387).
Example 1004(2): to calculate the 50 percent 2 bedroom rent limit:

(A) Determine the imputed income limited to be calculated by multiplying the bedroom size by 1.5: 2 bedrooms x 1.5 persons = 3.

(B) The 3 person income limit is already published; for this example the applicable 3 person 50 percent income limit is \$27,000.

(C) To calculate the 50 percent 2 bedroom rent limit, multiply the \$27,000 by 30 percent, then divide by 12. In this example, the 50 percent 2 bedroom limit is \$675 (\$27,000 times 30 percent divided by 12 = \$675. No rounding is needed since the calculation yields a whole number).

(e) The Department releases rent limits assuming that the gross rent floor is set by the date the Housing Tax Credits were allocated.

(1) For a 9 percent Housing Tax Credit, the allocation date is the date the Carryover Agreement is signed by the Department.

(2) For a 4 percent Housing Tax Credit, the allocation date is the date of the Determination Notice.

(3) For TCAP, the allocation date is the date the accompanied credit was allocated.

(4) For Exchange, the allocation date is the effective date of the Subaward agreement.

(f) Revenue Procedure 94-57 permits, but does not require, owners to set the gross rent floor to the limits that are in effect at the time the Project (as defined on line 8b on Form 8609) places in service. However this election must be made prior to the Placed in Service Date. A Gross Rent Floor Election form is available on the Department's website. Unless otherwise elected, the initial date of allocation described in subsection (e) of this section will be used.

(1) In the event an owner elects to set the gross rent floor based on the income limits that are in effect at the time the Project places in service and wishes to revoke such election, prior approval from the Department is required. The request will be treated as non-material amendment, subject to the fee described in §10.901 of this chapter (relating to Fee Schedule) and the process described in §10.405 of this chapter (relating to Amendments and Extensions).

(2) An owner may request to change the election only once during the Compliance Period.

(g) For the HTF program, the date the LURA is executed is the date that sets the gross rent floor.

(h) Held Harmless Policy.

(1) In accordance with Section 3009 of the Housing and Economic Recovery Act of 2008, once a Project (as defined on line 8b on Form 8609) places in service, the income limits shall not be less than those in effect in the preceding year.

(2) Unless other guidance is received from the U.S. Treasury Department, in the event that a place no longer qualifies as rural, a Project that was placed in service prior to loss of rural designation can continue to use the rural income limits that were in effect before the place lost such designation for the purposes of determining the applicable income and rent limit. However, if in any subsequent year the rural income limits increase, the existing project cannot use the increased rural limits. Example 1004(3): Project A was placed in service in 2010. At that time, the place was classified as Rural. In 2012 that place lost its rural designation. The rural income limits increased in 2013. Project A can continue to use the rural income limits in effect in 2012 but cannot use the higher 2013 rural income limits. ~~Any Project that places in service in this place after the loss of the rural designation must use the applicable MTSP limits published by HUD.~~ For owners that execute a carryover for a Project located in a rural place that

looses such designation prior to the placed in service date, unless other guidance is received from the U.S. Treasury Department, the Department will monitor using the rent limits calculated from the rural limits that were in effect at the time of the carryover. However for the purposes of determining household eligibility, such Project must use the applicable MTSP income limits published by HUD.

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BOARD ACTION REQUEST

COMPLIANCE DIVISION

DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.21, concerning Action by Department if Outstanding Balances Exist

RECOMMENDED ACTION

WHEREAS, the Board approved proposed amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.21, concerning Action by the Department if outstanding Balances Exist to be published in the *Texas Register* for public comment at the October 10, 2013, Board meeting, and,

WHEREAS, the amendments were published in the October 25, 2013 issue of the *Texas Register* and the public comment period has ended,

NOW, therefore, it is hereby

RESOLVED, that the amendments are adopted and the Executive Director and his designees be and each of them are hereby authorized, empowered and directed, for and on behalf of the Department, to publish the amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.21, concerning Action by Department if Outstanding Balances Exist, in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The Board approved the proposed amendments to 10 TAC §1.21 concerning Action by Department if Outstanding Balances Exist, at the October 10, 2013, Board meeting to be published in the *Texas Register* for public comment. The amendments were published in the October 25, 2013 issue of the *Texas Register* and were available for public comment from October 25, 2013, through November 25, 2013. No comment was received.

Attachment 1. Preamble, adoption of amendment of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures §1.21 Action by Department if Outstanding Balances Exist

The Texas Department of Housing and Community Affairs (the "Department") adopts amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures §1.21 Action by Department if Outstanding Balances Exist without changes to the proposed text as published in the October 25, 2013, issue of the *Texas Register* (38 TexReg 7399) and will not be republished.

REASONED JUSTIFICATION. This Rule provides notice to Persons who may request certain actions that their request may be denied or delayed if required fees are past due and/or if they have past due loan payments.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS. Comments were accepted from October 25, 2013 through November 25, 2013. No comments were received concerning the amendments.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendment is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The amendment affects no other code, article, or statute.

TITLE 10. COMMUNITY DEVELOPMENT
PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
CHAPTER 1. ADMINISTRATION
SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

§1.21. Action by Department if Outstanding Balances Exist.

(a) Purpose. The purpose of this section is to inform Persons or entities requesting Form(s) 8609, application amendments, LURA amendments, contract amendments, contract extensions, contract renewals or loan modifications that, if fees or loan payments are past due to the Department, the request may be delayed or terminated.

(b) Definitions. Capitalized words used herein have the meaning assigned in §10.3 of this title (relating to Definitions), or assigned by federal or state law.

(c) Except in the case of interim construction loans, the Department will not issue Form(s) 8609, amend applications, LURAs or contracts, extend or renew contracts or modify loan documents if fees or loan payment are past due to the Department related to the subject of the request.

(d) Once the Department notifies a Person or entity that they are responsible for the payment of a required fee or loan balance that is past due, if no corrective action is taken within five (5) business days of notification, the Executive Director may deny the requested action for failure to comply with this rule.

(e) Exception for work outs. If fees or loan payments affiliated with a work out are past due, then the past due amounts affiliated with a work out may be excepted from this rule so long as the work out is actively underway by Department staff. In which case, in the Department's sole discretion, LURA or any other kinds of amendments may be considered for the subject Development or Contract.

(f) In accordance with §1.5 of this subchapter (relating to Previous Participation Reviews), if a Person or entity applies for funding or an award from the Department, any payment of principal or interest to the Department that is past due beyond any grace period provided for in the applicable loan documents and any past due fees (not just those related to the subject of the request) will be reported to the Executive Award Review Advisory Committee.

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BOARD ACTION REQUEST
COMPLIANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.3, concerning Delinquent Audits and Related Issues

RECOMMENDED ACTION

WHEREAS, the Board approved proposed amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.3, concerning Delinquent Audits and Related Issues to be published in the *Texas Register* for public comment at the October 10, 2013, Board meeting; and,

WHEREAS, the amendments were published in the October 25, 2013, issue of the *Texas Register* and the public comment period has ended;

NOW, therefore, it is hereby

RESOLVED, that the amendments are adopted and that the Executive Director and his designees be and each of them are hereby authorized, empowered and directed, for and on behalf of the Department, to publish the amendment of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.3, concerning Delinquent Audits and Related Issues, in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The Board approved the proposed amendments to 10 TAC §1.3 concerning Delinquent Audits and Related Issues at the October 10, 2013, Board meeting to be published in the *Texas Register* for public comment. The amendments were published in the October 25, 2013, issue of the *Texas Register* and were available for public comment from October 25, 2013, through November 25, 2013. In keeping with the requirements of the Administrative Procedures Act, staff has reviewed all comments received and provided a reasoned response to each comment.

Attachment 1. Preamble, adoption of amendment of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures §1.3 Delinquent Audits and Related Issues

The Texas Department of Housing and Community Affairs (the "Department") adopts amendments to 10 TAC Chapter 1, Subchapter A, General Policies and Procedures §1.3 concerning Delinquent Audits and Related Issues, without changes to the proposed text as published in the October 25, 2013, issue of the *Texas Register* (38 TexReg 7396) and will not be republished.

REASONED JUSTIFICATION. This Rule requires Subrecipients and Affiliates to submit a Single Audit Certification Form indicating whether or not they have expended \$500,000 or more in federal and/or state funds. Subrecipients and Affiliates who have expended more than \$500,000 in Federal and/or state funds must submit a Single Audit. Failure to do so may result in suspension of payments under current contracts, the inability to enter into new contracts and/or renew existing contracts.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS. Comments were accepted from October 25, 2013, through November 25, 2013, with comments received from: (1) Stella Rodriguez, Texas Association of Community Action Agencies.

COMMENT SUMMARY: Commenter (1) indicated that the Department did not have a right to require the use of the Single Audit Certification Form and recommends either the elimination of the form or having its failure of submission to carry a lesser penalty.

STAFF RESPONSE: The Single Audit Certification Form is not an additional subject matter audit requirement but is used as a tool to assist in the Department's compliance with A-133 requirements by recording and tracking whether or not an audit is required of its Subrecipients or contractors. The Department will have difficulty in complying with the A-133 requirements if it is unable to determine if a Subrecipient was required to complete a Single Audit. In addition, the Department cannot utilize the final reported expenditure of the Subrecipient's TDHCA awards, since the Department program fiscal year expenditures may not meet the threshold, but the Subrecipient may have other federal/state program expenditures that cause it to meet the threshold. Therefore, no change is recommended.

COMMENT SUMMARY: Commenter (1) recommends deleting the citation to the State of Texas Audit Circular stating that the reference to federal audit requirements is sufficient.

STAFF RESPONSE: Subrecipients that receive no federal funds are not governed by federal audit requirements. Thus, the citation to the State of Texas Audit Circular is needed. **Therefore, no change is recommended.**

COMMENT SUMMARY: Commenter (1) recommends specific language stating that the Department will follow federal statutes regarding any suspension, reduction, or termination of funding.

STAFF RESPONSE: The Department does not think specific language is necessary because its rules could not be interpreted to violate federal law. Therefore, no change is recommended.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The amendments affect no other code, article, or statute.

TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 1. ADMINISTRATION

SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES

§1.3. Delinquent Audits and Related Issues.

(a) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Affiliate--Shall have the meaning assigned by the specific program or programs described in this title.

(2) Department--The Texas Department of Housing and Community Affairs.

(3) Single Audit--An audit report required by Office of Management and Budget (OMB) Circular A-133 or Texas Government Code, Chapter 738, Uniform Grant and Contract Management.

(4) Single Audit Certification Form--A form that lists the source(s) and amount(s) of Federal funds and/or State funds received by the Subrecipient.

(5) Subrecipient--Includes any entity receiving funds or awards from the Department.

(b) Subrecipients and Affiliates are required to submit a Single Audit Certification form within two (2) months after the end of their fiscal year indicating whether they exceeded the expenditure threshold of \$500,000 for their respective fiscal year.

(c) Subrecipients and Affiliates that expend \$500,000 or more in federal and/or state awards must have a Single Audit or program-specific audit conducted and submit the audit to the Department the earlier of thirty (30) days after receipt of the auditor's report or nine (9) months after the end of its respective fiscal year.

(d) In accordance with OMB Circular A-133 §_.225 and the State of Texas Single Audit Circular §_.225 the Department will suspend and cease payments under all active contracts and/or not renew or enter into a new contract with a Subrecipient or Affiliate who fails to timely submit its Single Audit Certification form or Single Audit.

(e) In accordance with §1.5 of this subchapter (relating to Previous Participation Reviews), if a Subrecipient or Affiliate applies for funding or an award from the Department, the failure to timely submit a Single Audit Certification Form or Single Audit will be reported to the Executive Award Review Advisory Committee.

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BOARD ACTION REQUEST
COMPLIANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, concerning Community Affairs Compliance Monitoring Rules

RECOMMENDED ACTION

WHEREAS, the Board approved proposed 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, concerning Community Affairs Compliance Monitoring Rules, to be published in the *Texas Register* for public comment at the September 12, 2013, Board meeting and,

WHEREAS, the proposed rules were published in the October 4, 2013 issue of the *Texas Register* and the comment period has now ended;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them are hereby authorized, empowered and directed, for and on behalf of the Department, to adopt 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, concerning Community Affairs Compliance Monitoring Rules, in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The Board approved the proposed Community Affairs Compliance Monitoring Rules at the September 12, 2013, Board meeting to be published in the *Texas Register* for public comment. The rules were published in the October 4, 2012 issue of the *Texas Register* and were available for public comment from October 4, 2013, through November 4, 2013. The Texas Association of Community Action Agencies commented that they are in support of the rule. No other comment was received.

Attachment 1. Preamble, adoption 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, Community Affairs Compliance Monitoring Rules

The Texas Department of Housing and Community Affairs (the "Department") adopts 10 TAC Chapter 5, Community Affairs Programs, Subchapter L, Community Affairs Compliance Monitoring Rules without changes to the proposed text as published in the October 4, 2013, issue of the *Texas Register* (38 TexReg 6792) and will not be republished.

REASONED JUSTIFICATION. This Subchapter sets forth a procedure for monitoring the Department's Community Affairs programs. This rule establishes the scope and nature of monitoring the Compliance Division will conduct for Subrecipients of Community Affairs programs.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS. Comments were accepted from October 4, 2013, through November 4, 2013. Comment was received from the Texas Association of Community Action Agencies (TACAA).

1. General

COMMENT SUMMARY: TACAA commented that they are in support of the rule.

STAFF RESPONSE: Staff appreciates the feedback on the rule.

The Board approved the final order adopting the new sections on December 12, 2013.

STATUTORY AUTHORITY. The new sections are adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The new section affect no other code, article, or statute.

TITLE 10. COMMUNITY DEVELOPMENT
PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
CHAPTER 5. COMMUNITY AFFAIRS PROGRAMS
SUBCHAPTER L. COMMUNITY AFFAIRS COMPLIANCE MONITORING RULES

§5.2101.Purpose and Overview.

(a) This subchapter provides the procedures that will be followed for monitoring for compliance with the community affairs programs administered by the Texas Department of Housing and Community Affairs (the "Department"). As of the date of the adoption of this subchapter, those programs include the Community Services Block Grant program (CSBG), the Low Income Home Energy Assistance Program (LIHEAP) (including the two (2) programs utilizing this funding source: the LIHEAP Weatherization Assistance Program (LIHEAP WAP) and the Comprehensive Energy Assistance Program (CEAP)), the Department of Energy Weatherization Assistance Program (DOE WAP), the Emergency Solutions Grant (ESG), and the Homeless Housing and Services Program (HHSP).

(b) Any entity administering any or all of the programs enumerated in subsection (a) of this section is a Subrecipient. A Subrecipient may also administer other programs, including programs administered by other state or federal agencies and privately funded programs. If the Subrecipient has contracts for other programs through the Department, including but not limited to the HOME Partnerships Program, the Neighborhood Stabilization Program, or the Housing Trust Fund, the Department may, but is not required to and does not commit to, coordinate monitoring of those programs with monitoring of community affairs programs under this subchapter.

(c) Frequency of reviews, information collection. In general, Subrecipients will be scheduled for monitoring based on federal monitoring requirements and/or a risk assessment. Factors to be included in the risk assessment include but are not limited to: the number of contracts administered by the Subrecipient, the amount of funds awarded and expended, the length of time since the last monitoring, findings identified during previous monitoring, issues identified through the submission or lack of submission of a single audit, complaints, and reports of fraud, waste and/or abuse. The risk assessment will also be used to determine which Subrecipients will have an onsite review and which may have a desk review.

(d) The Department will provide a Subrecipient with written notice of any upcoming onsite or desk monitoring review, and such notice will be given to the Subrecipient by email to the Subrecipient's chief executive officer at the email address most recently provided to the Department by the Subrecipient. In general, a thirty (30) day notice will be provided. However, if a credible complaint of fraud or other egregious noncompliance is received the Department reserves the right to conduct unannounced monitoring visits. It is the responsibility of the Subrecipient to provide to the Department the current contact information for the organization and the Board in accordance with §5.21 of this chapter (relating to Subrecipient Contact Information) and §1.22 of this title (relating to Providing Contact Information to the Department).

(e) Upon request, Subrecipients must make available to the Department all books and records that the Department determines are reasonably relevant to the scope of the Department's review. Typically, these records may include:

- (1) Minutes of the governing board and any committees thereof, together with all supporting materials;
- (2) Copies of all internal operating procedures or other documents governing the Subrecipient's operations;
- (3) Procurement documentation;
- (4) The Subrecipient's Board approved operating budget;
- (5) The Subrecipient's strategic plan or comparable document if applicable;
- (6) Correspondence to or from any independent auditor;
- (7) Contracts with any third party Subrecipients of goods or services and files documenting compliance with any applicable procurement and property disposition requirements;
- (8) All general ledgers and other records of financial operations (including copies of checks and other supporting documents);
- (9) Applicable client files with all required documentation;
- (10) Applicable human resources records;
- (11) Monitoring reports from other funding entities;
- (12) Client files regarding complaints, appeals and termination of services; and
- (13) Documentation to substantiate compliance with any other applicable state or federal requirements including, but not limited to, the Davis-Bacon Act, United States Department of Housing and Urban Development (HUD) requirements for environmental clearance, Lead Based Paint, the Personal Responsibility and Work Opportunity Act, HUD limited English proficiency requirements, requirements imposed by Section 3 of the Housing and Urban Development Act of 1968.

(f) Post Monitoring Procedures. After the monitoring review is completed, the Subrecipient will be briefed on the initial findings and/or observations through an exit briefing, which may be in person or through a conference call. The Subrecipient will be notified via conference call or email of any finding(s) and/or observation(s) not discussed during the exit briefing. In general, within thirty (30) days of the last day of the monitoring visit, a written monitoring report will be prepared for the Subrecipient describing the monitoring assessment and any corrective actions, if applicable. The monitoring report will be emailed and sent through the U.S. Postal Service to the Board Chair and the Subrecipient's Executive Director. Issues of concern over which there is uncertainty or ambiguity may be discussed by the Department with the staff of cognizant agencies overseeing federal funding.

(g) Subrecipient Response. If there are any findings of noncompliance requiring corrective action, the Subrecipient will be provided thirty (30) days, from the date of the email, to respond which may be extended for good cause. In order to receive an extension, the Subrecipient must submit a written request to the Chief of Compliance within the corrective action period, stating the basis for good cause that the Subrecipient believes justifies the extension. The Department will approve or deny the extension request within three (3) business days.

(h) Monitoring Close Out. Within forty-five (45) days after the end of the corrective action period, a close out letter will be issued to the Subrecipient. If the Subrecipient supplies evidence establishing continual compliance that negates the finding of noncompliance, the issue of noncompliance will be rescinded. If the Subrecipient's response satisfies all findings and concerns noted in the monitoring letter, the issue of noncompliance will be noted as resolved. In some circumstances, the Subrecipient may be unable to secure documentation to resolve a finding. In those instances, if there are mitigating circumstances, the Department may note the finding is not resolved but close the issue with no further action required. If the Subrecipient's response does not correct all findings noted, the close out letter will identify the documentation that must be submitted to correct the issue.

(i) Options for Review. If, following the submission of corrective action documentation, Compliance staff continues to find the Subrecipient in noncompliance, the Subrecipient may request or initiate review of the matter using the following options, where applicable:

(1) If the issue is related to a program requirement or prohibition Subrecipients may contact the applicable federal program officer for guidance or request that the Department contact applicable federal program officer for guidance without identifying the Subrecipient.

(2) If the issue is related to application of a provision of the contract or a requirement of the Texas Administrative Code, or the application of a provision of an OMB Circular, the Subrecipient may request review by the Department's Compliance Committee, as set out in subsection (j) of this section.

(3) Subrecipients may request Alternative Dispute Resolution (ADR). A Subrecipient may send a proposal to the Department's Dispute Resolution Coordinator to initiate ADR pursuant to §1.17 of this title.

(j) Compliance Committee.

(1) The Compliance Committee is a committee of three (3) to five (5) persons appointed by the Executive Director. The Compliance Committee is established to provide independent review of certain compliance issues as provided by this section. Staff from the Legal and the Compliance Division will not be appointed to the committee but will be available to provide guidance to Department staff.

(2) Informal discussion with Compliance Monitoring staff. If the Subrecipient has questions or disagreements regarding any compliance issues, they should first try to resolve them by discussing them with the Compliance Monitoring staff, including, as needed, the Chief of Compliance.

(3) Informal discussion with the Compliance Committee. A Subrecipient may request an informal meeting with the Compliance Committee if the informal discussion with the Compliance Monitoring staff did not resolve the issue.

(4) Compliance Committee Process and Timeline:

(A) At any time, the Subrecipient may call or request an informal conference with the Compliance Monitoring staff and/or the Chief of Compliance.

(B) If a call or an informal conference with the Compliance Monitoring staff does not result in a resolution of the issue, the Subrecipient may, within thirty (30) days of the call or informal conference with Compliance Monitoring staff, request a meeting with the Compliance Committee.

(C) If timely requested in accordance with this section, the Compliance Committee will hold an informal conference with the Subrecipient. A Subrecipient should not offer evidence, documentation, or information to the Committee that was not presented to Compliance Monitoring staff during the informal staff conference. If additional information is offered, the Committee may disallow the information or refer the matter back to Compliance Monitoring staff to allow review of the additional information prior to any consideration by the Committee.

(D) If a meeting with the Compliance Committee does not result in a resolution, matters related to a compliance requirement, other than those required by federal regulation, may be appealed directly to the Board.

(k) If Subrecipients do not respond to a monitoring letter or fail to provide acceptable evidence of compliance within six (6) months of notification of an issue, the matter will be reported to the Department's Enforcement Committee for consideration of administrative penalties, review for a third party review, full or partial cost reimbursement, or contract suspension.

1j

BOARD ACTION REQUEST
HOUSING RESOURCE CENTER
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 1, §1.24, Foreclosure Data Collection

RECOMMENDED ACTION

WHEREAS, the 83rd Regular Session of the Texas Legislature passed Senate Bill 109 which amended Chapter 51 of the Property Code by repealing §51.0022 which had required the collection of certain data regarding foreclosures of residential property across the state;

WHEREAS, because of the repeal, 10 TAC Chapter 1, §1.24, concerning Foreclosure Data Collection, is no longer required by law;

WHEREAS, the proposed repeal of 10 TAC Chapter 1, §1.24, concerning Foreclosure Data Collection, was published in the *Texas Register* for public comment through October 28, 2013; and

WHEREAS, no public comments were received on the proposed repeal;

NOW, therefore, it is hereby

RESOLVED, that the Board adopts the repeal of 10 TAC Chapter 1, §1.24 and the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the repeal, in the form presented in this meeting, to be published in the *Texas Register*, and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The repeal of §51.0022 allows the Department to discontinue the collection of forms from county clerks used by lien holders across the State when filing foreclosure notices against residential properties and by sheriffs and trustees conducting foreclosure sales of residential properties. The Department is no longer required to submit the information received from the county clerks to the Legislature on a quarterly basis.

This repeal applies to notices of sale filed on or after September 1, 2013. The proposed repeal of 10 TAC §1.24 was published in the *Texas Register* for public comment from September 27, 2013 to October 28, 2013. No public comments were received.

Attachment A: Preamble and Repeal of 10 TAC Chapter 1, §1.24, Foreclosure Data Collection

REPEALED RULE

The Texas Department of Housing and Community Affairs (the “Department”) adopts the repeal of 10 TAC Chapter 1, §1.24, concerning Foreclosure Data Collection without changes to the proposal as published in the September 27, 2013 issue of the *Texas Register* and will not be republished.

REASONED JUSTIFICATION. The purpose of the repeal is to implement and comply with Senate Bill 109 of the 83 Regular Legislative Session. Senate Bill 109 amended Chapter 51 of the Property Code by repealing §51.0022 which had required the collection of certain data regarding foreclosures of residential property across the state.

The Department accepted comments between September 27, 2013, and October 28, 2013. Comments regarding the repeal would have been accepted in writing by email, mail or fax. No comments were received concerning the repeal.

The Board approved the final order s adopting the repeal on December 12, 2013.

STATUTORY AUTHORITY. The repeal is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The adopted repeal affects no other code, article or statute.

§1.24. Foreclosure Data Collection.

1k

BOARD ACTION REQUEST
HOUSING RESOURCE CENTER
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22 and adoption of new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, concerning Providing Contact Information to the Department

RECOMMENDED ACTION

WHEREAS, having the most current contact information for persons or entities with whom the Department does business saves time and duplication of work;

WHEREAS, at its September 2013 meeting, the Board approved for publication and public comment in the *Texas Register*, the proposed repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22. The proposed repeal was published on October 4, 2013; and

WHEREAS, at its September 2013 meeting, the Board approved for publication and public comment in the *Texas Register*, the proposed new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22. The proposed new rule was published in the *Texas Register* on September 27, 2013. Public comment was accepted through November 4, 2013. No public comments were received;

NOW, therefore, it is hereby

RESOLVED, that the Board adopts the repeal of 10 TAC §1.22 and new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22 together with the preambles presented to this meeting; and

FURTHER RESOLVED, that the Executive Director and his designees be and each them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, and an order adopting the new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, in the form presented to this meeting, to be published in the *Texas Register* for final adoption, and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The purpose of the proposed repeal of §1.22 is to allow the adoption of a new rule to set forth more complete policies and procedures governing the provision of contact information to the Department. The proposed new 10 TAC Chapter 1, §1.22, Providing Contact Information to the Department, will be published concurrently with the repeal in the *Texas Register*.

Attachment A: Adopted Repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, concerning Providing Contact Information to the Department

The Texas Department of Housing and Community Affairs (the “Department”) adopts the repeal of 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22 concerning Providing Contact Information to the Department without changes to the proposal as published in the October 4, 2013 issue of the *Texas Register* and will not be republished. The purpose of the repeal is to allow the adoption of a new rule to set forth policies and procedures governing the provision of contact information to the Department. New 10 TAC Chapter 1, §1.22, Providing Contact Information to the Department, is published concurrently with this repeal in this issue of the *Texas Register*.

The Department accepted comments between October 4, 2013, and November 4, 2013. Comments regarding the new section were accepted in writing by email, mail or fax. No comments were received concerning the repeal.

STATUTORY AUTHORITY. The repeal is adopted pursuant to Texas Government Code §2306.053, which authorizes the Department to adopt rules.

The repeal affects no other code, article, or statute.

§1.22. Providing Contact Information to the Department.

Attachment B: Preamble and Adoption of New 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.22, concerning Providing Contact Information to the Department

The Texas Department of Housing and Community Affairs (the "Department") adopts new 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedure, §1.22, concerning Providing Contact Information to the Department without changes to the proposed text as published in the October 4, 2013 issue of the *Texas Register* and will not be republished

REASONED JUSTIFICATION. The purpose of this new section is to ensure that contact information is provided to the Department for all business matters.

The Department accepted comments between October 4, 2013, and November 4, 2013. Comments regarding the new section would have been accepted in writing by email, mail or fax. No comments were received concerning the new section.

STATUTORY AUTHORITY. The new section is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules governing the administration of the Department and its programs.

The new section affects no other code, article, or statute.

§1.22. Providing Contact Information to the Department.

(a) Any person or entities doing business with the Department shall notify the Department, of any change in contact information, including names, addresses, telephone numbers, electronic mail addresses and fax numbers. In addition, the notification shall include all Departments contract numbers, project numbers or property names of any type. The notification shall be made as described in paragraphs (1) and (2) of this subsection:

(1) by mail: Texas Department of Housing and Community Affairs, Contact Information Update, P.O. Box 13941, Austin, Texas 78711-3941; or

(2) by electronic mail: contactinformationupdate@tdhca.state.tx.us.

(b) All persons or entities doing business with the Department are responsible for keeping their contact information current pursuant to subsection (a) of this section and as required by other Department rules. The Department is entitled to rely solely on the most recent contact information on file with the Department at the time any notice or other communication is sent.

(c) The notification requirements of this section are in addition to any other change of contact information notification requirements of the Department.

11

BOARD ACTION REQUEST
SINGLE FAMILY PROGRAMS
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action regarding a final order adopting 10 TAC Chapter 21, §§21.1 – 21.6 relating to the Minimum Energy Efficiency Requirements for Single Family Construction Activities and directing its publication in the *Texas Register*.

RECOMMENDED ACTION

WHEREAS, Texas Government Code §2306.187 requires that the Department develop and adopt rules relating to Minimum Energy Efficiency requirements for new construction, reconstruction, and rehabilitation activities in Single Family Programs.

WHEREAS, on October 25, 2013, the proposed rule was published in the *Texas Register* for public comment through November 25, 2013;

WHEREAS, the Department has received comments on two sections of the proposed rule; and

WHEREAS, upon careful consideration the Department agrees with the comments and has made changes in response to these comments;

NOW, therefore, it is hereby

RESOLVED, that the Board adopts new 10 TAC Chapter 21 relating to the Minimum Energy Efficiency Requirements for Single Family Construction Activities, and that the Executive Director and his designees be and each of them is hereby authorized, empowered and directed, for and on behalf of the Department, to cause the adopted rule and preamble, in the form presented to this meeting, to be published in the *Texas Register* and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

Review of Energy Efficiency Requirements

Chapter 388 of the Health and Safety Code provides the State Energy Conservation Office (“SECO”) with authority to adopt energy conservation codes for the State of Texas. SECO, through the Texas Administrative Code (34 TAC §19.53), adopted Chapter 11 of the 2009 International Residential Code as the energy code for the State of Texas for single family detached residential structures and was effective on January 1, 2012.

Impact of the New Rule and Adoption Timeline

This new rule is intended to comply with statutes but also increase long-term affordability of the single family homes that the Department constructs, reconstructs, or rehabilitates. Third party studies indicate that the typical low-income family of four with a household income at or below 80% Area Median Family Income (AMFI) spends approximately 25% of its after tax income on utility bills.

Compliance with the rule will go into effect on January 1, 2015. All construction activities permitted or otherwise begun after this date shall comply with the rule. Prior to the effective date of January 1, 2015, Department staff will conduct trainings on the rule, including the basics of the energy provisions in the 2009 IRC and Energy Star-certified homes as well as measures to be included for housing rehabilitation activities.

Public Input and Comment in the Proposed Rule

In order to ensure public understanding and comment on the proposed rule, the Department performed the following:

- Conducted an external survey to gather public knowledge of energy efficiency measures currently included in Single Family Programs;
- Hosted three informational seminars in October and November, which were held in McKinney, Austin and McAllen;
- Created an online forum to gather and respond to frequent questions regarding the rule <https://tdhca.websitetoolbox.com/?forum=324021> ;
- Created a web page to provide information and updates <http://www.tdhca.state.tx.us/single-family/TDHCA-Energy-Efficiency-Rules.htm>; and
- Created a specific email address to ensure timely response to questions, comments or concerns energyefficiency@tdhca.state.tx.us.

In addition to further training upon adoption of the rule, the Department may revise the rule as needed to ensure that it is consistent with newly adopted energy efficiency and conservation building codes.

The summary of comments received during the comment period as well as staff responses are outlined below.

A summary of public comment received:

Comments were accepted from October 25, 2013, through November 25, 2013, with comments received from: (1) Community Development Corporation of Brownsville; (2) Affordable Homes of South Texas, Inc.; and (3) County of Hidalgo.

§21.4. General Requirements.

COMMENT SUMMARY: Commenter (3) recommended that the effective date be changed from December 12, 2014, to January 1, 2015 to make it easier for subrecipients to remember the date the rule goes into effect.

STAFF RESPONSE: Staff agrees and recommends changing the date from December 12, 2014, to January 1, 2015.

§21.5. New Construction and Reconstruction Activities.

COMMENT SUMMARY: Commenter (1) stated that rehabilitations cannot be certified as Energy Star unless the rehabilitation consists of completely gutting the house. The Commenter also stated that meeting Energy Star requirements will be difficult in smaller communities because of the Environmental Protection Agency requirements for HVAC contractors. As a result, there should be an option to meet energy efficiency methods but not require certification.

STAFF RESPONSE: Staff agrees with the statements regarding Energy Star requirements. However, if a subrecipient cannot construct an Energy Star certified house due to any number of reasons, they may comply with this section by constructing a house that meets the minimum requirements of the 2009 IRC, Chapter 11. Therefore, Staff does not recommend changes to this section.

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (1) and (3) suggested that replacing showerheads and bathroom faucets or aerators are different activities and that they should be separated into two potential measures to complete. Commenter (1) further recommended that while this would increase the number of potential items to complete, the minimum number of measures (six) should remain the same.

STAFF RESPONSE: Staff agrees with both Commenters and recommends an increase in the number of potential measures from fourteen to fifteen while keeping in place the minimum number of six to comply with the rule and the rule has been changed in response to comment.

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (2) stated that the requirement to replace all showerheads and faucets or aerators may lead to replacing showerheads and faucets that are in good working order. Commenter recommends changing the word “all” to “any.”

STAFF RESPONSE: Staff agrees and recommends that all showerheads and faucets that require replacement shall be replaced with WaterSense certified products, and the rule has been changed in response to comment.

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (1) recommended adding the replacement of domestic water heaters to the list of potential measures for rehabilitation projects. While this would increase the number of potential measures from fifteen to sixteen, the Commenter suggested keeping the minimum number of measures to complete at six.

STAFF RESPONSE: Staff agrees and will add the following measure for rehabilitation activities; “Replacement of a 40-gallon natural gas domestic water heater with a new one with a minimum Energy Factor of 0.67. Replacement of a 40-gallon electric domestic water heater with a new one

with a minimum Energy Factor of 0.93. Domestic water heaters with different storage capacities shall comply with Energy Star requirements.”

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (3) stated that some rehabilitation activities are small and that the Colonia Self Help Center Program self-help “Small Home Repair” activity is capped at a dollar amount that would not allow for many energy efficiency measures to be completed. Commenter proposed an exemption to this rule for rehabilitation activities that do not exceed \$10,000.

STAFF RESPONSE: Staff agrees and recommends including an exemption for housing rehabilitation activities that do not exceed \$10,000 in construction costs, and the rule has been changed in response to comment.

Attachment 1: Preamble and proposed new 10 TAC Chapter 21

The Texas Department of Housing and Community Affairs (the "Department") adopts new 10 TAC Chapter 21, §§21.1-21.6, concerning Minimum Energy Efficiency Requirements for Single Family Construction Activities, with changes to the proposed text as published in the October 25, 2013, issue of the *Texas Register* (38 TexReg 7377). Sections 21.4 and 21.6 are adopted with changes to the proposed text. Sections §21.1, §21.2, §21.3, and §21.5 are adopted without change and will not be republished.

REASONED JUSTIFICATION. The rule is adopted to set forth requirements on minimum energy efficiency measures in the Department's Single Family Programs thereby improving lives and communities. Several sections were revised due to public comments; no sections were deleted.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS.

Comments were accepted from October 25, 2013 through November 25, 2013, with comments received from: (1) [Community Development Corporation of Brownsville]; (2) [Affordable Homes of South Texas, Inc.]; and (3) [County of Hidalgo].

§21.4. General Requirements.

COMMENT SUMMARY: Commenter (3) recommended that the effective date be changed from December 12, 2014, to January 1, 2015, to make it easier for subrecipients to remember the date the rule goes into effect.

STAFF RESPONSE: Staff agrees and recommends changing the date from December 12, 2014, to January 1, 2015.

BOARD RESPONSE: The Board accepted Staff's recommendation.

§21.5. New Construction and Reconstruction Activities.

COMMENT SUMMARY: Commenter (1) stated that rehabilitations cannot be certified as Energy Star unless the rehabilitation consists of completely gutting the house. The Commenter also stated that meeting Energy Star requirements will be difficult in smaller communities because of the Environmental Protection Agency requirements for HVAC contractors. As a result, there should be an option to meet energy efficiency methods but not require certification.

STAFF RESPONSE: Staff agrees with the statements regarding Energy Star requirements. However, if a subrecipient cannot construct an Energy Star certified house due to any number of reasons, they may comply with this section by constructing a house that meets the minimum requirements of the 2009 IRC, Chapter 11. Therefore, Staff does not recommend changes to this section.

BOARD RESPONSE: The Board accepted Staff's recommendation.

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (1) and (3) suggested that replacing showerheads and bathroom faucets or aerators are different activities and that they should be separated into two potential measures to complete. Commenter (1) further recommended that while this would

increase the number of potential items to complete, the minimum number of measures (six) should remain the same.

STAFF RESPONSE: Staff agrees with both Commenters and recommends an increase in the number of potential measures from fourteen to fifteen while keeping in place the minimum number of six to comply with the rule, and the rule has been changed in response to comment.

BOARD RESPONSE: The Board accepted Staff's recommendation.

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (2) stated that the requirement to replace all showerheads and faucets or aerators may lead to replacing showerheads and faucets that are in good working order. Commenter recommends changing the word "all" to "any."

STAFF RESPONSE: Staff agrees and recommends that all showerheads and faucets that require replacement shall be replaced with WaterSense certified products, and the rule has been changed in response to comment.

BOARD RESPONSE: The Board accepted Staff's recommendation.

§21.6. Housing Rehabilitation Activities.

COMMENT SUMMARY: Commenter (1) recommended adding the replacement of domestic water heaters to the list of potential measures for rehabilitation projects. While this would increase the number of potential measures from fifteen to sixteen, the Commenter suggested keeping the minimum number of measures to complete at six.

STAFF RESPONSE: Staff agrees and will add the following measure for rehabilitation activities; "Replacement of a 40-gallon natural gas domestic water heater with a new one with a minimum Energy Factor of 0.67. Replacement of a 40-gallon electric domestic water heater with a new one with a minimum Energy Factor of 0.93. Domestic water heaters with different storage capacities shall comply with Energy Star requirements."

BOARD RESPONSE: The Board accepted Staff's recommendation.

STATUTORY AUTHORITY. The new sections are adopted pursuant to the authority of Texas Government Code §2306.053, which authorizes the Department to adopt rules and pursuant to §2306.187 which requires the Department to adopt by rule minimum energy efficiency measures for single family construction activities.

§21.4. General Requirements.

(a) This chapter shall go into effect on January 1, 2015. All construction activities permitted or otherwise begun on or after this date shall comply with this chapter.

§21.6. Housing Rehabilitation Activities.

(a) Unless otherwise required by federal law or NOFA, this subsection is not applicable to Housing rehabilitation activities that do not exceed \$10,000 in total construction costs.

(b)(11) All inoperable showerheads requiring replacement shall be WaterSense certified products.

(b)(12) All inoperable faucets requiring replacement shall be WaterSense certified products. If existing faucets are operable and do not need to be replaced, WaterSense certified aerators shall be installed.

(b)(13) Exhaust fans venting to the exterior shall be installed in all bathrooms and the kitchen in accordance with Chapter 15 of the 2009 International Residential Code.

- (b)(14) Replacement or installation of central heating and cooling equipment shall be sized as specified in Section M1401.3 of the 2009 International Residential Code.
- (b)(15) Weatherstripping existing and operable exterior doors and windows.
- (b)(16) Replacement of a 40-gallon natural gas domestic water heater with a new one with a minimum Energy Factor of 0.67. Replacement of a 40-gallon electric domestic water heater with a new one with a minimum Energy Factor of 0.93. Domestic water heaters with different storage capacities shall comply with Energy Star requirements.

§21.1 Purpose

- (a) Texas Government Code §2306.187 requires that the Department develop and adopt rules relating to Minimum Energy Efficiency requirements for new construction, reconstruction, and rehabilitation activities in Single Family Programs.
- (b) This chapter describes the Minimum Energy Efficiency Requirements for all Single Family Construction Activities, which includes the Department's HOME Investments Partnership Program (HOME), Housing Trust Fund (HTF), Neighborhood Stabilization Program (NSP), Office of Colonia Initiatives (OCI) Programs and other Single Family Programs as developed by the Department.
- (c) Single Family Programs are designed to improve and provide affordable housing opportunities to low-income individuals in Texas and in accordance with Chapter 2306 of the Texas Government Code, and any applicable statutes and federal regulations.

§21.2 Applicability

Unless otherwise noted, this chapter only applies to Single Family Programs. Program Rules may impose additional requirements related to any provision of this chapter. Where Program Rules conflict with this chapter, the provisions of this chapter will control program decisions, unless it is a federal requirement.

§21.3 Definitions

- (a) Any capitalized terms that are defined in Texas Government Code, Chapter 2306 and Chapter 1 (relating to Administration) and Chapter 20 (relating to Single Family Programs Umbrella Rule), or other Department rules have, when capitalized, the meanings ascribed to them therein.
- (b) The following words and terms, when used in this chapter, shall have the following meanings unless the context or the Notice of Funding Availability (NOFA) indicates otherwise.
 - (1) Energy Star Certified Appliances, Equipment, and Products--Labeled appliances, equipment, and products that are independently certified to save energy without sacrificing features or functionality, meeting the EPA's specifications for energy efficiency and performance.
 - (2) Energy Star Certified Home--A new home that has earned the Energy Star label and has undergone a process of inspections, testing, and verification to meet requirements set forth by the US EPA.
 - (3) RESNET—Residential Energy Services Network. RESNET is an independent, nonprofit organization established in 1995 to help homeowners reduce the cost of their utility bills by

making their homes more energy efficient. RESNET certified Home Energy Systems Raters are required to inspect, test, and verify homes for Energy Star certification.

- (4) WaterSense Certified Fixtures--Labeled products that are backed by independent, third-party testing and certification, meeting the EPA's specifications for water efficiency and performance.
- (5) US EPA—United States Environmental Protection Agency.
- (c) Defined terms when not capitalized, are to be read in context and construed according to common usage.

§21.4 General Requirements

The following general requirements shall apply to all single family construction activities.

- (a) This chapter shall go into effect on **January 1, 2015**. All construction activities permitted or otherwise begun after this date shall comply with this chapter.
- (b) Local residential building codes that exceed some or all parts of this chapter shall take precedence.
- (c) A final inspection conducted by Administrators confirming compliance with this chapter shall be required for release of final payment from the Department.
- (d) All appliances, equipment, and fixtures installed or replaced shall be Energy Star or WaterSense certified products.

§21.5 New Construction and Reconstruction Activities

Single family detached residential dwellings up to three stories high, including townhouses, that are newly constructed or reconstructed shall comply with this chapter in one of the following two ways.

- (a) Compliance with the energy efficiency provisions of the International Residential Code as they existed on May 1, 2009; or
- (b) Compliance with the Energy Star Certified Homes Program as demonstrated through RESNET-approved procedures.

§21.6 Housing Rehabilitation Activities

- (a) **Unless otherwise required by federal law or NOFA, this subsection is not applicable to Housing rehabilitation activities that do not exceed \$10,000 in total construction costs.**
- (b) A proposed scope of work and awarded construction contract for existing single family residential dwellings that are rehabilitated shall contain, at a minimum, six of the following fourteen measures
 - (1) Airsealing of all penetrations in the building envelop in accordance with Section N1102.4.1 of the 2009 International Residential Code. Exhaust fans in bathrooms and kitchens are required if Airsealing is completed.
 - (2) Airsealing of ductwork located in unconditioned spaces in accordance with Section M1601.4.1 of the 2009 International Residential Code. Ductwork located in unconditioned spaces shall be insulated to R-8.

- (3) Attic insulation shall be increased to R-30 (R-38 in Climate Zone 4 as defined by Figure N1101.2 of the 2009 International Residential Code), including insulation covering the top plates of exterior walls. Baffles shall be installed in framing bays of existing soffit vents.
- (4) Attic accesses shall be insulated in accordance with Section N1102.2.3 of the 2009 International Residential Code.
- (5) Energy Star certified ceiling fans with light(s) shall be installed in each bedroom and in the main living space.
- (6) Inoperable windows requiring replacement shall be replaced with Energy Star certified windows for southern climates, meeting the U-factor and Solar Heat Gain Coefficient for the climate zone of the dwelling as identified in Table N1101.2 of the 2009 International Residential Code.
- (7) Windows located on eastern and western facing walls shall have solar shades permanently installed.
- (8) South facing windows shall have permanently installed overhangs sized to keep summer sun from entering the home while allowing winter sun to enter the home. Flashing details shall maintain a positive drainage plane.
- (9) Exterior doors requiring replacement shall be replaced with Energy Star certified exterior doors.
- (10) All incandescent light bulbs in the kitchen, bathrooms, bedrooms, hallways, and the main living area shall be replaced with Energy Star certified compact florescent lamps (CFLs) or light-emitting diodes (LEDs).
- (11) . All inoperable showerheads requiring replacement shall be WaterSense certified products
- (12) All inoperable faucets requiring replacement shall be WaterSense certified products. If existing faucets are operable and do not need to be replaced, WaterSense certified aerators shall be installed.
- (13) Exhaust fans venting to the exterior shall be installed in all bathrooms and the kitchen in accordance with Chapter 15 of the 2009 International Residential Code.
- (14) Replacement or installation of central heating and cooling equipment shall be sized as specified in Section M1401.3 of the 2009 International Residential Code.
- (15) Weatherstripping existing and operable exterior doors and windows.
- (16) Replacement of a 40-gallon natural gas domestic water heater with a new one with a minimum Energy Factor of 0.67. Replacement of a 40-gallon electric domestic water heater with a new one with a minimum Energy Factor of 0.93. Domestic water heaters with different storage capacities shall comply with Energy Star requirements.
- (c) If one or more of these measures are existing and in operable condition, they may be counted as a required measure.

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HOME PROGRAM DIVISOIN
BOARD ACTION REQUEST
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on orders adopting amendments to all sections of 10 TAC Chapter 23, Single Family HOME Program, and the repeal of 10 TAC Chapter 23, Single Family HOME Program, Subchapter H, §23.80, concerning Application and Certification of Community Housing Development Organizations and directing publication in the *Texas Register*

RECOMMENDED ACTION

WHEREAS, proposed amendments to the Single Family HOME Program rule and the repeal of 10 TAC §23.80, were approved in draft form at the September 12, 2013, Board meeting and were published for public comment in the *Texas Register*; and,

WHEREAS, public comment was received and the Department has carefully considered the public comment and made changes in response to public comment;

NOW, therefore, it is hereby

RESOLVED, that the Governing Board hereby adopts the amendments to all sections of 10 TAC Chapter 23, Single Family HOME Program, and the repeal of 10 TAC §23.80, together with preamble, in the form presented to this meeting; and

FURTHER RESOLVED that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the publication of the amendments and repeal in the forms presented to this meeting in the *Texas Register*, and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

Adoption of amendments to 10 TAC Chapter 23, which will govern HOME Single Family Programs, will ensure consistency and coherence among all of the Department's Single Family Programs, and conform the State HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013. The proposed amendments to the Single Family HOME Program Rules were published in the October 4, 2013, issue of the *Texas Register* to allow for public comment. Public comments were accepted in writing and by e-mail through November 4, 2013, and summarized as follows:

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS:

Comments were received from: (1) Belinda Carlton, Texas Council for Developmental Disabilities, (2) Kay Howard, A&J HOWCO Services, Inc., (3) Jesus C. "Jesse" Mendoza, Jr. Realtor, (4) Jean Langendorf, Easter Seals of Central Texas.

10 TAC CHAPTER 23. SINGLE FAMILY HOME PROGRAM

General Comments

COMMENT SUMMARY: Commenter (4) recommended that the Department add language to the Single Family HOME Program Rule related to reasonable accommodation requests to further demonstrate a commitment to furthering fair housing.

STAFF RESPONSE: The Department is committed to furthering fair housing in all of its programs and to its obligations under the Fair Housing Act and related statutes. The Department will be proposing a rule change in December 2013 that specifically addresses reasonable accommodation requests that will apply to Department programs through a more holistic approach than could be accomplished by adding language to the Single Family HOME Program Rule. Staff recommends no change to the rule.

COMMENT SUMMARY: Commenter (2) commented on the HOME allocation method and recommended that additional funds should be allocated to single family activities rather than multifamily activities.

STAFF RESPONSE: The HOME allocation method is part of the State of Texas Consolidated Plan: One-Year Action Plan and is not part of the Single Family HOME Rules. Staff recommends no change to the rule.

COMMENT SUMMARY: Commenter (2) recommended that the Department provide a set of construction plans that meet all the state and federal requirements, including energy efficiency, for participating applicants.

STAFF RESPONSE: The Department will be issuing a revised set of property standards in 2014 to add specificity to rehabilitation and reconstruction standards in order to ensure that adequate improvements are made to support the long-term viability of HOME-funded construction activities. These property standards will also ensure compliance with the recently revised federal HOME Program Final Rule at 24 CFR Part 92. While the Department is not planning to provide stock construction plans, the revised standards will cover method and material expectations, as well as energy efficiency standards to assist communities with the development of construction plans that are appropriate to the area where HOME activities will occur. Staff recommends no change to the rule.

Subchapter B. Availability of Funds, Application Requirements, Review and Award Procedures, General Administrative Requirements, and Resale and Recapture of Funds

§23.23. Reservation System Participant Review Process - (c)

COMMENT SUMMARY: Commenter (4) recommends that the time to cure a deficiency remain at ten days, which is the same timeline that the HOME Staff has to review project set-ups and draws.

STAFF RESPONSE: The rule at §23.21(c) is applicable to Applicants submitting applications for HOME funding, and does not impact the timeline for Administrators who wish to cure an Administrative Deficiency at the time of project setup. Additionally, staff review and response time is not codified in rule. The ten day timeline for Administrators to cure administrative deficiencies is located in the General Administrative Requirements at §23.28(12), to which no changes were recommended. Staff recommends no change to the rule.

§23.24. General Threshold and Selection Criteria - (3)

COMMENT SUMMARY: Commenter (4) requests changing the reference to the Central Contractor Registration (CCR) to System for Award Management (SAM).

STAFF RESPONSE: Staff agrees that the rule should be updated to include the federal System for Award Management. Staff recommends that the language be added.

§23.25. Contract Limitations – §23.25(b)

COMMENT SUMMARY: Commenter (2) recommends that the terms for Contract awards for Homeowner Rehabilitation Assistance change from 24 months to 36 months.

STAFF RESPONSE: The Department's implementation of the Reservation System allows Administrators to continuously administer or apply to administer HOME activities beyond 24 months. Additionally, the recertification process ensures that the Department has the opportunity to review applicants on a biennial basis to verify their eligibility to participate. Staff recommends no change to the rule.

§23.26. Reservation System Participant (RSP) Agreements. - §23.26(a)

COMMENT SUMMARY: Commenter (2) recommends that the terms for Reservation System Participant Agreement change from 24 months to 36 months.

STAFF RESPONSE: The Reservation System process allows Administrators to reserve funds after a household is deemed income and program eligible on a first come first serve basis. This process allows all Administrators access to HOME funds. Administrators also have the option to request a reservation system participant recertification in order to continue assisting eligible households. The recertification process ensures that the Department has the opportunity to review applicants on a biennial basis to verify their eligibility to participate. Staff recommends no change to the rule.

§23.26(e) Completion of Construction

COMMENT SUMMARY: Commenter (2) requests for the Household Commitment Contract completion period change from nine months to twelve months.

STAFF RESPONSE: Staff agrees that the time necessary to execute documents, demolish and construct a unit, including delays, may require more than nine months. Staff recommends amendment to this section to allow twelve months from the execution of the Household Commitment Contract for completion of construction.

§23.26(f) Extensions

COMMENT SUMMARY: Commenter (2) requests that a three month extension be allowed if the construction period changes from nine months to twelve months.

STAFF RESPONSE: The current proposed amendment to this subsection is a six-month extension to the Household Commitment Contract. Staff agrees that a three-month extension is feasible because the construction completion period under §23.26(e) will be twelve months.

Subchapter C. Homeowner Rehabilitation Assistance Program

§23.31. Homeowner Rehabilitation Assistance (HRA) Program Requirements- (a)(4)

COMMENT SUMMARY: Commenter (2) states that the disaster requirement for commitment of HOME funds within 12 months of the date of the disaster is not feasible.

STAFF RESPONSE: This amendment is made to conform to the HOME Federal regulation at 24 CFR 92.2 – Definition of reconstruction and cannot be changed. Assistance to a household that is a victim of a disaster can still be assisted if the twelve month commitment is not met; however the assistance will be considered new construction applicable to the federal affordability period requirements. Staff recommends no change to the rule.

§23.32. Homeowner Rehabilitation Assistance (HRA) Administrative Requirements - (a)(14)

COMMENT SUMMARY: Commenter (3) recommends comps or comparisons instead of appraisals be used to satisfy the after rehabilitation value.

STAFF RESPONSE: The cost of a real estate appraisal is an eligible soft cost under the HOME program, and is reimbursable to Administrators. An appraisal is the recommended method to determine the value of the unit by HUD; however, the current rule allows for other valuation methods with approval of the Department. The Department does not feel that a comparison study performed by a realtor is equivalent to an appraisal conducted by a licensed appraiser. Staff recommends no change to the rule.

Subchapter F. Tenant-Based Rental Assistance Program

§23.61. Tenant-Based Rental Assistance (TBRA) Program Requirements - (e)

COMMENT SUMMARY: Commenter's (1) and (4) recommend including HUD Section 811 and HUD Section 202 program to the waiting list requirement for TBRA.

STAFF RESPONSE: Staff agrees that the requirement to be placed on a Section 8 Housing Choice Voucher waiting list may be infeasible in some areas of the state due to lengthy wait times and inconsistency in waiting list procedures at various Public Housing Authorities. The addition of Section 811 and Section 202 waiting lists will enable households with elderly members or members who are persons with disabilities to maximize their time of assistance under the Tenant-Based Rental Assistance program. Staff recommends that Section 202 and 811 be added as eligible waiting lists.

Attached are the adoption preambles and amendments to 10 TAC Chapter 23, including the repeal of 10 TAC §23.80.

Attachment 1: Preamble and adoption of SUBCHAPTER A. GENERAL GUIDANCE

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter A, §23.1 – §23.2, concerning General Guidance, without changes to the proposed text as published in the October 4, 2013, issue of the *Texas Register* (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: The purpose of the amendments is to revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, to add clarity to the State HOME Rule.

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail. No comments were received concerning the specific provisions of Subchapter A, however the following general comments were received.

General Comments

COMMENT SUMMARY: Commenter (4) recommended that the Department add language to the Single Family HOME Program Rule related to reasonable accommodation requests to further demonstrate a commitment to furthering fair housing.

STAFF RESPONSE: The Department is committed to furthering fair housing in all of its programs and to its obligations under the Fair Housing Act and related statutes. The Department will be proposing a rule change in December 2013 that specifically addresses reasonable accommodation requests that will apply to Department programs through a more holistic approach than could be accomplished by adding language to the Single Family HOME Program Rule. Staff recommends no change to the rule.

COMMENT SUMMARY: Commenter (2) commented on the HOME allocation method and recommended that additional funds should be allocated to single family activities rather than multifamily activities.

STAFF RESPONSE: The HOME allocation method is part of the State of Texas Consolidated Plan: One-Year Action Plan and is not part of the Single Family HOME Rules. Staff recommends no change to the rule.

COMMENT SUMMARY: Commenter (2) recommended that the Department provide a set of construction plans that meet all the state and federal requirements, including energy efficiency, for participating applicants.

STAFF RESPONSE: The Department will be issuing a revised set of property standards in 2014 to add specificity to rehabilitation and reconstruction standards in order to ensure that adequate improvements are made to support the long-term viability of HOME-funded construction activities. These property standards will also ensure compliance with the recently revised federal HOME Program Final Rule at 24 CFR Part 92. While the Department is not planning to provide stock construction plans, the revised standards will cover method and material expectations, as well as energy efficiency standards to assist communities with the development of construction

plans that are appropriate to the area where HOME activities will occur. Staff recommends no change to the rule.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.1. Purpose.

This chapter governs the administration of HOME Single Family Activities. This chapter clarifies the use and administration of all Single Family Activities funds provided to the Texas Department of Housing and Community Affairs (the "Department") by the U.S. Department of Housing and Urban Development (HUD) pursuant to Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 as amended (42 U.S.C. §§12701 - 12839) and HUD regulations at 24 CFR, Part 92 as amended. Chapter 20 of this title (relating to Single Family Programs Umbrella Rule) will apply to all Single Family activities, including Single Family development. All provisions of this chapter apply to any Application including Recertification received on or after the date of adoption of this chapter, unless otherwise noted herein or required by law. Existing Agreements executed within the preceding twelve (12) months from the date of adoption of this chapter or current pending Applications may be amended in writing at the request of the Administrator or Applicant, and with Department approval, so that all provisions of this chapter apply to the Agreement or Application. Amendments proposing only partial adoption of this chapter are prohibited and no amendment adopting this chapter shall be granted if, in the discretion of the Department, any of the provisions of this chapter conflict with the Notice of Funding Availability (NOFA) under which the existing Agreement was awarded or Application was submitted. All Administrators with an active Agreement may become Reservation System Participants (RSPs), at the written request of the Administrator without the submission of an Application, and with Department approval, subject to all applicable provisions of this chapter. The State's HOME Program is designed to:

- (1) focus on the areas with the greatest housing need described in the State Consolidated Plan;
- (2) provide funds for home ownership and rental housing through acquisition, new construction, rehabilitation, and tenant-based rental assistance;
- (3) promote partnerships among all levels of government and the private sector, including non-profit and for-profit organizations; and
- (4) provide low, very low, and extremely low income families with affordable, decent, safe, and sanitary housing.

§23.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions may be found in Texas Government Code, Chapter 2306 or Chapter 20 of this title (relating to Single Family Programs Umbrella Rule).

- (1) Affiliate--If, directly or indirectly, either one controls or has the power to Control the other or a third person Controls or has the power to Control both. The Department may determine Control to include, but not be limited to:

- (A) interlocking management or ownership;
 - (B) identity of interests among family members;
 - (C) shared facilities and equipment;
 - (D) common use of employees; or
 - (E) a business entity which has been organized following the exclusion of a person which has the same or similar management, ownership, or principal employees as the excluded person.
- (2) Affiliated Party--A Person with a contractual relationship with the Administrator through an Agreement with the Department.
- (3) Application Submission Procedures Manual (ASPM)--The manual that sets forth the procedures, forms, and instructions for the completion and submission of an Application to the Department.
- (4) CFR--Code of Federal Regulations.
- (5) Commitment of Funds--Occurs when the Activity or a Project is approved by the Department and set up in the Integrated Disbursement and Information System (IDIS) established by U.S. Department of Housing and Urban Development (HUD).
- (6) Control--The possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any Person, whether through the ownership or voting securities, by contract or otherwise, including ownership of more than 50 percent of the General Partner interest in a limited partnership, or designation as a managing member of a limited liability company or managing General Partner of a limited partnership or any similar member.
- (7) Development Site--The area, or if scattered site, areas on which the development is proposed to be located.
- (8) Direct Project Costs--The total of hard construction costs, demolition costs, aerobic septic systems, refinancing costs (as applicable), acquisition and closing costs, rental and utility subsidy and deposits, and Match funds.
- (9) HOME Final Rule--The regulations with amendments promulgated at 24 CFR, Part 92 as published by HUD for the HOME Investment Partnerships Program at 42 U.S.C. §§12701 - 12839.
- (10) Homeownership--Ownership in fee simple title in a 1 to 4 unit dwelling or in a condominium unit, or equivalent form of ownership approved by the Department. Right to possession under a contract for deed, installment contract, or land contract (pursuant to which the deed is not given until the final payment is made) is not Homeownership.
- (11) Match--Funds contributed to a Project that meet the requirements of 24 CFR §§92.218 - 92.220. Match contributed to a Project or Activity does not include mortgage revenue bonds, HOME-match eligible projects, and cannot include any other sources of Department funding unless otherwise approved in writing by the Department.
- (12) Person--Any individual, partnership, corporation, association, unit of government, community action agency, or public or private organization of any character.
- (13) Persons with Special Needs--Individuals or categories of individuals determined by the Department to have unmet housing needs as provided in the Consolidated Plan and the State's One Year Action Plan.
- (14) Predevelopment Costs--Costs related to a specific eligible Project including:
- (A) Predevelopment housing project costs that the Department determines to be customary and reasonable, including but not limited to consulting fees, costs of preliminary financial applications, legal fees, architectural fees, engineering fees, engagement of a development team, and site control;

(B) Pre-construction housing project costs that the Department determines to be customary and reasonable, including but not limited to, the costs of obtaining firm construction loan commitments, architectural plans and specifications, zoning approvals, engineering studies and legal fees; and

(C) Predevelopment costs do not include general operational or administrative costs.

(15) Principal--A Person, or Persons, that will exercise Control over a partnership, corporation, limited liability company, trust, or any other private entity. In the case of:

(A) Partnerships: Principals include all General Partners, special limited partners, and Principals with ownership interest;

(B) Corporations: Principals include any officer authorized by the board of directors to act on behalf of the corporation, including the president, vice president, secretary, treasurer, and all other executive officers, and each stock holder having a 10 percent or more interest in the corporation; and

(C) Limited liability companies: Principals include all managing members, members having a 10 percent or more interest in the limited liability company or any officer authorized to act on behalf of the limited liability company.

(16) Project--A single housing unit with a unique physical address. A Project may also refer to an individual Project, Development, or site.

(17) Reservation System Participant (RSP)--Administrator who has executed a written agreement with the Department that allows for participation in the Reservation System.

(18) Service Area--The city(ies), county(ies) and/or place(s) identified in the Application and/or Agreement that the Administrator will serve.

(19) Texas Minimum Construction Standard (TMCS)--The program standard used to determine the minimum acceptable housing condition for the purposes of rehabilitation.

(20) Third Party--A Person who is not:

(A) an Applicant, Administrator, Borrower, General Partner, Developer, Development Owner, or General Contractor; or

(B) an Affiliate, Affiliated Party to the Applicant, Administrator, Borrower, General Partner, Developer, Development Owner, or General Contractor; or

(C) a Person receiving any portion of the administration, contractor fee, or developer fee.

Attachment 2: Preamble and adoption of SUBCHAPTER B. AVAILABILITY OF FUNDS, APPLICATION REQUIREMENTS, REVIEW AND AWARD PROCEDURES, GENERAL ADMINISTRATIVE REQUIREMENTS, AND RESALE AND RECAPTURE OF FUNDS

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter B, §23.20 – §23.29, concerning Availability of Funds, Application Requirements, Review and Award Procedures, General Administrative Requirements, and Resale and Recapture of Funds. Sections 23.24, and 23.26 are adopted with changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747). Sections 23.20, 23.21, 23.22, 23.23, 23.25, 23.27, 23.28, and 23.29 are adopted without changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: The Department finds a need to revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, and to add clarity to the State HOME Rule.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS:

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail, with comments received from: (2) Kay Howard, A&J HOWCO Services, Inc., and (4) Jean Langendorf, Easter Seals of Central Texas.

§23.23(c)

COMMENT SUMMARY: Commenter (4) recommends that the time to cure a deficiency remain at ten days, which is the same timeline that the HOME Staff has to review project set-ups and draws.

STAFF RESPONSE: The rule at §23.21(c) is applicable to Applicants submitting applications for HOME funding, and does not impact the timeline for Administrators who wish to cure an Administrative Deficiency at the time of project setup. Additionally, staff review and response time is not codified in rule. The ten day timeline for Administrators to cure administrative deficiencies is located in the General Administrative Requirements at §23.28(12), to which no changes were recommended. Staff recommends no change to the rule.

§23.24(3)

COMMENT SUMMARY: Commenter (4) requests changing the reference to the Central Contractor Registration (CCR) to System for Award Management (SAM).

STAFF RESPONSE: Staff agrees that the rule should be updated to include the federal System for Award Management. Staff recommends that the language be added.

§23.25(b)

COMMENT SUMMARY: Commenter (2) recommends that the terms for Contract awards for Homeowner Rehabilitation Assistance change from 24 months to 36 months.

STAFF RESPONSE: The Department's implementation of the Reservation System allows Administrators to continuously administer or apply to administer HOME activities beyond 24 months. Additionally, the recertification process ensures that the Department has the opportunity to review applicants on a biennial basis to verify their eligibility to participate. Staff recommends no change to the rule.

§23.26(a)

COMMENT SUMMARY: Commenter (2) recommends that the terms for Reservation System Participant Agreement change from 24 months to 36 months.

STAFF RESPONSE: The Reservation System process allows Administrators to reserve funds after a household is deemed income and program eligible on a first come first serve basis. This process allows all Administrators access to HOME funds. Administrators also have the option to request a reservation system participant recertification in order to continue assisting eligible households. The recertification process ensures that the Department has the opportunity to review applicants on a biennial basis to verify their eligibility to participate. Staff recommends no change to the rule.

§23.26(e)

COMMENT SUMMARY: Commenter (2) requests for the Household Commitment Contract completion period change from nine months to twelve months.

STAFF RESPONSE: Staff agrees that the time necessary to execute documents, demolish and construct a unit, including delays, may require more than nine months. Staff recommends amendment to this section to allow twelve months from the execution of the Household Commitment Contract for completion of construction.

§23.26(f)

COMMENT SUMMARY: Commenter (2) requests that a three month extension be allowed if the construction period changes from nine months to twelve months.

STAFF RESPONSE: The current proposed amendment to this subsection is a six-month extension to the Household Commitment Contract. Staff agrees that a three-month extension is feasible because the construction completion period under §23.26(e) will be twelve months.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.20. Availability of Funds and Regional Allocation Formula

Funds subject to regional allocation shall be made available as described in paragraphs (1) - (3) of this section:

(1) Applicants applying in response to a competitive application cycle will be ranked highest to lowest by region and subregion. Funding that remains available after awarding all available eligible Applications in each region and subregion shall collapse and be directed to the next Application in the most underserved region and subregion. If funding is made available to multiple Activities under one NOFA, the funds remaining after awarding all eligible

Applications by Activity shall collapse and be directed to the next Application in the most underserved region and subregion regardless of Activity;

(2) Funds made available through an open application cycle and subject to regional allocation shall be made available to each region and subregion for a time period to be specified in the applicable NOFA, after which the funds remaining shall collapse and be made available statewide; and

(3) In the event of a tie between two or more Applicants, the Department reserves the right to determine which Application will receive a recommendation for funding, or as otherwise specified in the NOFA. Tied Applicants may also receive a partial recommendation for funding.

§23.21. Application Forms and Materials and Deadlines.

(a) The Department will develop and publish an Application, which if completed by an eligible Applicant, would satisfy the Department's requirements to administer HOME activities. The Department will also issue an Application Submission Procedures Manual (ASPM) to provide guidance on proper completion of the Application.

(b) Applicants must submit an Application for a Contract award by the deadline date specified in the NOFA. All Applications must be received during business hours, Monday through Friday, 8:00 a.m. - 5:00 p.m., Austin local time, except for holidays observed by the State of Texas.

§23.22. Contract Award Application Review Process.

(a) An Application received by the Department in response to an open application cycle NOFA will be assigned a "Received Date" based on the date it is received by the HOME Division. An Application will be prioritized for review based on its "Received Date." An Application with outstanding administrative deficiencies may be held from further review until all administrative deficiencies have been cured. Applications that have completed the review process may be presented to the Board for approval with priority over Applications that continue to have administrative deficiencies at the time Board materials are prepared, regardless of Received Date. If all funds available under a NOFA are awarded, all remaining Applicants will be notified and the remaining Applications will not be processed.

(b) For Applications received by the Department in response to a Competitive Application Cycle NOFA, the Department will accept Applications on an ongoing basis during the application acceptance period as specified in the NOFA. Applications will be prioritized for review based upon the score of the Application.

(c) An administrative deficiency may not be cured if it would, in the Department's determination, substantially change an Application or if the Applicant provides any new unrequested information to cure the deficiency. An Applicant may not change or supplement any part of an Application in any manner after submission to the Department, and may not add any set-asides, increase the award request amount, or revise the unit mix (both income levels and bedroom mixes), except in response to a direct request from the Department to remedy an administrative deficiency as further described in this chapter or by amendment of an Application after the Board approval of a HOME award. The curative time periods allowable for administrative deficiencies are: for Applications received under an open application cycle NOFA, administrative deficiencies not cured within five (5) business days will be terminated.

Applicants that have been terminated may reapply for funds; or for Applications received under a Competitive Application Cycle NOFA, if administrative deficiencies are not cured to the satisfaction of the Department within five (5) business days of the deficiency notice date, then one (1) shall be deducted from the selection score for each additional day the administrative deficiencies remains unresolved. If administrative deficiencies are not clarified or corrected within seven (7) business days from the deficiency notice date, then the Application shall be terminated.

§23.23. Reservation System Participant Review Process.

(a) In order for an Applicant to participate in the Reservation System, the Department must review and approve an Application to become a Reservation System Participant (RSP). Applications will be reviewed and, if the Application is not terminated in accordance with subsection (c) of this section, a Reservation System Participation Agreement will be drafted and presented to the Executive Director or his/her authorized representative for approval in the order in which they are received.

(b) Applications for recertification may be submitted ninety (90) days before the RSP Agreement term ends and will be required to demonstrate that all Application requirements are met. Administrators may request a one-time recertification as a Reservation System Participant if the RSP Agreement has not expired. Administrator may only be recertified to administer those Activities which the Administrator has used to assist at least one household under the RSP Agreement that is not expired.

(c) Administrative deficiencies must be cured within five (5) business days of the date of the deficiency notice. If administrative deficiencies are not clarified or corrected within five (5) business days from the deficiency notice date, the Application may be terminated.

§23.24. General Threshold and Selection Criteria.

All Applicants and Applications must submit or comply with:

(1) an Applicant certification of compliance with state and federal laws, rules and guidance governing the HOME Program;

(2) a resolution signed and dated within the six (6) months preceding the Application submission date from the Applicant's direct governing body which includes:

(A) authorization of the submission of the Application;

(B) commitment and amount of cash reserves, if applicable, for use during the Contract or RSP Agreement term;

(C) source of funds for Match obligation and Match dollar amount, if applicable.

(i) Except for Match that is proposed to meet Application threshold criteria or is otherwise proposed to be provided, the Match requirement is not in effect until January 1, 2015. Any Projects submitted to the Department under a RSP Agreement or Contract award prior to January 1, 2015 will not be required to provide Match as outlined in §23.30 and §23.40 of this chapter. Agreements under the Persons with Disabilities set-aside, Disaster Relief set-aside, and Tenant-Based Rental Assistance program are exempt from the Match requirement.

(ii) An itemized schedule of the proposed Match and evidence to support the Applicant's ability to provide the required Match, is required at the time of Application submission.

- (iii) For Applications submitted to become an RSP, the Department may withhold disbursements if, after every four reservation of funds, sufficient Match documentation has not been provided.
- (iv) The Department shall use population figures from the most recently available U.S. Census to determine the applicable tier for an Application. The Department may incentivize or provide preference to Applicants committing to provide additional Match above the requirement of this subsection. Such incentives may be established in the form of a threshold or selection criteria in the NOFA and may be different for each Activity.
- (D) name and title of the person authorized to represent the organization; and
- (E) name and title of the person with signature authority to execute a contract and loan documents, where applicable;
- (3) any Applicant requesting \$25,000 or more must be registered in the ~~federal Central Contractor Registration (CCR)~~ System for Award Management (SAM) and have a current Data Universal Numbering System (DUNS) number. If the property will be owned by a partnership, the partnership must be the registrant. If a partnership will be receiving funds under the CHDO set-aside, the partnership and the CHDO must both be registered;
- (4) an Application fee, to be defined in the NOFA or in this chapter;
- (5) to be eligible for a new Contract award, an Applicant must have committed funds to at least 80 percent of the total number of contractually required Households or has committed at least 80 percent of the total Project funds on their current Contract for the same Activity. This provision shall not apply to Applications submitted for disaster relief funding or those with an exclusively different Service Area;
- (6) an Application must be substantially complete when received by the Department. An Application will be terminated if an entire volume of the Application is missing; has excessive omissions of documentation from the threshold or selection criteria or uniform Application documentation; or is so unclear, disjointed, or incomplete that a thorough review cannot reasonably be performed by the Department, as determined by the Department. Such Application will be terminated without being processed as an administrative deficiency. To the extent that a review was able to be performed, specific reasons for the Department's termination will be included in the notification sent to the Applicant but, because of the suspended review, may not include an all inclusive list of deficiencies in the Application; and
- (7) the Department may incentivize or provide preference to Applicants targeting very low and extremely low income Households or to Applicants that have successfully executed a previous HOME Contract with the Department. Such incentives may be established in the form of threshold or selection criteria in the NOFA and may be different for each Activity.

§23.25. Contract Limitations.

(a) Project Funds Limits. Project funds for Contract awards are limited to \$510,000 per Administrator for Homeowner Rehabilitation and Contract for Deed Conversion Activity Applicants and \$300,000 per Administrator for Homebuyer Assistance and Tenant-Based Rental Assistance Activity Applicants. The Contract award limits for Single Family Development Activity Applicants will be established in the NOFA.

(b) Contract Award Terms. With the exception of Tenant-Based Rental Assistance, all Activity Contract awards will have a Contract term of twenty-four (24) months exclusive of any applicable affordability period or Loan term. Tenant-Based Rental Assistance Activity Contract awards will have a Contract term of thirty-six (36) months.

(c) Contract Award Benchmarks. All Contract Administrators must submit to the Department complete Project setup information for the Commitment of Funds of all contractually required Households in accordance with the requirements herein within twelve (12) months from the effective date of the Contract. All remaining funds will be deobligated and returned to the Department unless an amendment has been requested in writing prior to this date and is approved.

(d) Voluntary deobligation. The Administrator may fully deobligate funds in the form of a written request signed by the signatory, or successor thereto, of the Contract. The Administrator may partially deobligate funds under a Contract in the form of a written request from the signatory if the letter also deobligates the associated number of targeted Households, funds for Administrative costs, and Match and the partial deobligation would not have impacted the award of the Contract.

(e) The Department may request information regarding the performance or status under a Contract prior to a Contract benchmark or at various times during the term of a Contract. Administrator must respond within the time limit stated in the request. Prolonged or repeated failure to respond may result an administrative deficiency and ultimately in termination of the Contract by the Department.

(f) Pre-Award Costs. Before the effective date of the HOME Contract, the Administrator may incur and be reimbursed for travel costs, as provided for with Administrative funds, related to mandatory training required by the Department as a condition of receiving a HOME award and Contract. Department authorized pre-award costs for predevelopment costs, including but not limited to legal, architectural, engineering, appraisal, surveying, environmental, and market study fees, may be paid if incurred before the effective date of the Contract if the costs are in accordance with 24 CFR §92.212 and at the sole discretion of the Department.

§23.26. Reservation System Participant (RSP) Agreement.

(a) Terms of Agreement. RSP Agreement will have a twenty-four (24) month term for all Activities. Execution of an RSP Agreement does not guarantee the availability of funds under a reservation system.

(b) Limits on Number of Reservations. The number of Homeowner Rehabilitation, Homebuyer Assistance or Single Family Development reservations for an RSP is limited to five (5) per county within the RSP's Service Area at any given time. The number of Tenant-Based Rental Assistance reservations for an RSP is limited to thirty (30) at any given time. All required documentation for the reservation of funds must be submitted to the Department twenty (20) days prior to the end of RSP Agreement term.

(c) Extremely Low-Income Households. Except for Households served with disaster relief, homebuyer assistance, or single family development funds, each RSP will be required to serve at least one extremely low-income Household out of every four Households submitted and approved for assistance. For purposes of this subsection, extremely low-income is defined as families that are either at or below 30% area median family income (AMFI) for the county in

which they reside or have an income that is lower than the statewide extremely low-income limit as defined by the U.S. Department of Housing and Urban Development (HUD).

(d) Match. An RSP must meet the tiered Match requirements per Activity for at least every fourth Household submitted and approved for assistance. For example, if Match is not provided for the first three Households assisted by an RSP, the Match provided to the fourth Household must meet the Match requirement for all four Households.

(e) Completion of Construction. For Projects involving construction, an RSP must complete construction within ~~nine (9)~~ twelve (12) months from the Commitment of Funds for the Project.

(f) Extensions. The Executive Director or his/her designee may approve ~~up to a cumulative six (6)~~ one three (3) month time extension to the Commitment of Funds to allow for the completion of construction.

(g) An RSP must remain in good standing with the Department, the state of Texas, and HUD. If an RSP is not in good standing, participation in the Reservation System will be suspended and may result in termination of the RSP Agreement.

§23.27. Procurement of Contractor.

The Department may procure a contractor or contractors to provide services for the administration of the HOME Program. A contractor must provide services and/or administer HOME funds in accordance with state and federal rules and the HOME Program requirements for the applicable Activity.

§23.28. General Administrative Requirements.

Unless otherwise provided in this chapter, the Administrator, or Developer, must comply with the requirements described in paragraphs (1) - (18) of this section, for the administration and use of HOME funds:

- (1) complete training, as applicable;
- (2) provide all applicable Department Housing Contract System access request information and documentation requirements;
- (3) establish and maintain sufficient records at its regular place of business and make available for examination by the Department, HUD, the State Auditor of Texas, the U.S. General Accounting Office, the Comptroller of Public Accounts of the State of Texas, and the U.S. Comptroller, or any of their duly authorized representatives, throughout the applicable record retention period;
- (4) for non-development Activities, develop and establish written procurement procedures that comply with federal, state, and local procurement requirements including:
 - (A) develop and comply with written procurement selection criteria and committees;
 - (B) develop and comply with a written code of conduct governing employees, officers, or agents engaged in administering HOME funds and appoint a procurement officer to manage any bid process;
 - (C) ensure consultant or any procured service provider does not participate in or direct the process of procurement for services. A consultant cannot assist in their own procurement before or after an award is made;

- (D) ensure that procedures established for procurement of building construction contractors do not include requirements for the provision of general liability insurance coverage in an amount to exceed the value of the contract and do not give preference for contractors in specific geographic locations;
- (E) ensure that building construction contractors are procured in accordance with State and Federal regulations for Single Family HOME Activities;
- (F) ensure that professional service providers (consultants) are procured using an open competitive procedure and are not procured based solely on the lowest priced bid; and
- (G) ensure that any Request for Proposals or Invitation for Bid include:
- (i) an equal opportunity disclosure and a notice that bidders are subject to search for listing on the Excluded Parties List;
 - (ii) bidders' protest rights and an outline of the procedures bidders must take to address procurement related disputes;
 - (iii) a conflict of interest disclosure;
 - (iv) a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description must include complete, adequate, and realistic specifications;
 - (v) for sealed bid procedures, disclose the date, time and location for public opening of bids and indicate a fixed-price contract;
 - (vi) must not have a term of services greater than five years; and
 - (vii) for competitive proposals, disclose the specific selection/evaluation criteria;
- (5) in instances where a potential conflict of interest exists, follow procedures to submit a request to the Department to grant an exception to any conflicts prohibited by 24 CFR §92.356. The request submitted to the Department must include a disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict by newspaper publication, a description of how the public disclosure was made, and an attorney's opinion that the conflict does not violate state or local law. No HOME funds will be committed to or reserved to assist a Household until HUD has granted an exception to the conflict of interest provisions;
- (6) perform environmental clearance procedures, as required, before acquiring any Property or before performing any construction activities, including demolition, or before the occurrence of the Loan closing, if applicable;
- (7) develop and comply with written applicant intake and selection criteria for program eligibility that promote and comply with Fair Housing requirements and the State's One Year Action Plan;
- (8) complete applicant intake and applicant selection. Notify each applicant Household in writing of either acceptance or denial of HOME assistance within sixty (60) days following receipt of the intake application. For Homeowner Rehabilitation Assistance and Contract for Deed Conversion the Administrator must:
- (A) provide rehabilitation as an available option to Households, provide Households with a general cost estimate, and to the extent that rehabilitation would not meet the program requirements, explain these program requirements;
 - (B) unless not allowed by local code, provide replacement of an existing housing unit with a new MHU as an available option; and
 - (C) explain relocation as an available option to any Households located within the 100-year floodplain and present the costs associated with flood insurance;

- (9) determine the income eligibility of a Household using the "Annual Income" as defined at 24 CFR §5.609;
- (10) except for Single Family Development, complete an updated income eligibility determination of a Household if more than six (6) months has elapsed from the date of certification and the date the HOME assistance is provided to the Household. For Single Family Development, complete income eligibility determination of a Household if more than six (6) months has elapsed from the date of certification and the date the contract to purchase the housing unit is executed with the Household;
- (11) for single family Activities involving construction, perform initial inspection in accordance with Chapter 20 of this title (relating to Single Family Programs Umbrella Rule). Property inspections must include photographs of the front and side elevation of the housing unit and at least one picture of the kitchen, family room, one of the bedrooms and one of the bathrooms. The inspection must be signed and dated by the inspector and the Administrator;
- (12) submit requests for the Commitment or Reservation of Funds, Loan closing preparation, and disbursements and all required information and verification documentation in the Housing Contract System. A request will not be reviewed by the Department until the Administrator or Developer has submitted all required documentation. If, during review, the Department identifies administrative deficiencies, the Department will allow a cure period of ten (10) business days beginning at the start of the first business day following the date the Administrator or Developer is notified of the deficiency. If any administrative deficiencies remain after the cure period, the Department, in its sole discretion, shall disapprove the request. Disapproved requests will not be considered sufficient to meet the performance benchmark and shall not constitute a Reservation of Funds;
- (13) not proceed or allow a contractor to proceed with construction, including demolition, on any Project or development without first completing the required environmental clearance procedures, preconstruction conference and receiving notice to proceed, if applicable, and execution of grant agreement or Loan closing with the Department, whichever is applicable;
- (14) submit any Program Income received by the Administrator or Developer to the Department within ten (10) business days of receipt. Return any refunds to the Department's accounting division and include a written explanation of the return of funds, the Contract number, name of Administrator or Developer Project address and Project number referenced on the check;
- (15) submit required documentation, for project completion reports no later than sixty (60) days after the completion of the Project;
- (16) for Contract awards, submit certificate of Contract Completion within ten (10) business days of the Department's request;
- (17) submit to the Department reports or information regarding the operations related to HOME funds provided by the Department; and
- (18) if required by state or federal law, place the appropriate bonding requirement in any contract or subcontract entered into by the Administrator or Developer in connection with a HOME award.

§23.29. Resale and Recapture Provisions.

- (a) The Department has elected to utilize the recapture provision under 24 CFR §92.254(a)(5)(ii) as its primary method of recapturing HOME funds.

(b) The Department has established the recapture provisions described in paragraphs (1) - (4) of this subsection to ensure affordability as defined in 24 CFR §92.254(a)(5)(ii).

(1) In the event that a federal affordability period is required and the assisted property is rented or leased, or otherwise ceases to be the Principal Residence of the Household, the forgiveness of the Loan, if applicable, will cease and the entire HOME investment is subject to recapture.

(2) In the event that a federal affordability period is required and the unit is sold, including through a short sale or foreclosure, prior to the end of the affordability period, the Department will recapture the shared net proceeds available based on the requirements of 24 CFR §92.254 and as outlined in the State's One Year Action Plan.

(3) The Household can sell the unit to any willing buyer at any price. In the event of sale to a subsequent low-income purchaser of a HOME-assisted homeownership unit, the low-income purchaser may assume the existing HOME Loan and recapture obligation entered into by the original buyer if no additional HOME assistance is provided to the subsequent homebuyer. In cases in which the subsequent homebuyer needs HOME assistance in excess of the balance of the original HOME Loan, the HOME subsidy (the direct subsidy as described in 24 CFR §92.254) to the original homebuyer must be recaptured. A separate HOME subsidy must be provided to the new homebuyer, and a new affordability period must be established based on that assistance to the buyer.

(4) If there are no net proceeds from the sale, no repayment will be required of the Household and the balance of the Loan shall be forgiven as outlined in the State's applicable One Year Action Plan.

(c) The Department has established the resale provisions described in paragraphs (1) - (7) of this subsection, in the event that the Department must impose the resale provisions of 24 CFR §92.254(a)(i).

(1) Resale is defined as the continuation of the affordability period upon the sale or transfer, rental or lease, refinancing, or the initial Household is no longer occupying the property as their Principal Residence.

(2) In the event that a federal affordability period is required and the assisted property is rented or leased, or is otherwise ceases to be the Principal Residence of the initial Household, the entire HOME investment must be repaid.

(3) In the event that a federal affordability period is required and the assisted property is sold, foreclosed, or transferred in lieu of foreclosure to a qualified low income buyer at an affordable price, the HOME Loan balance shall be transferred to the subsequent qualified buyer and the affordability period shall remain in force to the extent allowed by law.

(4) The resale provisions shall remain in force from the date of Loan closing until the expiration of the required affordability period.

(5) The Household is required to sell the home at an affordable price to a reasonable range of low income homebuyers that will occupy the home as their Primary Residence. Affordable to a reasonable range of low-income buyers is defined as targeting households that have a family income between 70 and 80 percent of the area median family income and meet all program requirements.

(A) The seller will be afforded a fair return on investment defined as the sum of down payment and closing costs paid from the initial seller's cash at purchase, closing costs paid by the seller at sale, the principal payments only made by the initial homebuyer in excess of the amount required by the Loan, and any documented capital improvements in excess of \$500.

(B) Fair return on investment is paid to the seller at sale once first mortgage debt is paid and all other conditions of the initial written agreement are met. In the event there are no funds for fair return, then fair return does not exist. In the event there are partial funds for fair return, then the appropriate partial fair return shall remain in force.

(6) The appreciated value is the affordable sales price less first mortgage debt less fair return.

(A) If appreciated value is zero, or less than zero, then no appreciated value exists.

(B) The initial homebuyer's initial investment of down payment and closing costs divided by the Department's HOME investment equals the percentage of appreciated value that shall be paid to the initial homebuyer. The balance of appreciated value shall be paid to the Department.

(7) The property purchased by the initial homebuyer will be encumbered with a lien for the full affordability period.

(d) In the event that a federal affordability period is not required and the housing unit transfers by devise, descent, or operation of law upon the death of the assisted homeowner, forgiveness of installment payments under the Loan may continue until maturity or the grant amount under the conditional grant agreement may be forgiven, if the heir or remainderman Household qualifies for assistance in accordance with this subchapter.

(e) Forgiveness of installment payments under the Loan may continue until maturity or the grant amount under conditional grant agreement may be forgiven if the housing unit is sold by the decedent's estate to a purchasing Household that qualifies for assistance in accordance with this chapter.

Attachment 3: Preamble and adoption of SUBCHAPTER C. HOMEOWNER REHABILITATION ASSISTANCE PROGRAM

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter C, §23.30 – §23.32, concerning Homeowner Rehabilitation Assistance Program without changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: The Department finds a need to revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, and to add clarity to the State HOME Rule.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS:

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail, with comments received from: (2) Kay Howard, A&J HOWCO Services, Inc., (3) Jesus C. “Jesse” Mendoza, Jr. Realtor.

§23.31(a)(4)

COMMENT SUMMARY: Commenter (2) states that the disaster requirement for commitment of HOME funds within 12 months of the date of the disaster is not feasible.

STAFF RESPONSE: This amendment is made to conform to the HOME Federal regulation at 24 CFR 92.2 – Definition of reconstruction and cannot be changed. Assistance to a household who is a victim of a disaster can still be assisted if the twelve month commitment is not met; however the assistance will be considered new construction applicable to the federal affordability period requirements. Staff recommends no change to the rule.

§23.32(a)(14)

COMMENT SUMMARY: Commenter (3) recommends comps or comparisons instead of appraisals be used to satisfy the after rehabilitation value.

STAFF RESPONSE: The cost of a real estate appraisal is an eligible soft cost under the HOME program, and is reimbursable to Administrators. An appraisal is the recommended method to determine the value of the unit by HUD; however, the current rule allows for other valuation methods with approval of the Department. The Department does not feel that a comparison study performed by a realtor is equivalent to an appraisal conducted by a licensed appraiser. Staff recommends no change to the rule.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.30. Homeowner Rehabilitation Assistance (HRA) Program Threshold and Selection Criteria.

All Applicants and Applications must submit or comply with this section.

(1) Except for Applications for disaster relief, Match shall be required based on the tiers described in subparagraphs (A) - (C) of this paragraph:

(A) zero percent of Project funds is required as Match if serving a city of less than 5,000 Persons or an unincorporated area of a county whose population in the total unincorporated area of the county is less than 25,000 Persons;

(B) one percent Match for every 1,000 in population to a maximum of 12 percent Match for projects in or contracts serving cities with a population greater than 5,000; and

(C) one percent Match for every 10,000 in population in the total unincorporated area of the county to a maximum of 12 percent Match for projects in or contracts serving the unincorporated area of a county.

(2) Documentation of a commitment of at least \$80,000 or for a Contract award 80 percent of the award amount, whichever is less, in cash reserves to facilitate administration of the program and to ensure the capacity to cover costs prior to reimbursement or costs determined to be ineligible for reimbursement. Evidence of this commitment and the amount of the commitment must be included in the Applicant's resolution. To meet this requirement, Applicants must submit:

(A) financial statements indicating adequate local unrestricted cash or cash equivalents to utilize as cash reserves and a letter from the Applicant's bank(s) or financial institution(s) indicating that current account balances are sufficient; or

(B) evidence of an available line of credit or equivalent in an amount equal to or exceeding the requirement in subparagraph (A) of this paragraph; or

(C) the Certified Public Accountant (CPA) opinion letter from the most recent audit and a statement from the CPA that indicates, based on past experience with grant programs and past audits, the applicant has in place the best practices and financial capacity necessary in order to effectively administer a HOME Program award.

(3) Housing proposed to be constructed under this Activity must meet the requirements of Chapter 20 of this title (relating to Single Family Programs Umbrella Rule).

(A) The Department will reimburse only for the first time a set of architectural plans are used, unless any subsequent site specific fees are paid to a Third Party architect, or a licensed engineer; and

(B) A NOFA may include incentives or otherwise require architectural plans to incorporate "green building" elements.

§23.31. Homeowner Rehabilitation Assistance (HRA) Program Requirements.

(a) Eligible Projects are limited to:

(1) the Rehabilitation or Reconstruction of existing owner-occupied housing on the same site. The Rehabilitation of a Manufactured Housing Unit (MHU) is not an eligible Project;

(2) the New Construction of site-built housing on the same site to replace an existing owner-occupied MHU;

(3) the replacement of existing owner-occupied housing with an MHU or New Construction of site-built housing on another site contingent upon written approval of the Department;

(4) if a housing unit is uninhabitable, within the previous five (5) years from requested assistance, as a result of a natural or man-made disaster or a condemnation order from the unit of local government, or presents an imminent threat to the life, health, or safety of occupants as

determined by the local government with jurisdiction over the property, the Household is eligible for the New Construction of site-built housing or an MHU under this section provided the assisted Household documents that the housing unit was previously their Principal Residence through evidence of a homestead exemption from the local taxing jurisdiction and Household certification. If a housing unit is destroyed due to a disaster (housing unit may no longer be standing on the site), that unit is eligible for reconstruction provided that the HOME funds are committed within twelve (12) months of the date of destruction; or
(5) if allowable under the NOFA, the refinance of an existing mortgage meeting the federal requirements at 24 CFR §92.206(b) and any additional requirements in the NOFA.

(b) If a housing unit has an existing mortgage Loan and Department funds are provided in the form of a Loan, the Department will require a first lien if the loan has an outstanding balance that is less than the investment of HOME funds and any of the statements described in paragraphs (1) - (3) of this subsection are true:

- (1) a federal affordability period is required; or
- (2) any existing mortgage has been in place for less than three (3) years from the date the Household applies for assistance; or
- (3) the HOME Loan is structured as a repayable loan.

(c) The Household must be current on any existing mortgage loans or home equity loans. If the Department's assistance is provided in the form of a Loan, the property cannot have any existing home equity loan liens.

(d) Direct Project Costs, exclusive of Match funds, and are limited to:

- (1) Reconstruction and New Construction of site-built housing: the lesser of \$78 per square foot or \$85,000, or for Households of six or more Persons the lesser of \$78 per square foot or \$90,000;
- (2) replacement with an MHU: \$65,000;
- (3) rehabilitation that is not Reconstruction: \$40,000; and
- (4) refinancing of existing mortgages: in addition to the costs limited under paragraphs (1) - (3) of this subsection, the cost to refinance an existing mortgage is limited to \$35,000. To qualify, a Household's current total housing payment must be greater than 30 percent of their monthly gross income or their total monthly recurring debt payments must be greater than 45 percent of their gross monthly income.

(e) In addition to the Direct Project Costs allowable under subsection (d) of this section, up to a total of \$5,000 will be allowed in Direct Project Costs for any of the following items or a combination of these items:

- (1) additional sitework if the unit will be located more than 50 feet from the nearest paved roadway; and
- (2) if the unit is being elevated above the floodplain; and
- (3) homeowner requests for accessibility features.

(f) Project soft costs are limited to:

- (1) Reconstruction or New Construction: no more than \$9,000 per housing unit;
- (2) replacement with an MHU: no more than \$3,500 per housing unit;

(3) rehabilitation that is not Reconstruction: \$5,000 per housing unit. This limit may be exceeded for lead-based paint remediation and only upon prior approval of the Division Director. The costs of testing and assessments for lead-based paint are not eligible Project soft costs for housing units that are Reconstructed or if the existing housing unit was built after December 31, 1977; and

(4) third-party Project soft costs related to requirements under this section, such as appraisals, title reports or insurance, tax certificates, recording fees, and surveys are not subject to a maximum per Project.

(g) Funds for Administrative costs are limited to no more than 4 percent of the Direct Project Costs, exclusive of Match funds.

(h) In the instances described in paragraphs (1) - (4) of this subsection, the assistance to an eligible Household shall be in the form of a Loan in the amount of the Direct Project Costs excluding Match funds. The Loan will be at zero percent interest and include deferral of payment and annual pro rata forgiveness with a term based on the federal affordability requirements as defined in 24 CFR §92.254.

(1) An MHU being replaced with newly constructed housing (site-built) on the same site;

(2) Any housing unit being replaced on an another site;

(3) Any housing unit that is being relocated out of the floodplain or replaced due to uninhabitability as allowed under subsection (a)(4) of this section; and

(4) Any Project that requires a federal affordability period.

(i) For any Project involving refinancing described in subsection (d)(4) of this section, the HOME funds used for refinancing shall be structured as a fully amortizing, repayable Loan at zero percent interest. The Loan term shall be calculated by setting the total estimated housing payment (including principal, interest, property taxes, insurance, and any other homebuyer assistance), equal to 20 percent of the Household's gross monthly income. The term shall not exceed thirty (30) years. Total debt service (back-end ratio) may not exceed 45 percent. Any Direct Project Costs, exclusive of refinancing costs and Match funds, shall be structured as a deferred, forgivable Loan with a 15-year term.

(j) In all other instances not described in subsections (h) and (i) of this section, the assistance to an eligible Household will be in the form of a grant agreement with a 5-year affordability period.

(k) To ensure affordability, the Department will impose resale and recapture provisions established in this chapter.

(l) For Reconstruction and New Construction, site-built housing units must meet or exceed the 2000 International Residential Code and all applicable local codes and standards. In addition, housing that is Rehabilitated under this chapter must meet the Texas Minimum Construction Standards (TMCS) and all other applicable local codes, rehabilitation standards, ordinances, and zoning ordinances in accordance with this chapter. MHUs must be installed according to the manufacturer's instructions and in accordance with Federal and State laws and regulations.

§23.32. Homeowner Rehabilitation Assistance (HRA) Administrative Requirements.

(a) Commitment or Reservation of Funds. The Administrator must submit the true and complete information, certified as such, with a request for the Commitment or Reservation of Funds as described in paragraphs (1) - (15) of this subsection:

(1) head of Household name and address of housing unit for which assistance is being requested;

(2) a budget that includes the amount of Project funds specifying the acquisition costs, construction costs, soft costs and administrative costs requested, a maximum of 5 percent of hard construction costs for contingency items, proposed Match to be provided, evidence that Direct Project Cost and soft cost limitations are not exceeded, and evidence that any duplication of benefit is addressed;

(3) verification of environmental clearance;

(4) a copy of the Household's intake application on a form prescribed by the Department;

(5) certification of the income eligibility of the Household signed by the Administrator and all Household members age 18 or over, and including the date of the income eligibility determination. In instances where the total Household income is within \$3,000 of the 80 percent AMFI, all documentation used to determine the income of the Household;

(6) when assistance is provided in the form of a Loan, provide written consent from all Persons who have a valid lien or ownership interest in the Property for the rehabilitation or reconstruction Projects;

(7) in the instance of relocation and in accordance with §23.31(a)(3) of this chapter (relating to Homeowner Rehabilitation Assistance (HRA) Program Requirements), the Household must document Homeownership of the existing unit to be replaced and must establish Homeownership of the lot on which the replacement housing unit will be constructed. The Household must agree to the demolition of the existing housing unit. HOME Project funds cannot be used for the demolition of the existing unit and any funding used for the demolition is not eligible Match; however, solely for a Project under this paragraph, the Administrator Match obligation may be reduced by the cost of such demolition without any Contract amendment;

(8) identification of any Lead-Based Paint (LBP);

(9) for housing units located within the 100-year floodplain, a quote for the cost of flood insurance and certification from the Household that they understand the flood insurance requirements;

(10) consent to demolish from any existing mortgage lien holders and consent to subordinate to the Department's Loan, if applicable;

(11) if applicable, documentation to address or resolve any potential conflict of interest, identity of interest, duplication of benefit, or floodplain mitigation;

(12) a title commitment or policy or a down date endorsement to an existing title policy, and the actual documents, or legible copies thereof, establishing the Household's ownership, such as a warranty deed or ninety-nine (99) year leasehold. For assistance provided in the form of a grant agreement, a title report may be submitted in lieu of a title commitment or policy. In instances of an MHU, a Statement of Ownership and Location (SOL) must be submitted. Together, these documents must evidence the definition of Homeownership is met;

(13) tax certificate that evidences a current paid status, and in the case of delinquency, evidence of an approved payment plan with the taxing authority and evidence that the payment plan is current;

(14) appraisal or other valuation method approved by the Department which establishes the post rehabilitation or reconstruction value of improvements for Projects involving construction; and

(15) any other documentation necessary to evidence that the Project meets the program requirements.

(b) Loan closing or grant agreement. The Administrator must comply with or submit the documents described in paragraphs (1) - (3) of this subsection, with a request for the preparation of Loan closing or grant agreement as applicable, with the request for the Commitment or Reservation of Funds:

(1) a title commitment that expires prior to execution of closing must be updated at closing and must not have any adverse changes in order to close. An updated title report is not required for grant agreements;

(2) in the instances of replacement with an MHU, information necessary to draft Loan documents or grant agreements to issue SOL; and

(3) life event documentation, as applicable, and all information necessary to prepare any applicable affidavits such as marital status and heirship.

(c) Disbursement of funds. The Administrator must comply with all of the requirements described in paragraphs (1) - (11) of this subsection, for a request for disbursement of funds to reimburse eligible costs incurred. Submission of documentation related to the Administrator compliance with requirements described in paragraphs (1) - (11) of this subsection, may be required with a request for disbursement:

(1) for construction costs associated with a Loan, a down date endorsement to the title policy not older than the date of the last disbursement of funds or forty-five (45) days, whichever is later. For release of retainage the down date endorsement must be dated at least forty (40) days after the date of construction completion;

(2) for construction costs associated with a grant agreement, an interim lien waiver or final lien waiver. For release of retainage the release on final payment must be dated at least forty (40) days after the date of construction completion;

(3) if applicable, up to 50 percent of Project funds for a Project may be drawn before providing evidence of Match. Thereafter, each Administrator must provide evidence of Match, including the date of provision, in accordance with the percentage of Project funds disbursed;

(4) property inspections, including photographs of the front and side elevation of the housing unit and at least one picture of the kitchen, family room, one of the bedrooms and one of the bathrooms with date and property address reflected on each photo. The inspection must be signed and dated by the inspector and Administrator;

(5) certification that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of, and accounting for, funds provided, no Person that would benefit from the award of HOME funds has provided a source of Match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith; that each request for disbursement of HOME funds is for the actual cost of providing a service and that the service does not violate any conflict of interest provisions;

(6) the executed grant agreement or original, executed, legally enforceable Loan documents and statement of location, if applicable, for each assisted Household containing remedies adequate to enforce any applicable affordability requirements. Original documents must evidence that such agreements have been recorded in the real property records of the county in which the housing unit is located and the original documents must be returned, duly certified as to recordation by the appropriate county official;

(7) expenditures must be allowable and reasonable in accordance with federal, state, and local rules and regulations. The Department shall determine the reasonableness of each expenditure submitted for reimbursement. The Department may request Administrator to make modifications to the disbursement request and is authorized to modify the disbursement procedures set forth herein and to establish such additional requirements for payment of HOME funds to Administrator as may be necessary or advisable for compliance with all Program Rules;

(8) the request for funds for Administrative costs must be proportionate to the amount of Direct Project Costs requested or already disbursed;

(9) include the withholding of 10 percent of hard construction costs for retainage. Retainage will be held until at least forty (40) days after completion of construction;

(10) for final disbursement requests, submission of documentation required for Project completion reports and evidence that the demolition or, if an MHU, salvage and removal of all dilapidated housing units on the lot occurred for Newly Constructed or Rehabilitated housing unit, certification or other evidence acceptable to Department that the replacement house, whether site-built or MHU, was constructed or placed on and within the same lot for which ownership was established and on and within the same lot secured by the Loan or grant agreement, if applicable, and evidence of floodplain mitigation; and

(11) the final request for disbursement must be submitted to the Department with support documentation no later than sixty (60) days after the termination date of the Agreement in order to remain in compliance with Contract and eligible for future funding. The Department shall not be obligated to pay for costs incurred or performances rendered after the termination date of a Contract.

Attachment 4: Preamble and adoption of SUBCHAPTER D. HOMEBUYER ASSISTANCE PROGRAM

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter D, §23.40 – §23.42, concerning Homebuyer Assistance Program, without changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: The Department finds a need to revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, and to add clarity to the State HOME Rule.

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail. No comments were received concerning the amendments to Subsection D.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

23.40. Homebuyer Assistance (HBA) Threshold and Selection Criteria.

All Applicants and Applications must submit or comply with this section.

(1) Except for Applications for disaster relief and Persons with Disabilities set-asides, the amount of Match required must be at least 5 percent of Project funds requested. The Department may incentivize or provide preference to Applicants committing to provide additional Match above the requirement of this section. Such incentives may be established in the form of a threshold or selection criteria and may be different for each Activity.

(2) Documentation of a commitment of at least \$80,000 or for a Contract award, 100 percent of the award amount, whichever is less, in cash reserves to facilitate administration of the program and to ensure the capacity to cover costs prior to reimbursement or costs determined to be ineligible for reimbursement. Evidence of this commitment and the amount of the commitment must be included in the Applicant's resolution. To meet this requirement, Applicants must submit:

(A) financial statements indicating adequate local unrestricted cash or cash equivalents to utilize as cash reserves and a letter from the Applicant's bank(s) or financial institution(s) indicating that current account balances are sufficient; or

(B) evidence of an available line of credit or equivalent in an amount equal to or exceeding the requirement in subparagraph (A) of this paragraph; or

(C) the Certified Public Accountant (CPA) opinion letter from the most recent audit and a statement from the CPA that indicates, based on past experience with grant programs and past audits, the applicant has in place the best practices and financial capacity necessary in order to effectively administer a HOME Program award.

§23.41. Homebuyer Assistance (HBA) Program Requirements.

(a) Eligible activities are limited to the acquisition or acquisition and Rehabilitation for accessibility modifications of single family housing units.

(b) The Household must complete a homebuyer counseling program/class.

(c) First lien purchase loans must comply with the requirements described in paragraphs (1) - (7) of this subsection:

(1) No adjustable rate mortgage loans or temporary interest rate buy-down loans are allowed;

(2) No first lien mortgage loans with a total loan to value equal to or greater than 100 percent are allowed;

(3) No subprime mortgage loans are allowed;

(4) For conforming mortgage loans, the debt to income ratio (back-end ratio) may not exceed 45 percent;

(5) Fees charged by third party mortgage lenders are limited to the greater of 2 percent of the mortgage loan amount or \$3,500, including but not limited to origination, application, and/or underwriting fees. Fees associated with the origination of Single Family Mortgage Revenue Bond and Mortgage Credit Certificate programs will not be included in the limit. Fees paid to parties other than the first lien lender and reflected on the HUD-1 will not be included in the limit. Fees collected by the first lien lender at closing to be paid to other parties by the first lien lender that are supported by an invoice and reflected on the HUD-1 will not be included in the limit;

(6) No identity of interest relationship between the lender and the Household is allowed; and

(7) If an identity of interest exists between the Household and the seller, the Department may require additional documentation that evidences that the sales price is equal to or less than the appraised value of the property as documented by a Third-Party appraisal ordered by the first lien lender. If an identity of interest exists between the builder and Administrator the Administrator must provide documentation that evidences that the sales price does not provide for a profit of more than 15 percent of the total hard construction costs and does not exceed the current appraised value as documented by a Third-Party appraisal ordered by the first lien lender.

(d) Direct Project Costs, exclusive of Match funds, are limited to:

(1) acquisition and closing costs: the lesser of \$20,000 or the amount necessary as determined by an affordability analysis that evidences the total estimated housing payment (including principal, interest, property taxes, insurance, and any other homebuyer assistance) is no less than 20 percent of the Household's gross monthly income based on a thirty (30) year amortization schedule. If the estimated housing payment will be less than 20 percent, the Department shall reduce the amount of downpayment assistance to the homebuyer such that the total estimated housing payment is no less than 20 percent of the homebuyer's gross income; or

(2) closing costs and downpayment: the lesser of \$6,000 or the total estimated settlement charges shown on the good faith estimate that are paid by the buyer at closing which are not paid by the buyer's contribution. Households assisted under this paragraph who, at the time of application, have assets which may be liquidated without a federal income tax penalty and which exceed three months of estimated principal, interest, property tax, and property insurance payments for

the unit to be purchased as shown in the truth-in-lending statement must contribute the excess funds to the total estimated settlement charges as shown on the good faith estimate; and

(3) rehabilitation for accessibility modifications: \$20,000,

(4) No funds shall be disbursed to the assisted Household at closing. The HOME assistance shall be reduced in the amount necessary to prevent the Household's direct receipt of funds if the HUD-1 settlement statement shows funds to be provided to the buyer at closing.

(5) Total assistance to the Household must be in an amount of no less than \$1,000. Households who are not eligible for at least \$1,000 in total homebuyer assistance are ineligible for assistance under this subchapter.

(e) Project soft costs are limited to:

(1) acquisition and closing costs: no more than \$1,500 per housing unit; and

(2) rehabilitation for accessibility modifications: \$5,000 per housing unit.

(f) Funds for Administrative costs are limited to no more than 4 percent of the Direct Project Costs, exclusive of Match funds.

(g) The assistance to an eligible Household shall be in the form of a Loan in the amount of the Direct Project Costs, excluding Match funds. The Loan will be at zero percent interest and include deferral of payment and annual pro rata forgiveness with a term based on the federal affordability requirements as defined in 24 CFR §92.254.

(h) Any forgiveness of the Loan occurs upon the anniversary date of the Household's continuous occupancy as its Principal Residence and continues on an annual pro-rata basis until maturity of the Loan.

(i) To ensure affordability, the Department will impose the recapture provisions established in this chapter.

(j) Housing units that will be rehabilitated with HOME funds must meet or exceed the Texas Minimum Construction Standard (TMCS), as applicable and all applicable codes and standards. In addition, housing that is Rehabilitated under this chapter must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances in accordance with the HOME Final Rule. Housing units that are provided assistance for acquisition only must meet all applicable state and local housing quality standards and code requirements. In the absence of such standards and requirements, the housing units must meet the Housing Quality Standards (HQS) in 24 CFR §982.401.

§23.42. Homebuyer Assistance (HBA) Administrative Requirements.

(a) Commitment or Reservation of Funds. The Administrator must submit true and complete information, certified as such, with a request for the Commitment or Reservation of Funds, as described in paragraphs (1) - (11) of this subsection:

(1) Head of Household name and address of housing unit for which assistance is being requested;

(2) A budget that includes the amount of Project funds specifying the acquisition costs, construction costs, soft costs and administrative costs requested. A maximum of 5 percent of hard construction costs for contingency items, proposed Match to be provided, evidence that

Project and soft cost limitations are not exceeded, and evidence that any duplication of benefit is addressed;

- (3) Verification of environmental clearance;
- (4) A copy of the Household's intake application on a form prescribed by the Department;
- (5) Certification of the income eligibility of the Household signed by the Administrator, and all Household members age 18 or over, and including the date of the income eligibility determination. In instances the total Household income is within \$3,000 of the 80 percent area median family income, all documentation used to determine the income of the Household;
- (6) Identification of Lead-Based Paint (LBP);
- (7) For housing units located within the 100-year floodplain, a quote for the cost of flood insurance and certification from the Household that they understand the flood insurance requirements;
- (8) Executed sales contract and documentation that the first lien mortgage meets the eligibility requirements;
- (9) If applicable, documentation to address or resolve any potential Conflict of Interest, identity of interest, or duplication of benefit;
- (10) Appraisal which includes post rehabilitation or reconstruction improvements for Projects involving construction; and
- (11) Any other documentation necessary to evidence that the Project meets the program requirements.

(b) Loan closing. The Administrator must submit the documents described in paragraphs (1) and (2) of this subsection, with a request for the preparation of Loan closing with the request for the Commitment or Reservation of Funds:

- (1) A title commitment to issue a title policy that evidences the property will transfer with no tax lien, child support lien, mechanics or materialman's lien or any other restrictions or encumbrances that impair the good and marketable nature of title to the ownership interest and that the definition of Homeownership will be met. Commitments that expire prior to execution of closing must be updated at closing and must not have any adverse changes in order to close; and
- (2) A good faith estimate that is, or letter from the lender confirming that the loan terms and closing costs will be consistent with the executed sales contract, the first lien mortgage loan requirements, and the requirements of this chapter.

(c) Disbursement of funds. The Administrator must comply all of the requirements described in paragraphs (1) - (10) of this subsection, for a request for disbursement of funds to reimburse eligible costs incurred. Submission of documentation related to the Administrator compliance with requirements described in paragraphs (1) - (10) of this subsection, may be required with a request for disbursement:

- (1) For construction costs that are a part of a Loan subject to the requirements of this subsection, a down date endorsement to the title policy not older than the date of the last disbursement of funds or forty-five (45) days, whichever is later. For release of retainage the down date endorsement must be dated at least forty (40) days after the date of construction completion;
- (2) If applicable, up to 50 percent of Project funds for a Project may be drawn before providing evidence of Match. Thereafter, each Administrator must provide evidence of Match, including the date of provision, in accordance with the percentage of Project funds disbursed;

- (3) The property inspection must be signed and dated by the inspector and the Administrator or Developer;
- (4) Certification that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of, and accounting for, funds provided, no Person that would benefit from the award of HOME funds has provided a source of Match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith; that each request for disbursement of HOME funds is for the actual cost of providing a service and that the service does not violate any conflict of interest provisions;
- (5) Original, executed, legally enforceable Loan documents for each assisted Household containing remedies adequate to enforce any applicable affordability requirements. Original documents must evidence that such agreements have been recorded in the real property records of the county in which the housing unit is located and the original documents must be returned, duly certified as to recordation by the appropriate county official. This provision is not applicable for funds made available at the Loan closing;
- (6) Expenditures must be allowable and reasonable in accordance with federal, state, and local rules and regulations. The Department shall determine the reasonableness of each expenditure submitted for reimbursement. The Department may request Administrator to make modifications to the disbursement request and is authorized to modify the disbursement procedures set forth herein and to establish such additional requirements for payment of HOME funds to Administrator as may be necessary or advisable for compliance with all program requirements;
- (7) The request for funds for Administrative costs must be proportionate to the amount of Direct Project Costs requested or already disbursed;
- (8) Table funding requests must be submitted to the Department with complete documentation no later than ten (10) business days prior to the anticipated Loan closing date. Such a request must include a draft settlement statement, title company payee identification information, the Administrator or Developer's authorization for disbursement of funds to the title company, request letter from title company to the Texas Comptroller with bank account wiring instructions, and invoices for soft costs being paid at closing;
- (9) For Activities involving Rehabilitation, include the withholding of 10 percent of hard construction costs for retainage. Retainage will be held until at least forty (40) days after completion of construction and until submission of documentation required for Project completion reports; and
- (10) The final request for disbursement must be submitted to the Department with support documentation no later than sixty (60) days after the termination date of the Contract in order to remain in compliance with Contract and eligible for future funding. The Department shall not be obligated to pay for costs incurred or performances rendered after the termination date of a Contract.

Attachment 5: Preamble and adoption of SUBCHAPTER E. CONTRACT FOR DEED CONVERSION PROGRAM

The Texas Department of Housing and Community Affairs (the "Department") adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter E, §23.50 – §23.52, concerning Contract for Deed Conversion Program, without changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: To revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, to add clarity to the State HOME Rule.

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail. No comments were received concerning the amendments to Subchapter E.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.50. Contract for Deed Conversion (CFDC) Threshold and Selection Criteria.

All Applicants and Applications must submit or comply with this section.

(1) Documentation of a commitment of at least \$80,000 in cash reserves to facilitate administration of the program and to ensure the capacity to cover costs prior to reimbursement or costs determined to be ineligible for reimbursement. Evidence of this commitment and the amount of the commitment must be included in the Applicant's resolution. To meet this requirement, Applicants must submit:

(A) financial statements indicating adequate local unrestricted cash or cash equivalents to utilize as cash reserves and a letter from the Applicant's bank(s) or financial institution(s) indicating that current account balances are sufficient; or

(B) evidence of an available line of credit or equivalent in an amount equal to or exceeding the requirement in subparagraph (A) of this paragraph; or

(C) the CPA opinion letter from the most recent audit and a statement from the CPA that indicates, based on past experience with grant programs and past audits, the applicant has in place the best practices and financial capacity necessary in order to effectively administer a HOME Program award.

(2) Housing proposed to be constructed under this Activity must meet the requirements in Chapter 20 of this title (relating to Single Family Programs Umbrella Rule).

(A) The Department will reimburse only for the first time a set of architectural plans are used unless any subsequent site specific fees are paid to a Third Party architect, or a licensed engineer; and

(B) A NOFA may include incentives or otherwise require architectural plans to incorporate "green building" elements.

§23.51. Contract for Deed Conversion (CFDC) Program Requirements

(a) Eligible activities are limited to the acquisition or acquisition and Rehabilitation, Reconstruction, or New Construction of single family housing units.

(b) A new Manufactured Housing Unit (MHU) is an eligible property type for acquisition only. An MHU is not an eligible property type for Rehabilitation. MHUs must be installed according to the manufacturer's installation instructions and in accordance with Federal and State laws and regulations.

(c) The Household's income must not exceed 60 percent area median family income (AMFI) and the Household must complete a homebuyer counseling program/class.

(d) The Department will require a first lien position.

(e) Direct Project Costs, exclusive of Match funds, are limited to:

(1) acquisition and closing costs: \$35,000. In the case of a contract for deed conversion housing unit that involves the acquisition of a loan on an existing MHU and/or the loan for the associated land, the Executive Director may grant an exception to exceed this amount, however, the Executive Director will not grant an exception to exceed \$40,000 of assistance;

(2) Reconstruction and New Construction of site-built housing: the lesser of \$78 per square foot or \$85,000, or for Households of six or more Persons the lesser of \$78 per square foot or \$90,000;

(3) replacement with an MHU: \$65,000; and

(4) rehabilitation that is not Reconstruction: \$40,000.

(f) In addition to the Direct Project Costs allowable under subsection (d) of this section, up to a total of \$5,000 will be allowed in Direct Project Costs for any of the following items or a combination of these items:

(1) additional sitework if the unit will be located more than 50 feet from the nearest paved roadway; and

(2) if the unit is being elevated above the floodplain; and

(3) homeowner requests for accessibility features.

(g) Project soft costs are limited to:

(1) acquisition and closing costs: no more than \$1,500 per housing unit;

(2) Reconstruction or New Construction: no more than \$9,000 per housing unit;

(3) replacement with an [and] MHU: no more than \$3,500 per housing unit; and

(4) rehabilitation that is not Reconstruction: \$5,000 per housing unit. This limit may be exceeded for lead-based remediation and only upon prior approval of the Division Director. The costs of testing and assessments for lead-based paint are not eligible Project soft costs for housing units that are reconstructed or if the existing housing unit was built after December 31, 1977.

(h) Funds for administrative costs are limited to no more than 4 percent of the Direct Project Costs, exclusive of Match funds.

(i) The assistance to an eligible Household shall be in the form of a Loan in the amount of the Direct Project Costs excluding Match funds. The Loan will be at zero percent interest and include deferral of payment and annual pro rata forgiveness with a term based on the federal affordability requirements as defined in 24 CFR §92.254.

(j) Any forgiveness of the Loan occurs upon the anniversary date of the Household's continuous occupancy as its Principal Residence and continues on an annual pro rata basis until maturity of the Loan.

(k) To ensure affordability, the Department will impose resale and recapture provisions established in this chapter.

(l) For Reconstruction and New Construction, site-built housing units must meet or exceed the 2000 International Residential Code and all applicable local codes and standards. In addition, housing that is Rehabilitated under this chapter must meet the Texas Minimum Construction Standards (TMCS) and all other applicable local codes, rehabilitation standards, ordinances, and zoning ordinances in accordance with the HOME Final Rule. Housing units that are provided assistance for acquisition only must meet all applicable state and local housing quality standards and code requirements. In the absence of such standards and requirements, the housing units must meet the Housing Quality Standards (HQS) in 24 CFR §982.401.

§23.52. Contract for Deed Conversion (CFDC) Administrative Requirements.

(a) Commitment or Reservation of Funds. The Administrator must submit true and correct information, certified as such, with a request for the Commitment or Reservation of Funds:

(1) head of Household name and address of housing unit for which assistance is being requested;

(2) a budget that includes the amount of Project funds specifying the acquisition costs, construction costs, soft costs and administrative costs requested, a maximum of 5 percent of hard construction costs for contingency items, proposed Match to be provided, evidence that Project and soft cost limitations are not exceeded, and evidence that any duplication of benefit is addressed;

(3) verification of environmental clearance;

(4) a copy of the Household's intake application on a form prescribed by the Department;

(5) certification of the income eligibility of the Household signed by the Administrator and all Household members age 18 or over, and including the date of the income eligibility determination. In instances the total Household income is within \$3,000 of the 80 percent AMFI, all documentation used to determine the income of the Household;

(6) identification of Lead-Based Paint (LBP);

(7) for housing units located within the 100-year floodplain, a quote for the cost of flood insurance and certification from the Household that they understand the flood insurance requirements;

(8) if applicable, documentation to address or resolve any potential Conflict of Interest, identity of interest, duplication of benefit, or floodplain mitigation;

(9) appraisal which includes post rehabilitation or reconstruction improvements for Projects involving construction; and

(10) any other documentation necessary to evidence that the Project meets the program requirements.

(b) Loan closing. The Administrator must submit the documents described in paragraphs (1) - (4) of this subsection, with a request for the preparation of Loan closing with the request for the Commitment or Reservation of Funds:

(1) a title commitment to issue a title policy not older than ninety (90) days when submitted for a Commitment of Funds that evidences the property will transfer with no tax lien, child support lien, mechanic's or materialman's lien or any other restrictions or encumbrances that impair the good and marketable nature of title to the ownership interest and that the definition of Homeownership will be met. Commitments that expire prior to execution of closing must be updated at closing and must not have any adverse changes in order to close;

(2) in the instances of replacement with an MHU, information necessary to draft Loan~~[loan]~~ documents and issue Statement of Ownership and Location (SOL);

(3) life event documentation, as applicable, and all information necessary to prepare any applicable affidavits such as marital status and heirship; and

(4) A copy of the recorded contract for deed and a current payoff statement.

(c) Disbursement of funds. The Administrator must comply all of the requirements described in paragraphs (1) - (11) of this subsection, for a request for disbursement of funds to reimburse eligible costs incurred. Submission of documentation related to the Administrator's compliance with requirements described in paragraphs (1) - (11) of this subsection may be required with a request for disbursement:

(1) for construction costs, a down date endorsement to the title policy not older than the date of the last disbursement of funds or forty-five (45) days, whichever is later. For release of retainage the down date endorsement must be dated at least forty (40) days after the date of construction completion;

(2) if applicable, up to 50 percent of Project funds for a Project may be drawn before providing evidence of Match. Thereafter, each Administrator must provide evidence of Match, including the date of provision, in accordance with the percentage of Project funds disbursed;

(3) property inspections, including photographs of the front and side elevation of the housing unit and at least one picture of the kitchen, family room, one of the bedrooms and one of the bathrooms with date and property address reflected on each photo. The inspection must be signed and dated by the inspector and Administrator;

(4) certification that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of, and accounting for, funds provided, no Person that would benefit from the award of HOME funds has provided a source of Match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith; that each request for disbursement of HOME funds is for the actual cost of providing a service and that the service does not violate any conflict of interest provisions;

(5) original, executed, legally enforceable Loan documents, and statement of location, as applicable, for each assisted Household containing remedies adequate to enforce any applicable affordability requirements. Original documents must evidence that such agreements have been recorded in the real property records of the county in which the housing unit is located and the original documents must be returned, duly certified as to recordation by the appropriate county official. This provision is not applicable for funds made available at the Loan closing;

(6) expenditures must be allowable and reasonable in accordance with federal, state, and local rules and regulations. The Department shall determine the reasonableness of each expenditure

submitted for reimbursement. The Department may request Administrator or Developer to make modifications to the disbursement request and is authorized to modify the disbursement procedures set forth herein and to establish such additional requirements for payment of HOME funds to Administrator as may be necessary or advisable for compliance with all program requirements;

(7) the request for funds for Administrative costs must be proportionate to the amount of Direct Project Costs requested or already disbursed;

(8) table funding requests must be submitted to the Department with complete documentation no later than ten (10) business days prior to the anticipated Loan closing date. Such a request must include a draft settlement statement, title company payee identification information, the Administrator or Developer's authorization for disbursement of funds to the title company, request letter from title company to the Texas Comptroller with bank account wiring instructions, and invoices for soft costs being paid at closing;

(9) include the withholding of 10 percent of hard construction costs for retainage. Retainage will be held until at least forty (40) days after completion of construction;

(10) for final disbursement requests, submission of documentation required for Project completion reports and evidence that the demolition or, if an MHU, salvage and removal of all dilapidated housing units on the lot, certification or other evidence acceptable to Department that the replacement house, whether site-built or MHU, was constructed or placed on and within the same lot secured by the Loan or grant agreement, if applicable, and evidence of floodplain mitigation; and

(11) the final request for disbursement must be submitted to the Department with support documentation no later than sixty (60) days after the termination date of the Contract in order to remain in compliance with Contract and eligible for future funding. The Department shall not be obligated to pay for costs incurred or performances rendered after the termination date of a Contract.

Attachment 6: Preamble and adoption of SUBCHAPTER F. TENANT-BASED RENTAL ASSISTANCE PROGRAM

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter F, §23.60 – §23.62, concerning Tenant-Based Rental Assistance Program. Section 23.61 is adopted with changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747). Sections 23.60 and 23.62 are adopted without changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: The Department finds a need to revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, and to add clarity to the State HOME Rule.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS:

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail, with comments received from: (1) Belinda Carlton, Texas Council for Developmental Disabilities, and (4) Jean Langendorf, Easter Seals of Central Texas.

§23.61(e)

COMMENT SUMMARY: Commenter’s (1) and (4) recommend including HUD Section 811 and HUD Section 202 program to the waiting list requirement for TBRA.

STAFF RESPONSE: Staff agrees that the requirement to be placed on a Section 8 Housing Choice Voucher waiting list may be infeasible in some areas of the state due to lengthy wait times and inconsistency in waiting list procedures at various Public Housing Authorities. The addition of Section 811 and Section 202 waiting lists will enable households with elderly members or members who are persons with disabilities to maximize their time of assistance under the Tenant-Based Rental Assistance program. Staff recommends adding Section 202 and Section 811 housing as eligible waiting lists.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.60. Tenant-Based Rental Assistance (TBRA) Threshold and Selection Criteria.

All Applicants and Applications must submit Documentation of a commitment of at least \$15,000 for cash reserves to facilitate administration of the program and to ensure the capacity to cover costs prior to reimbursement or costs determined to be ineligible for reimbursement. Evidence of this commitment and the amount of the commitment must be included in the Applicant's resolution. To meet this requirement, Applicants must submit:

- (1) financial statements indicating adequate local unrestricted cash or cash equivalents to utilize as cash reserves and a letter from the Applicant's bank(s) or financial institution(s) indicating that current account balances are sufficient; or
- (2) evidence of an available line of credit or equivalent in an amount equal to or exceeding the requirement in paragraph (1) of this section; or
- (3) the Certified Public Accountant (CPA) opinion letter from the most recent audit and a statement from the CPA that indicates, based on past experience with grant programs and past audits, the applicant has in place the best practices and financial capacity necessary in order to effectively administer a HOME Program Activity.

§23.61. Tenant-Based Rental Assistance (TBRA) Program Requirements.

- (a) The Household must participate in a self-sufficiency program.
- (b) The amount of assistance will be determined using the Housing Choice Voucher method.
- (c) Households certifying to zero income must also complete a questionnaire which includes a series of questions regarding how basic hygiene, dietary, transportation, and other living needs are met.
- (d) The minimum Household contribution toward gross monthly rent must be ten percent of the Household's gross monthly income.
- (e) Project funds are limited to:
 - (1) rental subsidy: The rental subsidy term is limited to no more than twenty-four (24) months under a contract award. Households served under a reservation agreement may be granted a twelve (12) month extension, for a period of assistance not to exceed thirty-six (36) month cumulatively. A household may be eligible for an additional twenty-four months of assistance, for a period of assistance not to exceed sixty (60) months cumulatively, if:
 - (A) the Household has applied for a Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, or HUD Section 202 Supportive Housing for the Elderly Program, and is placed on a waiting list during their TBRA participation tenure; and
 - (B) the Household has not been removed from the waiting list for the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, or HUD Section 202 Supportive Housing for the Elderly Program due to failure to respond to required notices or other ineligibility factors; and
 - (C) the Household has not been denied participation in the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, or HUD Section 202 Supportive Housing for the Elderly Program while they were being assisted with HOME TBRA; and
 - (D) the Household did not refuse to participate in the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, or HUD Section 202 Supportive Housing for the Elderly Program when a voucher was made available;
 - (2) security deposit: no more than the amount equal to two (2) month's rent for the unit.
 - (3) utility deposit in conjunction with a TBRA rental subsidy.

(f) The payment standard must be the current U.S. Department of Housing and Urban Development (HUD) "Fair Market Rent for the Housing Choice Voucher Program" at the time the household is income certified (or the rental coupon is executed). In instances where the area rents exceed the established Fair Market Rent, the Administrator may submit a written request to the Department for approval of a higher payment standard. The request must be evidenced by a market study. For HOME-assisted units, the payment standard must be the current HOME rent applicable for the unit.

(g) The lease agreement start date must correspond to the date of the TBRA rental coupon contract. The dates may be different only upon prior approval of the Executive Director or his/her designee.

(h) Project soft costs are limited to \$1,200 per Household assisted for determining household income eligibility, including recertification, and conducting Housing Quality Standards (HQS) inspections. All costs must be reasonable and customary for the Administrator's service area.

(i) Funds for Administrative costs are limited to 4 percent of Direct Project Costs, excluding Match funds. Funds for Administrative costs may be increased an additional 1 percent of Direct Project Costs if Match is provided in an amount equal to 5 percent or more of Direct Project Costs.

(j) Rental units must be inspected prior to occupancy, annually upon Household recertification, and must comply with Housing Quality Standards established by HUD.

§23.62. Tenant-Based Rental Assistance (TBRA) Administrative Requirements.

(a) Commitment or Reservation of Funds. The Administrator must submit the documents described in paragraphs (1) - (8) of this subsection, with a request for the Commitment or Reservation of Funds:

- (1) head of Household name and address of housing unit for which assistance is being requested;
- (2) a budget that includes the amount of Direct Project Costs, Project soft costs and, Administrative costs requested, Match to be provided, evidence that Direct Project Cost limitations are not exceeded, and evidence that any duplication of benefit is addressed;
- (3) verification of environmental clearance;
- (4) a copy of the Household's intake application on a form prescribed by the Department;
- (5) certification of the income eligibility of the Household signed by the Administrator, and all Household members age 18 or over, and including the date of the income eligibility determination. Administrator must submit documentation used to determine the income and rental subsidy of the Household;
- (6) identification of Lead-Based Paint (LBP);
- (7) if applicable, documentation to address or resolve any potential conflict of interest or duplication of benefit; and
- (8) any other documentation necessary to evidence that the Project meets the Program Rules.

(b) Disbursement of funds. The Administrator must comply with all of the requirements described in paragraphs (1) - (8) of this subsection for a request for disbursement of funds. Submission of documentation related to the Administrator compliance with requirements

described in paragraphs (1) - (8) of this subsection may be required with a request for disbursement.

(1) If required or applicable, up to 50 percent of Direct Project Costs for a Project may be drawn before providing evidence of Match. Thereafter, each Administrator must provide evidence of Match, including the date of provision, in accordance with the percentage of Direct Project Costs disbursed;

(2) The property inspection must be signed and dated by the inspector and Administrator;

(3) Certification that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of, and accounting for, funds provided, no Person that would benefit from the award of HOME funds has provided a source of Match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith; that each request for disbursement of HOME funds is for the actual cost of providing a service and that the service does not violate any conflict of interest provisions;

(4) Expenditures must be allowable and reasonable in accordance with federal, state, and local rules and regulations. The Department shall determine the reasonableness of each expenditure submitted for reimbursement. The Department may request Administrator to make modifications to the disbursement request and is authorized to modify the disbursement procedures set forth herein and to establish such additional requirements for payment of HOME funds to the Administrator or Developer as may be necessary or advisable for compliance with all Program Requirements;

(5) With the exception of up to 25 percent of the total funds available for Administrative costs, the request for funds for Administrative costs must be proportionate to the amount of Direct Project Costs requested or already disbursed;

(6) Requests may come in up to ten (10) days in advance of the first day of the following month;

(7) For final disbursement requests, submission of documentation required for Project completion reports; and

(8) The final request for disbursement must be submitted to the Department with support documentation no later than sixty (60) days after the termination date of the Contract in order to remain in compliance with Contract and eligible for future funding. The Department shall not be obligated to pay for costs incurred or performances rendered after the termination date of a Contract.

Attachment 7: Preamble and adoption of SUBCHAPTER G. SINGLE FAMILY DEVELOPMENT PROGRAM

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 23, Single Family HOME Program, Subchapter G, §23.70 – §23.72, concerning Single Family Development Program, without changes to the proposed text as published in the October 4, 2013, issue of the Texas Register (38 TexReg 6747) and will not be republished.

REASONED JUSTIFICATION: The Department finds a need to revise language to conform the state HOME Rule with the federal HOME Investment Partnerships Program (HOME) regulations at 24 CFR Part 92, as amended on July 24, 2013, and to add clarity to the State HOME Rule.

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail. No comments were received concerning the amendments to Subchapter G.

The Board approved the final order adopting the amendments on December 12, 2013.

STATUTORY AUTHORITY. The amendments are adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.70. Single Family Development (SFD) Threshold and Selection Criteria.

All Applicants and Applications must submit or comply with this section.

- (1) An Application for Community Housing Development Organization (CHDO) certification.
- (2) If the total of the Department’s Loan equals more than 50 percent of the total development cost, except for developments also financed with U.S. Department of Agriculture (USDA) funds, the Applicant must provide:
 - (A) evidence of a line of credit or equivalent tool of at least \$80,000 from a financial institution that will be available for use during the proposed development activities; or
 - (B) a letter from a third party Certified Public Accountant (CPA) verifying the capacity of the owner or developer to provide at least \$80,000 as a short term loan for development; and
 - (C) a letter from the developer's or owner's bank(s) confirming funds amounting to at least \$80,000 is available.
- (3) A proposed development plan that is consistent with the requirements of this chapter, all other federal and state rules, and includes:
 - (A) a floor plan and front exterior elevation for each proposed unit which reflects the exterior building composition;
 - (B) a FEMA Issued Flood Map that identifies the location of the proposed site(s);
 - (C) letters from local utility providers, on company letterhead, confirming each site has access to the following services: water and wastewater, sewer, electricity, garbage disposal and natural gas, if applicable;
 - (D) documentation of site control of each proposed lot: A recorded warranty deed with corresponding executed settlement statement; or a contract or option for the purchase of the

proposed lots that is valid for at least one hundred-twenty (120) days from the date of application submission; and

(E) an "as vacant" appraisal of at least one of the proposed lots if: The Applicant has an Identity of Interest with the seller or current owner of the property; or any of the proposed property is part of a newly developed or under-development subdivision in which at least three other third-party sales cannot be evidenced. The purchase price of any lot in which the current owner has an identity of interest must comply with the identity of interest transfer requirements in Chapter 10, Subchapter D of this title (relating to Underwriting and Loan Policy).

(4) The Department may prioritize Applications or otherwise incentivize Applications that partner with other lenders to provide permanent purchase money financing for the purchase of units developed with funds provided under this subchapter.

§23.71. Single Family Development (SFD) Program Requirements.

(a) Eligible activities include the acquisition and New Construction or acquisition and Rehabilitation of single family housing. Single family housing units assisted with HOME funds must comply with the required affordability requirements as defined at 24 CFR §92.254.

(b) This Activity is a CHDO-eligible activity.

(c) The Household's income must not exceed 80 percent area median family income (AMFI) and the Household must complete a homebuyer counseling program/class.

(d) Each unit must meet the design and quality requirements described in paragraphs (1) - (5) of this subsection:

(1) for New Construction and Reconstruction, current applicable International Residential Code, local codes, rehabilitation standards, ordinances, and zoning ordinances in accordance with the 24 CFR§92.251(a);

(2) include the following amenities: Wired with RG-6 COAX or better and CAT3 phone cable or better to each bedroom and living room; Blinds or window coverings for all windows; Disposal and Energy-Star or equivalently rated dishwasher (must only be provided as an option to each Household); Oven/Range; Exhaust/vent fans (vented to the outside) in bathrooms; Energy-Star or equivalently rated lighting in all rooms, which may include compact florescent bulbs. The living room and each bedroom must contain at least one ceiling lighting fixture and wiring must be capable of supporting ceiling fans; and Paved off-street parking for each unit to accommodate at least one mid-sized car and access to on-street parking for a second car;

(3) contain no less than two bedrooms. Each unit must contain complete physical facilities and fixtures for living, sleeping, eating, cooking, and sanitation;

(4) each bedroom must be no less than 100 square feet; have a length or width no less than 8 feet; be self contained with a door; have at least one window that provides exterior access; and have at least one closet that is not less than 2 feet deep and 3 feet wide and high enough to contain at least 5 feet of hanging space; and

(5) be no less than 800 total net square feet for a two bedroom home; no less than 1,000 total net square feet for a three bedroom and two bathroom home; and no less than 1,200 total net square feet for a four bedroom and two bathroom home.

(e) The total hard construction costs are limited as described in paragraphs (1) and (2) of this subsection:

(1) Reconstruction and New Construction of site-built housing: The hard construction costs are limited to \$78 per square foot and \$85,000 or for Households of 6 or more Persons \$90,000; and

(2) Rehabilitation that is not Reconstruction: \$40,000.

(f) Developer fees (including consulting fees) are limited to 15 percent of the total hard construction costs.

(g) Construction period financing for each unit shall be structured as a zero percent interest Loan with a six (6) month term. The maximum construction Loan amount may not exceed the total sales price less developer fees/profit, homebuyer closing costs, and other ineligible Project costs. Prior to construction Loan closing, a sales contract must be executed with a qualified homebuyer.

(h) In the instance that the Combined Loan to Value equals more than 100 percent of the appraised value, the portion of the sales price that exceeds 100 percent of the appraised value will be granted to the developer to buy down the purchase price if the homebuyer is receiving downpayment assistance or a first lien mortgage from the Department.

(i) The HOME assistance to the homebuyer shall be structured as a first and/or second lien Loan:

(1) the downpayment assistance is limited to \$20,000 and shall be structured as a ten (10) year deferred, forgivable Loan with a subordinate lien; and

(2) a first lien conventional mortgage not provided by the Department must meet the mortgage financing requirements applicable to §23.41 of this chapter (relating to Homebuyer Assistance (HBA) Program Requirements). If the Department is providing the first lien mortgage with HOME financing, the Loan will be fully amortizing with a thirty (30) year term. The Department will require a debt to income ratio (back-end ratio) not to exceed 45 percent. The total estimated housing payment (including principal, interest, property taxes, and insurance) shall be no less than 20 percent and no greater than 30 percent of the Household's gross monthly income. Should the estimated housing payment be less than 20 percent of the Household's gross income, the Department shall reduce the amount of downpayment assistance and/or charge an interest rate to the homebuyer such that the total estimated housing payment is no less than 20 percent of the homebuyer's gross income. In no instance shall the interest rate charged to the homebuyer exceed 5 percent. The Department shall use to the Household's income certification to make this determination.

(j) Earnest money is limited to no more than \$500, which will be credited to the homebuyer at closing. HOME funds may be used to pay other reasonable and customary closing costs that are HOME eligible costs.

(k) If a Household should become ineligible or otherwise cease participation and a replacement Household is not located within ninety (90) days of the end of the construction period, all additional funding closings and draws on the award will cease and the Department will require the Applicant to repay any outstanding construction debt in full.

(l) The Division Director may approve the use of alternative floor plans or lots from those included in the approved Application, provided the requirements of this section can still be met and such changes do not materially affect the total budget.

(m) To ensure affordability, the Department will impose resale or recapture provisions established in this chapter.

§23.72. Single Family Development (SFD) Administrative Requirements.

(a) Commitment or Reservation of Funds. The Administrator must submit the documents described in paragraphs (1) - (10) of this subsection, with a request for the Commitment or Reservation of Funds:

(1) head of Household name and address of housing unit for which assistance is being requested;

(2) a budget that includes the amount of Project funds specifying the acquisition cost, construction costs, developer fees. A maximum of 5 percent of hard construction costs for contingency items, proposed Match to be provided, evidence that Project and soft cost limitations are not exceeded, and evidence that any duplication of benefit is addressed;

(3) verification of environmental clearance;

(4) a copy of the Household's intake application on a form prescribed by the Department;

(5) certification of the income eligibility of the Household signed by the Administrator and all Household members age 18 or over, and including the date of the income eligibility determination. In instances where the total Household income is within \$3,000 of the 80 percent AMFI, all documentation used to determine the income of the Household;

(6) identification of Lead-Based Paint (LBP);

(7) executed sales contract and documentation that the first lien mortgage meets the eligibility requirements;

(8) if applicable, documentation to address or resolve any potential conflict of interest, identity of interest, duplication of benefit, or floodplain mitigation;

(9) appraisal, which includes post rehabilitation or reconstruction improvements for Projects involving construction; and

(10) any other documentation necessary to evidence that the Project meets the Program Rules.

(b) Loan closing. The Administrator must submit the documents described in paragraphs (1) - (3) of this subsection, with a request for the preparation of Loan closing with the request for the Commitment or Reservation of Funds:

(1) a title commitment to issue a title policy not older than ninety (90) days when submitted for a Commitment of Funds that evidences the property will transfer with no tax lien, child support lien, mechanic's or materialman's lien or any other restrictions or encumbrances that impair the good and marketable nature of title to the ownership interest and that the definition of Homeownership will be met. Commitments that expire prior to execution of closing must be updated at closing and must not have any adverse changes in order to close;

(2) within ninety (90) days after the Loan closing date, the Administrator or Developer must submit to the Department the original recorded deed of trust and transfer of lien, if applicable. Failure to submit these documents within ninety (90) days after the Loan closing date will result in the Department withholding payment for disbursement requests; and

(3) a draft settlement statement that is consistent with the executed sales contract, the first lien mortgage loan requirements (as applicable), and the terms of this Contract will be provided to Department.

(c) Disbursement of funds. The Administrator must comply with the requirements described in paragraphs (1) - (10) of this subsection, for a request for disbursement of funds to reimburse eligible costs incurred. Submission of documentation related to the Administrator compliance with requirements described in paragraphs (1) - (10) of this subsection may be required with a request for disbursement:

(1) for construction costs, a down date endorsement to the title policy not older than the date of the last disbursement of funds or forty-five (45) days, whichever is later. For release of retainage the down date endorsement must be dated at least forty (40) days after the date of construction completion;

(2) if required or applicable, up to 50 percent of Direct Project Costs for a Project may be drawn before providing evidence of Match. Thereafter, each Administrator must provide evidence of

Match, including the date of provision, in accordance with the percentage of Project funds disbursed;

(3) property inspections, including photographs of the front and side elevation of the housing unit and at least one picture of the kitchen, family room, one of the bedrooms and one of the bathrooms with date and property address reflected on each photo. The inspection must be signed and dated by the inspector and Administrator or Developer;

(4) certification that its fiscal control and fund accounting procedures are adequate to assure the proper disbursement of, and accounting for, funds provided, no Person that would benefit from the award of HOME funds has provided a source of Match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith; that each request for disbursement of HOME funds is for the actual cost of providing a service and that the service does not violate any conflict of interest provisions;

(5) original, executed, legally enforceable Loan documents containing remedies adequate to enforce any applicable affordability requirements. Original documents must evidence that such agreements have been recorded in the real property records of the county in which the housing unit is located and the original documents must be returned, duly certified as to recordation by the appropriate county official;

(6) expenditures must be allowable and reasonable in accordance with federal, state, and local rules and regulations. The Department shall determine the reasonableness of each expenditure submitted for reimbursement. The Department may request Administrator or Developer to make modifications to the disbursement request and is authorized to modify the disbursement procedures set forth herein and to establish such additional requirements for payment of HOME funds to Administrator or Developer as may be necessary or advisable for compliance with all Program Requirements;

(7) table funding requests must be submitted to the Department with complete documentation no later than ten (10) business days prior to the anticipated Loan_closing date. Such a request must include a draft settlement statement, title company payee identification information, the Administrator or Developer's authorization for disbursement of funds to the title company, request letter from title company to the Texas Comptroller with bank account wiring instructions, and invoices for soft costs being paid at closing;

(8) include the withholding of 10 percent of hard construction costs for retainage. Retainage will be held until at least forty (40) days after completion of construction;

(9) for final disbursement requests, submission of documentation required for Project completion reports; and

(10) the final request for disbursement must be submitted to the Department with support documentation no later than sixty (60) days after the termination date of the Contract in order to remain in compliance with Contract and eligible for future funding. The Department shall not be obligated to pay for costs incurred or performances rendered after the termination date of a Contract.

Attachment 8: Preamble and adoption of SUBCHAPTER H. APPLICATION AND CERTIFICATION OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS

The Texas Department of Housing and Community Affairs (the “Department”) adopts the repeal to 10 TAC Chapter 23, Single Family HOME Program, Subchapter H, §23.80, concerning Application and Certification of Community Housing Development Organizations, without changes to the proposed text as published in the October 4, 2013, issue of the *Texas Register* (38 TexReg 6747), and will not be republished.

REASONED JUSTIFICATION: The Department finds that the repealed section is duplicative of the requirements in the HUD HOME Final Rule at 24 CFR Part 92, and does not add clarity to the State HOME Rule.

The Department accepted public comment between October 4, 2013 and November 4, 2013. Comments regarding the amendments were accepted in writing and by e-mail. No comments were received concerning the repeal.

The Board approved the final order adopting the repeal on December 12, 2013.

STATUTORY AUTHORITY. The repeal is adopted pursuant to the authority of Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

§23.80. Application Procedures for Certification of Community Housing Development Organization (CHDO).

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BOARD ACTION REQUEST
COMMUNITY AFFAIRS DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on an order adopting amendments to 10 TAC Chapter 5, Community Affairs Programs, Subchapter H, Section 8 Housing Choice Voucher Program, §5.801, concerning the Project Access Initiative, and directing its publication in the *Texas Register*.

RECOMMENDED ACTION

WHEREAS, at the October 10, 2013, Board meeting the proposed amendments to the Project Access rule were approved for publication in the *Texas Register* for public comment; and,

WHEREAS, the proposed amendments were published in the October 25, 2013 issue of the *Texas Register* and the public comment period has ended; and

WHEREAS, there was one public comment received in support of the Project Access proposed amendments;

NOW, therefore, it is hereby

RESOLVED, that the referenced amendments are hereby adopted and the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the amendments to 10 TAC Chapter 5, Community Affairs Programs, Subchapter H, Section 8 Housing Choice Voucher Program, §5.801, concerning Project Access Initiative, to be published in the *Texas Register* for final adoption, and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

Project Access was originally a housing voucher pilot program developed by the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Health and Human Services (HHS) operated within the Section 8 Housing Choice Voucher Program. The goal of the pilot program was to assist low-income non-elderly persons with disabilities to transition from institutions into the community by providing access to affordable housing and necessary supportive services. The Department applied for the pilot program and received 35 Section 8 housing vouchers from HUD in 2001. After the expiration of the HUD pilot program in 2003, the Department elected to continue the program in recognition of housing need and expressed public interest and has continued to operate the program since that time with periodic increases in the number of Project Access vouchers.

Currently, the Department works closely with the Texas Department of Aging and Disability Services and the Texas Department of State Health Services in outreach and identification of program participants. Based on increased demand, the number of Project Access vouchers administered by the Department has increased over time from the original 35 vouchers to 140 vouchers in 2013. Due to budget constraints from HUD on the Section 8 program, the Department's 2014 PHA Plan does not indicate an increase in Project Access vouchers for 2014.

The rule updates provide needed clarity and protections for those Project Access clients who are able to exit an institution with HOME Tenant Based Rental Assistance prior to their coming off the Project Access wait list.

The rule proposed for adoption makes the following clarifications for the program: 1) clarification that the Department's Section 8 program has an explicit preference for Project Access vouchers; 2) clarification that a household will maintain their eligibility status on the Project Access waiting list if they apply for the waiting list prior to exiting the institution and receive continuous assistance from the HOME Investment Partnership program from the time of exit of the institution to the receipt of the Project Access Voucher; 3) allows someone that exits an institution with assistance from a HOME Investment Partnership program and loses that assistance due to lack of funding from the Participating Jurisdiction to qualify for the At-Risk category; and 4) clarifies that an entire household can qualify for Project Access as long as one person, including a minor child, in the household qualifies for the program requirements.

The proposed rule was out for public comment from October 25, 2013, to November 25, 2013. One public comment was received from (1) Judy Telge, Coastal Bend Center for Independent Living. She wrote in support of the rule and also indicated that she liked that being eligible for Project Access voucher is not tied to being on a public housing authority (PHA) waiting list. However, Project Access

is itself a PHA voucher program with a waiting list and eligibility for the program has not been tied to being on another PHA waiting list.

No changes are being made to the rule as proposed.

Attachment A - §5.801 Project Access Initiative; Preamble and Rule

The Texas Department of Housing and Community Affairs (the “Department”) adopts amendments to 10 TAC Chapter 5, Title §5.801 concerning the Project Access Program without changes to the proposed text as published in the October 25, 2013 issue of the *Texas Register* (38 TexReg 7400) and will not be republished. The purpose of the amendment is to make updates to the Project Access program.

REASONED JUSTIFICATION The Department determined that in order to serve people with disabilities exiting out of institutions more effectively to make changes to the Project Access program based on feedback from the Department’s Disability Advisory Workgroup. This rule more effectively serves people with disabilities exiting institutions by doing the following: 1) clarifying that the Department’s Section 8 program has an explicit preference for Project Access vouchers; 2) clarifying that a household will maintain their eligibility status on the Project Access waiting list if they: Apply for the waiting list prior to exiting the institution and receive continuous assistance from the HOME Investment Partnership program from the time of exit of the institution to the receipt of the Project Access Voucher; 3) allowing someone that exits an institution with assistance from a HOME Investment Partnership program and loses that assistance due to lack of funding from the Participating Jurisdiction to qualify for the At-Risk category; and 4) clarifying that an entire household can qualify for Project Access as long as one person, including a minor child, in the household qualifies for the program requirements.

SUMMARY OF PUBLIC COMMENT AND STAFF RECOMMENDATIONS. Comments were accepted from October 25, 2013, through November 25, 2013 with comments received from: (1) Judy Telge, Coastal Bend Center for Independent Living.

COMMENT: Commenter (1) supports the proposed rule amendments and also indicated that she liked that being eligible for Project Access voucher is not tied to being on a public housing authority (PHA) waiting list.

STAFF RESPONSE: TDHCA staff appreciates the support of the rule change comment. However, Project Access is itself a PHA voucher program with a waiting list and eligibility for the program has not been tied to being on another PHA waiting list.

STATUTORY AUTHORITY. The amendment is adopted pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules.

The amendment affects no other code, article, or statute.

§5.801.Project Access Initiative.

(a) Purpose. Project Access is a program with a preference in the Department's Annual Public Housing Agency (PHA) Plan that utilizes federal Section 8 Housing Choice Vouchers administered by the Texas

Department of Housing and Community Affairs (the "Department") to assist low-income persons with disabilities in transitioning from institutions into the community by providing access to affordable housing.

(b) Definitions.

~~[(4)] Section 8--The U.S. Department of Housing and Urban Development Section 8 Housing Choice Voucher Program administered by the Department.~~

~~[(2) At Risk Applicant--Applicant that meets the criteria in subparagraphs (A) and (B) of this paragraph:]~~

~~[(A) current recipient of Tenant-Based Rental Assistance from the Department's HOME Investments Partnership Program; and]~~

~~[(B) within six (6) months prior to expiration of assistance.]~~

(c) Regulations Governing Program. All Section 8 Program rules and regulations apply to the program.

(d) Program Design.

(1) At least 90 percent of Project Access Vouchers will be reserved for households with a household member who meets ~~[persons that meet]~~ the eligibility criteria of subsection (e)(1) and (2) of this section.

(2) Unless no longer authorized as a set-aside by HUD, no ~~[No]~~ more than 10 percent of Project Access Vouchers will be reserved for households with a household member ~~[individuals]~~ eligible for a pilot program in partnership with the Department of State Health Services (DSHS) ~~[and the Department]~~ for Texas state psychiatric hospitals who meets ~~[that meet]~~ the criteria of subsection (e)(1) and (3) of this section at the time of voucher issuance. If not permitted by HUD, the percentage in paragraph (1) of this subsection goes up to 100%.

(3) The total number of Project Access Vouchers will be determined each year in the Department's PHA Plan ~~[Departmental Annual Public Housing Agency (PHA) Plan]~~. The number of vouchers allocated to each sub-population listed in paragraphs (1) and (2) of this subsection will be determined by the Department.

(4) The Project Access households have a preference in the Department's Section 8 Program, as designated in the Department's Annual PHA Plan.

(e) Project Access Eligibility Criteria. A Project Access voucher household ~~[recipient]~~ must meet all Section 8 eligibility criteria, and one member of the household must ~~[as well as]~~ meet all of the eligibility criteria in paragraph (1) of this subsection and either paragraph (2) or (3) of this subsection:

(1) have a permanent disability as defined in §223 of the Social Security Code or be determined to have a physical, mental, or emotional disability that is expected to be of long-continued and indefinite duration that impedes one's ability to live independently; and

(2) meet one of the criteria in subparagraphs (A) and (B) of this paragraph:

(A) At-Risk Applicant. At-Risk applicants must be [an At-Risk Applicant and] a previous resident of a nursing facility, Texas state psychiatric hospital, intermediate care facility, or board and care facility as defined by the U.S. Department of Housing and Urban Development (HUD) and meet the criteria of clause (i) or (ii) of this subparagraph: [; or]

(i) A current recipient of Tenant-Based Rental Assistance (TBRA) from a HOME Investment Partnership Program and within six (6) months prior to expiration of that TBRA assistance; or

(ii) A household with a household member who meets the criteria of subsection (f) of this section, or clause (i) of this subparagraph and has lost their Tenant Based Rental Assistance from a HOME Investment Partnership Program due to lack of available funding from the Participating Jurisdiction.

(B) be a current resident of a nursing facility, Texas state psychiatric hospital, intermediate care facility, or board and care facility as defined by HUD at the time of voucher issuance, unless otherwise determined by HUD which may extend Project Access to all state regulated institutions [as defined by HUD]; or

(3) be eligible for the DSHS pilot program for Texas state psychiatric hospitals at the time of voucher issuance [as described in subsection (d)(2) of this section].

(f) Maintaining Status on the Project Access Waiting List. A household on the Project Access waiting list may maintain their status on the waiting list and eligibility for a Project Access voucher if the household:

(1) applied for a Project Access Voucher and was placed on the waiting list prior to transition out of the institution; and

(2) received continuous Tenant Based Rental Assistance from a HOME Investment Partnership Program from the time of exit from the institution until the issuance of the Project Access voucher.

10

BOARD ACTION REQUEST

HOME PROGRAM DIVISION

DECEMBER 12, 2013

Presentation, Discussion, and Possible Action to authorize the issuance of the 2013 HOME Single Family Programs Reservation System Notice of Funding Availability (NOFA) for Single Family non-development Programs, and the publication of the NOFA in the *Texas Register*.

RECOMMENDED ACTION

WHEREAS, the Department has approximately \$12,097,554 to make available for HOME Program single family activities; and,

WHEREAS, the Department is experiencing continued demand for funding for HOME Program single family activities under the Reservation System;

NOW, therefore, it is hereby

RESOLVED, that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to publish a 2013 HOME Single Family Programs Reservation Notice of Funding Availability (NOFA) in the *Texas Register*; and,

FURTHER RESOLVED, that funds in the amount of approximately \$9,470,554 available from the Department's 2013 allocation of HOME funds and approximately \$2,627,000 available from the release of previous HOME allocations, program income, and deobligated funds is hereby combined and made available to the 2013 HOME Single Family Programs NOFA to be published in the *Texas Register*.

BACKGROUND

The Department has executed its 2013 HOME Grant Agreement with HUD, allowing the availability of HOME funds to be programmed for various uses in accordance with the HUD-approved 2013 Consolidated Plan One-Year Action Plan (OYAP). The 2013 allocation for the HOME Investment Partnerships Program is \$24,029,941 of which \$9,470,554 is available for single family activities, including mandatory set asides. Staff is proposing to release a HOME Single Family Programs Reservation System NOFA that includes \$9,470,554 of the 2013 HOME allocation and approximately \$2,627,000 of funding available to be reprogrammed from previous HOME allocations, program income, and deobligated funds. Applications will be accepted on a first-come, first-served basis for Homeowner Rehabilitation Assistance, Homebuyer Assistance, and Tenant-Based Rental Assistance. Approval for participation in the Reservation System is not a guarantee of funding availability.

Of the \$12,097,554 that will be released under this NOFA, approximately \$5,269,057 is subject to the Regional Allocation Formula; \$2,000,000 will be set aside for the Contract for Deed Conversion Program; \$1,000,000 will be set aside for the Disaster Relief Assistance Program; and \$1,828,497 inclusive of \$627,000 of previous year Persons with Disabilities Set Aside funding will be set aside under the Persons with Disabilities Set Aside, leaving \$2,000,000 that is available for general single family activities from previous HOME allocations, program income, and deobligated funds. The set asides and reallocated funds are not subject to the Regional Allocation Formula. Non set aside funds subject to the Regional Allocation Formula will be available under the Uniform State Service Regions by Sub-Region (Rural and Urban) beginning on December 30, 2013, at 9:00 am CST and continuing until January 14, 2014 at 8:00 am CST. On January 14, 2014, at 9:00 am CST, funds not requested in a Sub-Region will be collapsed within each Region and made available by Region until February 11, 2014 at 8:00 am CST. On February 11, 2014, at 9:00 am CST, funds not requested in each Region will be combined with the \$2,000,000 from reallocated HOME funds, and will become available statewide for any non set aside activity.

The availability and use of these funds are subject to the Department's Administrative Rules at 10 TAC Chapter 1, Single Family Umbrella Rules at 10 TAC Chapter 20, the Department's 2013 HOME Program Rule at 10 TAC Chapter 23, and the federal regulation governing the HOME Program at 24 CFR Part 92.

The 2013 HOME Single Family Programs Reservation System NOFA was developed in accordance with the Single Family Umbrella and HOME Program Rules. An open application cycle will be utilized to access the funds available under this NOFA. The RAF tables are not included in the NOFA; however, the tables will be available on the Department's website as stated in the NOFA.

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BOARD ACTION REQUEST

HOME PROGRAM DIVISION

DECEMBER 12, 2013

RECOMMENDED ACTION

Presentation, Discussion, and Possible Action on orders adopting an amendment to Substantial Amendment to the 2013 State of Texas Consolidated Plan: One-Year Action Plan

WHEREAS, proposed amendments to the 2013 State of Texas Consolidated Plan: One-Year Action Plan (Plan) were approved in draft form at the October 10, 2013, Board meeting and published for public comment in the *Texas Register*; and,

WHEREAS, no public comment was received; and,

WHEREAS, the amendment to the 2013 State of Texas Consolidated Plan: One-Year Action Plan (Plan), together with preamble, in the form presented to this meeting is hereby ordered adopted;

NOW, therefore, it is hereby

RESOLVED, that the Governing Board hereby adopts the amendment to the Plan, together with preamble, in the form presented to this meeting; and,

FURTHER RESOLVED that the Executive Director and his designees be and each of them hereby are authorized, empowered, and directed, for and on behalf of the Department, to cause the adoption of this amendment in the form presented to this meeting and published in the *Texas Register*, and in connection therewith, make such non-substantive technical corrections as they may deem necessary to effectuate the foregoing.

BACKGROUND

The Substantial Amendment to the 2013 State of Texas Consolidated Plan: One-Year Action Plan (Plan) adds a section to identify subpopulations that may be targeted to receive assistance under the HOME Investment Partnerships Program (HOME), provided the limitations or preferences do not violate nondiscrimination requirements in 24 CFR §92.350. These preferences or limitations will be described in applications for award or Administrator program designs.

HOME participating jurisdictions, such as the Department, have broad authority to allow Administrators to target HOME funds to specific populations or special needs groups, as long as such targeting does not have the intent or effect of violating civil rights laws. The purpose of this Amendment is to expand those groups to allow additional preferences or limitations for assistance to certain categories of persons for housing assistance, as further described in the proposed Plan Amendment.

Substantial Amendment to 2013 State of Texas Consolidated Plan: One-Year Action Plan

Jurisdiction(s): State of Texas, Texas Department of Housing and Community Affairs Jurisdiction Web Address: http://www.tdhca.state.tx.us	One-Year Action Plan Contact: Elizabeth Yevich Address: Texas Department of Housing and Community Affairs 221 East 11 th Street Austin, Texas 78701 Telephone: (512) 463-7961 Fax: (512) 475-0070 Email: elizabeth.yevich@tdhca.state.tx.us
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This document is a substantial amendment to the Plan for FFY 2013 submitted by the State of Texas. The Plan is the annual update to the Consolidated Plan for FFY 2010 through 2014. This amendment is proposed to align the Plan with revisions to 24 CFR Part 91, effective August 23, 2013. The revision allows Participating Jurisdictions (PJs) to provide preferences for certain subpopulations or limitations on assistance only if the preferences or limitations are identified in the PJ’s planning document as having an unmet housing need and are needed to narrow the gap in benefits and services received by such persons. Any limitation or preference must not violate nondiscrimination requirements in 24 CFR 92.350, and the PJ may not limit or give preferences to students (FR DOC #: 2013-17348 published July 24, 2013).

A. PREFERENCES FOR SPECIAL NEEDS POPULATIONS

The Texas Department of Housing and Community Affairs (“TDHCA”) may consider allowing HOME Administrators to propose to limit beneficiaries or give preferences to certain groups of the low-income population as described in this section, provided the limitations or preferences do not violate nondiscrimination requirements in 24 CFR §92.350. These preferences or limitations will be described in applications for award or Administrator program designs. Marketing materials and affirmative marketing plans must clearly describe these preferences, and the purpose of these preferences.

Programs designed to target assistance to special needs populations may include the elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS, persons with the Violence Against Women Act protections (domestic violence, dating violence, sexual assault, or stalking), colonia residents, migrant farmworkers, homeless populations, veterans, wounded warriors (as defined by the Caring for Wounded Warriors Act of 2008), and public housing residents. Preferences may also include programs designed to assist veterans, households with a member who is pregnant, households with a member entering an institution of higher learning provided the household does not consist of an individual that is not eligible to receive Section 8 assistance on the basis of their student status, disaster victims, refugees or families of refugees, persons transitioning out of incarceration, and persons transitioning out of the foster care system and nursing facilities.

TDHCA will only consider programs designed to limit assistance to households with a member who has HIV/AIDS, mental illness, alcohol or other drug addiction, or households that would qualify under the TDHCA's Project Access program as defined in 10 TAC §5.801.

TDHCA may also consider permitting rental housing owners to give a preference or limitation as indicated in this section and may allow a preference or limitation that is not described in this section provided that another federal or state funding source for the rental housing requires a limitation or preference.

B. ACTIVITIES

The eligible activities to be administered with a preference or limitation are all HOME eligible activities identified in the Plan, and Tenant-Based Rental Assistance (TBRA) and Multifamily Rental projects in particular.

C. EXPECTED IMPACT

Based on the TDHCA's current funding models, TDHCA expects an increase in the number of entities interested in administering TBRA, with a preponderance of assistance serving households at or below 60% of AMFI.

D. PUBLIC COMMENT

The draft Substantial Amendment was presented to the TDHCA Governing Board at the October 10, 2013 Governing Board meeting, it was published in the *Texas Register* from October 25, 2013 until 5:00 pm Monday, November 25, 2013, to receive input. The final Substantial Amendment to the 2013 Action Plan, which did not receive any public comment, was presented to the TDHCA Governing Board at the December 12, 2013 meeting.

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BOARD ACTION REQUEST
BOND FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action adopting Resolution No. 14-008 authorizing modifications to TMP 79 and MCC Programs 80 and 81 Program Fees and containing other provisions relating to the subject.

RECOMMENDED ACTION

WHEREAS, pursuant to Resolution No. 13-003 adopted on September 6, 2012, the Governing Board approved a taxable mortgage purchase program designated as Program 79 (“TMP 79”) to fund all or a portion of the Department’s single family loan production;

WHEREAS, pursuant to Resolution No. 12-027 adopted on May 10, 2012, the Governing Board authorized the implementation of a mortgage credit certificate program designated as Program 80 (“MCC 80”) and, on November 12, 2012, the Department filed an election with the Internal Revenue Service electing to convert \$260,000,000 of private activity bond authority to mortgage credit certificates to be used for Program 80;

WHEREAS, pursuant to Resolution No. 13-037 adopted on June 13, 2013, the Governing Board authorized the implementation of a mortgage credit certificate program designated as Program 81 (“MCC 81”) and, on July 30, 2013, the Department filed an election with the Internal Revenue Service electing to convert \$260,000,000 of private activity bond authority to mortgage credit certificates to be used for Program 81;

WHEREAS, to the extent necessary to comply with rules of the Consumer Financial Protection Bureau (“CFPB”) and the Department of Housing and Urban Development (“HUD”) and proposed federal regulations under the Dodd-Frank Act (“Dodd-Frank”) with respect to qualified mortgages and the limit on points and fees that can be charged for such mortgages, the Governing Board now desires to authorize the amendment of fees and the respective program documents for TMP 79 and MCC 80 and 81 in any way necessary to comply with the rules and regulations of CFPB, HUD or Dodd-Frank limiting points and fees under such programs;

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 14-008 is adopted in the form presented to this meeting.

BACKGROUND

The Board has previously authorized Program 79 (Taxable Mortgage Program) and the Program 80 and 81 (Mortgage Credit Certificate) programs. The rules currently being promulgated by the CFPB (Consumer Financial Protection Bureau) regarding the requirements that must be met in order to be considered a “Qualified Mortgage” has caused other entities, most notably HUD, to release their own rules regarding the requirements for meeting the definition of a qualified mortgage. Depending upon how the final rules are promulgated and the effect that such rules may have on the Department’s programs, lenders may have to alter the terms of their mortgage products in order to qualify as a “Qualified Mortgage”. HUD is expected to announce its rules shortly with an implementation date of early January. In order to minimize the potential impact on the Department’s programs, staff is seeking authorization in advance.

Staff is seeking approval to change the fees and program terms originally approved by the Board in order to accomplish two goals:

- Allow the aforementioned programs to more easily qualify under the safe-harbor definitions for a “Qualified Mortgage” under Dodd-Frank and HUD proposed rules. Should the Department’s loan products not qualify under the safe-harbor definition, lenders could decide against offering the products to first-time homebuyers.
- Should the resulting changes to the programs result in a net fee increase to the borrower, allow the Department to absorb any fee increase, so long as the amount of fees absorbed do not exceed \$100 per loan. It has been the policy of the Department to maintain announced fees for the duration of any particular program and to structure programs to be cost-competitive for consumers.

Staff recommends approval of Resolution No. 14-008 as presented.

RESOLUTION NO. 14-008

RESOLUTION AUTHORIZING MODIFICATIONS TO TMP PROGRAM 79 AND MCC PROGRAM 81 PROGRAM FEES IF REQUIRED TO COMPLY WITH FEDERAL QUALIFIED MORTGAGE RULES; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended from time to time (the "Act"), for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low and very low income and families of moderate income (as described in the Act as determined by the Governing Board of the Department (the "Governing Board") from time to time) at prices they can afford; and

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

WHEREAS, the Act further authorizes the Department (a) to purchase notes and other obligations evidencing loans or interests in loans for individuals and families of low and very low income and families of moderate income and (b) to sell, at public or private sale, with or without public bidding, a mortgage or other obligation held by the Department; and

WHEREAS, pursuant to Resolution No. 13-003 adopted on September 6, 2012, the Governing Board approved a taxable mortgage purchase program designated as Program 79 ("TMP 79") to fund all or a portion of the Department's single family loan production; and

WHEREAS, pursuant to Resolution No. 13-037 adopted on June 13, 2013, the Governing Board authorized the implementation of a mortgage credit certificate program designated as Program 81 ("MCC 81") and, on July 30, 2013, the Department filed an election with the Internal Revenue Service electing to convert \$260,000,000 of private activity bond authority to mortgage credit certificates to be used for Program 81; and

WHEREAS, to the extent necessary to comply with rules of the Consumer Financial Protection Bureau ("CFPB") and the Department of Housing and Urban Development ("HUD") and proposed federal regulations under the Dodd-Frank Act ("Dodd-Frank") with respect to qualified mortgages and the limit on points and fees that can be charged for such mortgages, the Governing Board now desires to authorize the amendment of fees and the respective program documents for TMP 79 and MCC 81 in any way necessary to comply with the rules and regulations of CFPB, HUD or Dodd-Frank limiting points and fees under such programs; and

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

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Authorization to Amend Fees and Program Documents. The Governing Board hereby authorizes any Authorized Representative of the Department named in this Resolution to amend any of

the fees listed on the schedule of fees attached hereto as Exhibit A and the respective program documents for TMP 79 and MCC 81 in any way necessary to comply with the rules and regulations of CFPB, HUD or Dodd-Frank limiting points and fees under such programs and to maintain the Department's policies with respect to costs paid by borrowers.

Section 1.2 Execution and Delivery of Documents. The Authorized Representatives are each hereby authorized to execute, attest, affix the Department's seal to and deliver such agreements, advance commitment agreements, assignments, bonds, certificates, contracts, documents, instruments, releases, financing statements, letters of instruction, notices of acceptance, written requests, public notices and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

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

ARTICLE 2

GENERAL PROVISIONS

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

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

[EXECUTION PAGE FOLLOWS

PASSED AND APPROVED this 12th day of December, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

EXHIBIT A

SCHEDULE OF PROGRAM FEES AND EXPENSES

TMP 79

TMP Application Fee \$560.00

This fee is collectible from the applicant (if permitted by FHA/VA/RHS) and disbursed as follows: \$150.00 paid to the master servicer for loan review and funding; \$85.00 tax service fee paid to the master servicer; \$100.00 retained by the mortgage lender; and \$225.00 paid to the compliance agent.

TMP [Origination] Fee Up to 2% of principal amount of the mortgage loan

This fee is collected by the mortgage lender.

Compliance Review Fee \$225.00 for TMP only;
\$275.00 for TMP/MCC combination

This fee is payable by the mortgage lender at the time of file submission to eHousingPlus.

Extension Fee .375% of principal amount of the mortgage loan

This fee is paid to the master servicer if a mortgage loan is not purchased within 60 days of loan reservation. Only one 30-day extension is available per loan and the fee is netted by the master servicer when the loan is purchased.

Late Document Fine \$50.00/document

This fine is imposed by the master servicer on the mortgage lender if original mortgage documents are not delivered within 120 days from the purchase date.

Servicing Release Premium .75% of purchased principal amount of mortgage loan, but not less than \$750.00

This amount is received by the mortgage lender at the time the mortgage loan is purchased by the master servicer.

MCC 81

MCC Assumption Fee \$125.00

This fee is submitted to the Department with an applicant's new application through a participating mortgage lender.

MCC Issuance Fee any amount approved by an Authorized Representative of the Department provided that the fee cannot be any greater than **1%** of the Certified Indebtedness associated with the MCC and provided further that the fee cannot be any less than **\$500** per MCC issued.

This fee is submitted to eHousingPlus upon loan closing with all of the completed program documents required for the issuance of an MCC. eHousingPlus will deduct its compliance review fee (\$200 for stand-alone MCC and \$275 for TMP/MCC combination) and remit the balance to Department. Upon receipt of the mortgage fee and the required documentation, the Department will issue an MCC to the mortgagor with a copy to the mortgage lender.

MCC Document Handling Fee up to \$75.00

This fee may be charged and retained by the mortgage lender to compensate it for handling the additional documentation required of it by the MCC program. The mortgage lender additionally is authorized to charge its reasonable and customary fees and charges for origination of the loan.

Program Participation Fee \$1,000.00

This one-time fee is to be paid by the mortgage lender and submitted with the MCC Program Participation Agreement to the Department. The Program Participation Fee will be waived for mortgage lenders that have participated in one of the Department's previous MCC programs.

Late Fee \$75.00

This fee may be charged to the mortgage lender for a submission package that is sent to the Department more than thirty (30) days after the date of closing.

MCC Reissuance Fee \$50.00

This fee may be charged and retained by the Department to compensate it for handling and processing the issuance of a reissued MCC pursuant to a mortgage refinancing.

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BOARD ACTION REQUEST

BOND FINANCE DIVISION

DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on Resolution No. 14-009 authorizing Publication of Public Notice for Mortgage Credit Certificate Program (MCC) (Program 82)

RECOMMENDED ACTION

WHEREAS, the Department proposes to convert a portion of its authority to issue qualified mortgage bonds to mortgage credit certificates (“MCCs”), to be used for the Department’s Mortgage Credit Certificate Program to be designated as Program 82 (“MCC Program 82”); and

WHEREAS, the Governing Board desires to authorize the publication of public notice required under Section 25 of the Internal Revenue Code of 1986, as amended, and Treasury Regulation Section 1.25-3T(j)(4) issued thereunder as to the issuance of MCCs and maintenance of a list of single family mortgage lenders that will participate in MCC Program 82 (the “Public Notice”) and the taking of such actions as may be necessary to carry out the purposes of this Resolution;

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 14-009 is hereby adopted in the form presented to this meeting.

BACKGROUND

TDHCA’s current MCC program was released on August 1, 2013 (Program 81). Under this program, approximately 26% of the MCC authority has been issued or commitments are in the pipeline. In order to ensure a continuous flow of available MCC funds, staff is requesting approval to publish the Public Notice for MCC Program 82. The notice is required to be published for 90 days prior to the issuance of MCCs under the program. Staff will come back to the Board at a later date but prior to the issuance of any MCCs under Program 82 for approval of the bond authority and related documents.

A mortgage credit certificate is an instrument designed to assist persons of low to moderate income to better afford individual ownership. The procedures for issuing MCCs were established by the United States Congress as an alternative to the issuance of single family mortgage revenue bonds. As distinguished from a bond program, in an MCC program no bonds are issued, no mortgage money is actually lent by the Department, many of the costs associated with a bond program are not incurred, and lenders are required to pay only nominal up-front fees.

Mortgage Credit Certificates help make ownership of a new or existing home more affordable by entitling the homeowner to a personal tax credit of up to \$2,000 against their federal tax liability

for a portion of the interest paid on their home mortgage. For example, a homeowner that purchased a home with a mortgage loan in the amount of \$130,000 at a 4.75% interest rate for 30 years would have a monthly principal and interest payment of \$678. With an MCC, homeowners can submit a revised W-4 Withholding Form to his or her employer to reduce the federal withholding tax by up to \$166.67 per month, which increases the borrower's disposable income by reducing their federal income tax obligation. This same homeowner can also deduct the yearly mortgage interest paid of approximately \$4,175 (\$6,175 less \$2,000) as an itemized deduction on their annual federal income tax return. Simply put, an MCC is a dollar for dollar reduction of income taxes owed.

In order to be eligible for an MCC, borrowers must comply with the same first-time homebuyer requirements stipulated by the Internal Revenue Code for mortgage revenue bonds. For example, MCC recipients must occupy the residence as their primary residence, comply with income limits and comply with home purchase price limits. MCCs cannot be used when mortgages are funded with tax-exempt bond proceeds.

Under Federal guidelines, the Department, as an issuer of mortgage revenue bonds can trade \$1 of bond authority for \$0.25 of MCC authority. Today, staff is asking the Board to authorize staff to publish the notice for the next MCC program (Program 82). The actual approval of Program 82 documents and approval to convert bonding authority will not occur until a future Board meeting. Staff is currently projecting that Program 82 will use approximately \$260 million of private activity volume cap authority for \$65 million in MCC authority, but may vary from the example below.

MCC Program 82 Example

Volume Cap Allocated for MCCs	\$260 million
IRS MCC Conversion Factor	\$0.25
MCC Issuance Authority	\$65 million
Average P81 Mortgage Credit Certificate Program Mortgage Amount	\$130,000
Market Mortgage Interest Rate	4.75%
First Year Mortgage Interest	\$6,175
MCC Certificate Credit Rate	40%
Tax Credit Amount	\$2,470
Maximum Tax Credit Allowed	\$2,000
Schedule "A" Mortgage Interest Deduction	\$4,175

Lenders participating in TDHCA's previous Mortgage Credit Certificate Programs have expressed continued interest in mortgage credit certificates. The proposed program would assist over 1,250 Texas families in attaining the "American Dream" of homeownership. The Department's MCC programs in the past 3 fiscal years have assisted 3,120 homebuyers and subsidized approximately \$418 million in mortgage loan financing. Currently, Program 81 has enough remaining MCC commitment authority to support approximately \$120 million in additional mortgage loan commitments. It is staff's intention to release Program 82 once Program 81 has been fully committed. At the current rate of expenditure, Program 81 could be anticipated to be fully committed by June 1, 2014.

RESOLUTION NO. 14-009

RESOLUTION AUTHORIZING PUBLICATION OF PUBLIC NOTICE FOR MORTGAGE CREDIT CERTIFICATE PROGRAM; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

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

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

WHEREAS, the Department proposes to convert a portion of its authority to issue qualified mortgage bonds to mortgage credit certificates ("MCCs"), to be used for the Department's Mortgage Credit Certificate Program to be designated as Program 82 ("MCC Program 82"); and

WHEREAS, the Governing Board desires to authorize the publication of public notice required under Section 25 of the Internal Revenue Code of 1986, as amended, and Treasury Regulation Section 1.25-3T(j)(4) issued thereunder as to the issuance of MCCs and maintenance of a list of single family mortgage lenders that will participate in MCC Program 82 (the "Public Notice") and the taking of such actions as may be necessary to carry out the purposes of this Resolution;

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

ARTICLE 1

APPROVAL OF CERTAIN ACTIONS

Section 1.1 Publication of Public Notice. The Department is hereby authorized to publish the Public Notice in the Texas Register and newspapers throughout the State.

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

Section 1.3 Ratifying Other Actions. All other actions taken or to be taken by the Executive Director and the Department's staff in connection with the publication of the Public Notice for MCC Program 82 are hereby ratified and confirmed.

ARTICLE 2

GENERAL PROVISIONS

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

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

[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 12th day of December, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

1s

BOARD ACTION REQUEST
BOND FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action adopting Resolution No. 14-010 authorizing application to the Texas Bond Review Board for reservation of the 2013 single family private activity bond authority carry forward from the Unencumbered State Ceiling

RECOMMENDED ACTION

WHEREAS, the private activity bond “State ceiling” (as defined in Section 146(d) of the Internal Revenue Code of 1986) applicable to the State is subject to allocation, in the manner authorized by Section 146(e) of the Code, pursuant to Chapter 1372, Texas Government Code, as amended (the “Allocation Act”); and

WHEREAS, the Allocation Act provides that on the last business day of the year the Texas Bond Review Board may assign as carryforward to state agencies at their request any State ceiling that is not reserved or designated as carryforward and for which no application for carryforward is pending (referred to herein as “Unencumbered State Ceiling”);

NOW, therefore, it is hereby

RESOLVED, that Resolution No. 14-010 is adopted in the form presented to this meeting.

BACKGROUND

Each year, the Texas Bond Review Board may request any State Agency to apply for private activity bond carry-forward from the Unencumbered State Ceiling. The Department has requested and received \$300 million in private activity bond carry-forward allocation from the Unencumbered State Ceiling in each calendar year 2010 and 2011. Bond Finance is again requesting authorization to draw down an amount not to exceed \$300 million of additional unreserved 2013 volume cap from the Unencumbered State Ceiling if it is made available to the Department by the Texas Bond Review Board. All volume cap will be used for future single family mortgage revenue bond – new origination and refunding – issues and for future MCC programs. Any requested volume cap must be used within three years.

At the beginning of each new TDHCA single family bond issuance, the Governing Board of the Department petitions the Texas Bond Review Board to start the process in the form of a

resolution followed by an application to draw down the Department’s private activity bond authority, also known as “volume cap.” Staff at this time is not seeking, nor is the Board giving, final approval of a bond program or MCC program for 2014 with respect to the finance structure, target mortgage rates, timing and size of the issue. Staff will come back to the Board at a later date with a final structure for the Board’s review and approval.

The chart below outlines the Department’s available single family volume cap for the calendar year 2013 all current volume cap must be used by December 31, 2015 – and 2014 requested volume cap must be used by December 31, 2016.

<i>Sources as of January 1, 2014</i>	
2011 Unencumbered Cap	124,586,213
2013 Volume Cap	231,104,478
2013 Additional Volume Cap	268,895,522
2013 Unencumbered Cap - Proposed	300,000,000
Available Cap as of January 1, 2014	924,586,213
<i>Projected Uses</i>	
2014A MCC (expected to Close February 2014) ¹	260,000,000
2015A MCC (expected to Close February 2015) ²	260,000,000
2016A MCC (expected to Close February 2016) ³	260,000,000
Carryforward for Future Transactions ⁴	144,586,213
Total Uses	924,586,213
1. Derived from 2011 unencumbered state ceiling and 2013 set-aside. Must be used by 12/31/14. 2. Derived from 2013 set-aside and additional volume cap. Must be used by 12/31/16. 3. Derived from 2013 unencumbered state ceiling. Must be used by 12/31/16. 4. Includes Proposed Additional Unencumbered Cap of \$300 million. Must be used by 12/31/16	

By way of reference the actual MCC volume cap usage for the last three years has been \$180 million for calendar year 2011, \$260 million for calendar year 2012 and \$260 million through November 2013.

Resolution No. 14-010

**RESOLUTION AUTHORIZING REQUEST FOR UNENCUMBERED STATE CEILING;
AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT**

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

WHEREAS, Section 146(a) of the Internal Revenue Code of 1986, as amended (the "Code") requires that certain "private activity bonds" (as defined in Section 141(a) of the Code) must come within the issuing authority's private activity bond limit for the applicable calendar year in order to be treated as obligations the interest on which is excludable from the gross income of the holders thereof for federal income tax purposes; and

WHEREAS, the private activity bond "State ceiling" (as defined in Section 146(d) of the Code) applicable to the State is subject to allocation, in the manner authorized by Section 146(e) of the Code, pursuant to Chapter 1372, Texas Government Code, as amended (the "Allocation Act"); and

WHEREAS, the Allocation Act provides that on the last business day of the year the Texas Bond Review Board (the "Bond Review Board") may assign as carryforward to state agencies at their request any State ceiling that is not reserved or designated as carryforward and for which no application for carryforward is pending (referred to herein as "Unencumbered State Ceiling"); and

WHEREAS, the Governing Body desires to request that Unencumbered State Ceiling for the year 2013 be assigned to the Department as carryforward;

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

ARTICLE 1

APPROVAL OF DOCUMENTS AND CERTAIN ACTIONS

Section 1.1 Assignment of Unencumbered State Ceiling. The Department is authorized to submit a request to the Bond Review Board for assignment as carryforward to the Department of Unencumbered State Ceiling for the year 2013 in an aggregate amount not to exceed \$300,000,000.

Section 1.2 Authorization of Certain Actions. The Authorized Representatives of the Department named in this Resolution are hereby authorized to take such actions on behalf of the Department as may be necessary to carry out the purposes of this Resolution.

Section 1.3 Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Governing Board, the Executive Director of the Department, the Director of Bond Finance of the Department, the Director of Texas Homeownership of the Department, the Director of Multifamily Finance of the Department and the Secretary or any Assistant Secretary to the Governing Board. Such persons are

referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

ARTICLE 2

CERTAIN FINDINGS AND DETERMINATIONS

Section 2.1 Purposes of Resolution. The Governing Board has expressly determined and hereby confirms that the Department's receipt of Unencumbered State Ceiling will accomplish a valid public purpose of the Department by providing for the housing needs of persons and families of low, very low and extremely low income and families of moderate income in the State.

ARTICLE 3

GENERAL PROVISIONS

Section 3.1 Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, regarding meetings of the Governing Board.

Section 3.2 Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

PASSED AND APPROVED this 12th day of December, 2013.

Chair, Governing Board

ATTEST:

Secretary to the Governing Board

(SEAL)

1t

BOARD REPORT ITEM

PROGRAM PLANNING, POLICY, AND METRICS (3PM)

DECEMBER 12, 2013

Presentation and Discussion on the Department Snapshot tool for the Multifamily programs.

BACKGROUND

The Program Planning, Policy, and Metrics group (“3PM”) was established in the spring of 2012 with the purpose of promoting an agency-wide use of uniform metrics as a key management tool. 3PM has been coordinating efforts to enhance interdivisional efficiency and to create uniform cross agency reporting and performance tools. One of 3PM’s priorities since its inception has been the creation of the “Department Snapshot.” The Snapshot is intended to give Board members and stakeholders a quick reference resource to gauge where each program stands in meeting its highest level objectives, chiefly expenditures.

As outlined in the February 2013 Board meeting, staff will be submitting reports on the programs represented in the Snapshot individually or in small groups at each meeting over a period of months, hence only the Multifamily programs (9% & 4% Housing Tax Credits and Multifamily Bond) are presented for this Board meeting. This is the final submission in this manner; in January the Board will begin receiving the Snapshot on a quarterly basis. This enables staff to best articulate specific nuances of each program and how those nuances will be represented by the Snapshot. Because of the complexity of Department programs, accuracy is critical. Therefore, the purpose of the item today is to focus on these three programs, explaining the unique details of each program and also what likely trends in the program the reader might see and how those would be reflected.

The TDHCA Housing Tax Credit (HTC) Program is one of the primary means of directing private capital toward the development and preservation of affordable rental housing for low-income households. Tax credits are awarded to eligible participants to offset a portion of their federal tax liability in exchange for the production or preservation of affordable rental housing. There are two types of Tax Credits: Competitive (9%) and Non-Competitive (4%) associated with the private activity bond program. The below information corresponds to the 9% Housing Tax Credit round, which is highly competitive and awarded based on a Regional Allocation Formula (RAF) with additional set asides for developments at risk of losing affordability and subsidy, developments financed through USDA, and those with nonprofit owners. Applications are scored and ranked within their region or set-aside and in accordance with rules and laws outlined in the Qualified Allocation Plan (QAP).

The Department is a conduit issuer for the State of Texas with authority to issue tax-exempt and taxable Multifamily Mortgage Revenue Bonds statewide. The bonds are used to fund loans to for-profit and nonprofit developers for the acquisition and rehabilitation or new construction of

affordable rental developments. The Multifamily Bond Program is coupled with the Non-competitive (4%) Housing Tax Credit program when the bonds finance at least 50% of the cost of the land and buildings in the Development. Bond pre-applications are accepted on a monthly basis for those seeking to have the Department serve as the bond issuer. The Department, however, is not the only issuer of private activity bonds eligible for the 4% tax credit. Another statewide bond issuer and numerous local issuers can accomplish independent approval of private activity bonds that may be eligible for 4% tax credits; allocation of such 4% credit, however, is exclusively a Department responsibility.

Quarterly Snapshot - Program Debut

Program Area Snapshot - Multifamily Programs

	A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N
				D	E										
Program	Award to Administer	Program Income	Total Cumulative Funds	Admin Retained	Admin Expenditure	% Expended	Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended/ Drawn	% Expended	% Expended Trendline	Units
9% HTC	\$ 58,549,549	\$ 2,030,122	\$ 60,579,671	N/A	N/A	N/A	\$ 60,579,671	\$ 60,579,671	\$ -	0%		N/A	N/A	N/A	0
4% HTC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$ 6,372,608	100%		\$ -	0%		2,152
MF Bonds	\$ -	N/A	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	#DIV/0!		N/A	N/A	N/A	0

The Multifamily programs reflected here (9% and 4% Housing Tax Credits (HTC) and the Multifamily Bond program) are among TDHCA's more unique programs in that their structure is very different that many of the other programs. The program doesn't receive an award of funds in the same way that the HOME or Weatherization programs do. 4% HTC doesn't have an award/authorization amount, while in 9% HTC TDHCA receives a certain value of tax credits that it awards to developers through an application process and MF Bond has an amount designated by the Bond Review Board.

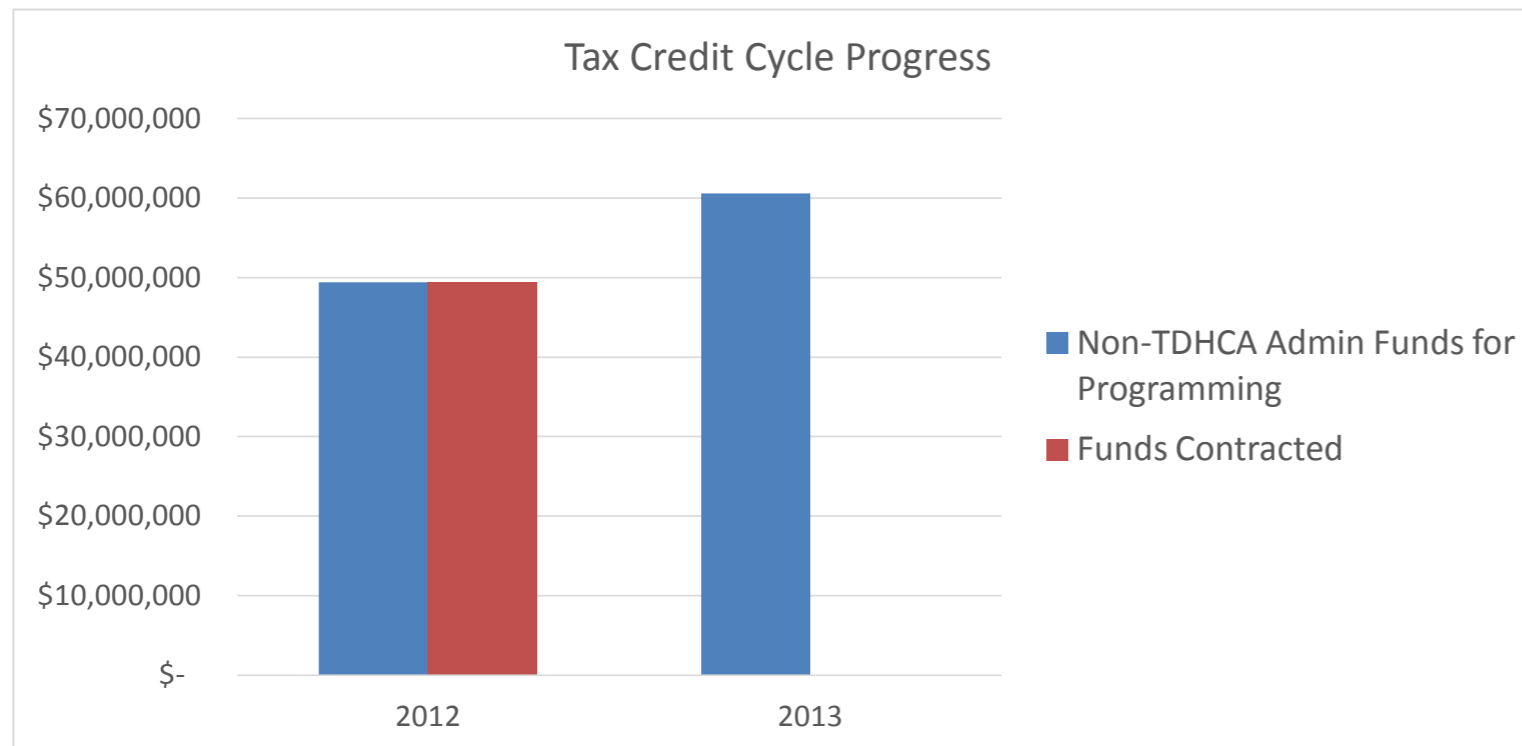
As a result of the programs being so unique, their appearance on the Snapshot is also somewhat unique. While many of the specifics are detailed on the Program Area Snapshots, many of the programmatic stages are different or absent on the Snapshot for these multifamily programs. None of the programs have Administrative funding represented here. While the division certainly has administrative expenses, similar to the Single Family Bond program, these are paid for using fees charged to applicants. Since the rules concerning the expenditure of fees is very different than typical Department Administrative awards, those fee accruals and expenditures are not displayed here as they are not indicator of progress.

As noted above, the 4% HTC program doesn't have an award of funds or credits. Deals are funded as they are brought forward and approved. Thus, these programs start at the "Funds Contracted" stage and progress is determined by the number of deals that have had a Determination Notice issued compared to those that have had 8609's issued. This is a shorter spectrum of time between the approval by the Bboard and the issuance of the Determination Notice.

Quarterly Snapshot - Program Debut

Program Area Snapshot - 9% Housing Tax Credits

		A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N
Program	Program Year	Award to Administer	Program Income	Total Cumulative	Admin Retained	Admin Expenditure	% Expended	Non-TDHCA Admin Funds for	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended/ Drawn	% Expended	% Expended Trendline	Units
9% HTC	2013	\$ 58,549,549	\$ 2,030,122	\$ 60,579,671	N/A	N/A	N/A	\$ 60,579,671	\$ 60,579,671	\$ -	0%		N/A	N/A	N/A	0
9% HTC	2012	\$ 56,484,298	\$ (7,089,748)	\$ 49,394,550	N/A	N/A	N/A	\$ 49,394,550	\$ -	\$ 49,394,550	100%		N/A	N/A	N/A	5,161
Program Terms		Fed Authorization	Returned/ Pool/Forwards							Carryover						



The 9% HTC program is unique in that the Snapshot at the Department-level will only show the current year. The funds are considered "contracted" when they have reach "Carryover." The next major programmatic threshold is the deals having 8609's issued. This stage will not be tracked because this stage happens approximately 2 years after the award of tax credits to the developer. By this time the Snapshot will already be focused on a new tax credit cycle. Thus, progress for 9% HTC shows the tax credit award in "Award to Administer" and progresses through the funds being contracted (having reached Carryover).

The "Program Terms" row shows the nomenclature of the program. This row helps to show how the unique aspects of the program fit within the Snapshot.

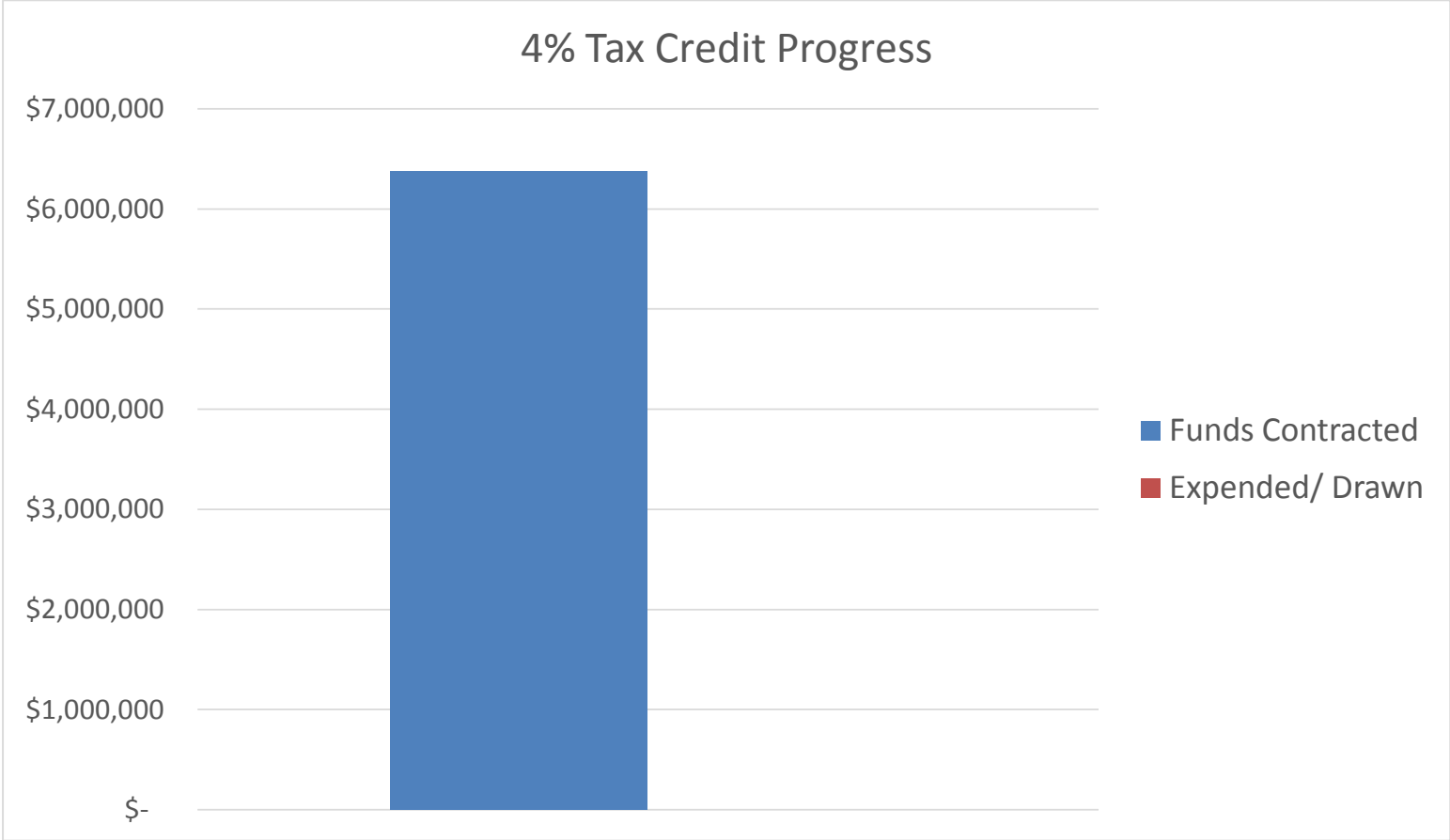
Notice that the Program Income for 2012 shows a negative number. This is possible due to forwards from the previous year. These forwards are an award of tax credits made from the next year's allocation. Thus, any forwards must be subtracted from the total allocation and combined with any Returned Credits or National Pool Credits. The table below shows the breakdown for the 2012 Program Income field.

Credit Type	Increase/Decrease	Amount
Initial Allocation		\$ 56,484,298
2011 Forward	Decrease	\$ 8,376,635
Returned Credit	Increase	\$ 1,038,604
National Pool	Increase	\$ 248,283
Final 2012 Alloc.		\$ 49,394,550

Quarterly Snapshot - Program Debut

Program Area Snapshot - 4% Housing Tax Credits

		A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N
Program	Program Year	Award to Administer	Program Income	Total Cumulative Funds	Admin Retained	Admin Expenditure	% Expended	Non-TDHCA Admin Funds for	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended/ Drawn	% Expended	% Expended Trendline	Units
4% HTC	2013	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$ 6,372,608	100%		\$ -	0%		2,152
Program Terms										Determination Notice Issued		8609 Issued				



4% HTC deals do not have an award or authorization amount. In contrast to other programs that work to expend a certain amount of funds each cycle, the 4% HTC funds deals as they are proposed and approved. To track progress for this program the Snapshot defines "Funds Contracted" as the amount of funding in deals having had a Determination Notice issued. Progress for this program's Snapshot is defined as the percent of those deals that have a Determination Notice issued that then have 8609's issued. Similar to the 9% tax credit, developers typically take two years or more to complete the development and request 8609's. Thus, expended % are likely to remain low in the Snapshot report.

The "Program Terms" row shows the nomenclature of the program. This row helps to show how the unique aspects of the program fit within the Snapshot.

Quarterly Snapshot - Program Debut

Program Area Snapshot - Multifamily Bonds

	A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N
				D	E										
Program	Award to Administer	Program Income	Total Cumulative Funds	Admin Retained	Admin Expenditure	% Expended	Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended/ Drawn	% Expended	% Expended Trendline	Units
MF Bond	\$ -	N/A	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	#DIV/0!		N/A	N/A	N/A	0
Program Terms	Bond Review Board Designation								Closed Deals						

The MF Bond program does have an amount that in bonds it can issue set by the Bond Review Board. In this way it is more akin to other TDHCA programs. Progress for this program is similar to other programs in that progress is tracked by the amount of funds that are in deals that have closed as a percentage of the Designation authorized by the Bond Review Board.

As you can see from the data above, there are currently no MF Bond deals currently active. This is due to recent market forces that have made it difficult to realize financial viability with MF Bond deals. The visual components of the Program Area Snapshot for this program will be very similar to the other programs as active deals come into the program.



**TEXAS DEPARTMENT OF
HOUSING & COMMUNITY AFFAIRS**

Building Homes. Strengthening Communities.

**TDHCA Quarterly Snapshot Intro
Program Planning, Policy, and Metrics
(3PM)**

December 12, 2013

December 12, 2013



Objective

- **Recap Quarterly Snapshot tool**
- **Review 9% Housing Tax Credits**
 - Current Snapshot
 - Program Area Snapshot
- **Review 4% Housing Tax Credits**
 - Current Snapshot
 - Program Area Snapshot
- **Review MF Bonds**
 - Current Snapshot
 - Program Area Snapshot



Quarterly Snapshot RECAP

- Designed for Executive Mgmt, Board, external stakeholders
- High-level gauge of Department's progress
- Shows advancement towards full implementation of funds under current awards/authorities
- Every program has nuances – staff has used comparable benchmarks for each program at each stage

Snapshot General Layout - RECAP

Story of progress from left to right

Programs	Awards to be Administered	Program Income	Cumulative Total Funds	TDHCA Admin		Non-TDHCA Admin Funds for Programming	Funds Unencumbered	Funds Contracted	% Contracted	Change Indicator	Expended /Drawn	% Expended	Change Indicator	Units/ Households	Persons	Properties
				D	E											
				Retained	Expended											
HHSP	\$ 20,000,000	N/A	\$ 20,000,000	N/A	N/A	\$ 20,000,000	\$ 3,400,000	\$ 16,600,000	83%		\$ 13,600,000	68%		18,419	28,440	
LIHEAP-WAP	\$ 10,000,000	N/A	\$ 10,000,000	\$ 500,000	\$ 400,000	\$ 9,500,000	\$ -	\$ 1,425,000	100%		\$ 475,000	59%		92		
CEAP				\$ 650,000	\$ 180,000			\$ 8,075,000			\$ 5,130,000			3,043		
DOE-WAP	\$ 13,000,000	N/A	\$ 13,000,000	\$ 650,000	\$ 180,000	\$ 12,350,000	\$ 9,386,000	\$ 2,964,000	24%		\$ 1,605,500	13%		535		
CSBG	\$ 10,000,000	N/A	\$ 10,000,000	\$ 500,000	\$ 50,000	\$ 9,500,000	\$ 95,000	\$ 9,405,000	99%		\$ 6,270,000	66%			101,581	



DEMONSTRATION DATA ONLY
Does not reflect actual performance



Board Direction

Graphic

- Graphic representations
 - Staff has developed the trend lines in columns J and K to provide the reader with historical “at a glance” information. Additionally several graphs have been incorporated on the Program-Area Snapshot specific to each program that convey a great deal of perspective on program activity.

Program-Level

- Show Deadlines
 - Staff has incorporated expenditure deadline information within the Program-Area Snapshot where applicable. As the nature of deadlines vary greatly by program, staff still considers this facet of the report to be under development.
- Projections vs. Actuals
 - Staff is still researching this aspect of the report



9% Housing Tax Credits

Department-level Snapshot excerpt

A + B = C; C - D = F; F - G = H

Program	A Award to Administer	B Program Income	C Total Cumulative Funds	TDHCA Admin			F Non-TDHCA Admin Funds for Programming	G Funds Unencumbered	H Funds Contracted	I % Contracted	J % Contracted Trendline	K Expended/ Drawn	L % Expended	M % Expended Trendline	N Units
				D Admin Retained	E Admin Expenditure	% Expended									
9% HTC	\$ 58,549,549	\$ 2,030,122	\$ 60,579,671	N/A	N/A	N/A	\$ 60,579,671	\$ 60,579,671	\$ -	0%		N/A	N/A	N/A	0

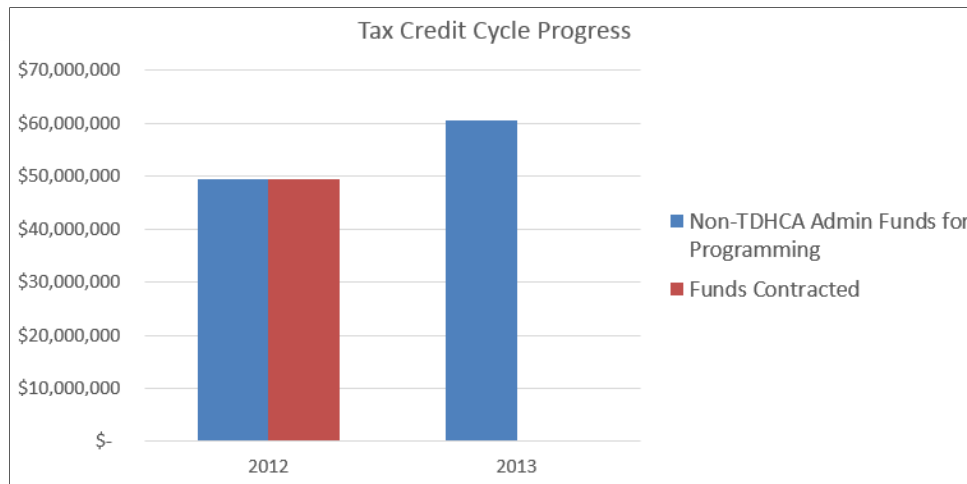
9% HTC

- Receives yearly allocation but can receive additional credits through National Pool and Returned Credits
- Department Snapshot will show only most current year
- There is no “Expended” field as the final progress threshold for the Snapshot will be deals that have reached Carryover (Funds Contracted)

9% Housing Tax Credits

Program-Area Snapshot excerpt

Program	Program Year	A Award to Administer	B Program Income	C Total Cumulative	TDHCA Admin			F Non-TDHCA Admin Funds for	G Funds Unencumbered	H Funds Contracted	I % Contracted	J % Contracted Trendline	K Expended/ Drawn	L % Expended	M % Expended Trendline	N Units
					D Admin Retained	E Admin Expenditure	% Expended									
9% HTC	2013	\$ 58,549,549	\$ 2,030,122	\$ 60,579,671	N/A	N/A	N/A	\$ 60,579,671	\$ 60,579,671	\$ -	0%		N/A	N/A	N/A	0
9% HTC	2012	\$ 56,484,298	\$ (7,089,748)	\$ 49,394,550	N/A	N/A	N/A	\$ 49,394,550	\$ -	\$ 49,394,550	100%		N/A	N/A	N/A	5,161
Program Terms	Fed Authorization	Returned/ Pool/Forwards							Carryover							



The bar chart shows the progress of the 9% HTC program. The program tends to move all deals to a given stage within a narrow window of time. Thus, one Snapshot might show that no deals have reached Carryover whereas the next shows they have all reached that stage.

Credit Type	Increase/Decrease	Amount
Initial Allocation		\$ 56,484,298
2011 Forward	Decrease	\$ 8,376,635
Returned Credit	Increase	\$ 1,038,604
National Pool	Increase	\$ 248,283
Final 2012 Alloc.		\$ 49,394,550

The table above shows the breakdown of the “Program Income” field for Program Year 2012. This is important because a negative value for program income might seem counter-intuitive. This takes place when the amount of forwards from a previous cycle are greater than the amount of National Pool and Returned Credits.



4% Housing Tax Credits

Department-level Snapshot excerpt

A + B = C; C - D = F; F - G = H

Program	A Award to Administer	B Program Income	C Total Cumulative Funds	TDHCA Admin			F Non-TDHCA Admin Funds for Programming	G Funds Unencumbered	H Funds Contracted	I % Contracted	J % Contracted Trendline	K Expended/ Drawn	L % Expended	M % Expended Trendline	N Units
				D Admin Retained	E Admin Expenditure	% Expended									
4% HTC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$ 6,372,608	100%		\$ -	0%		2,152

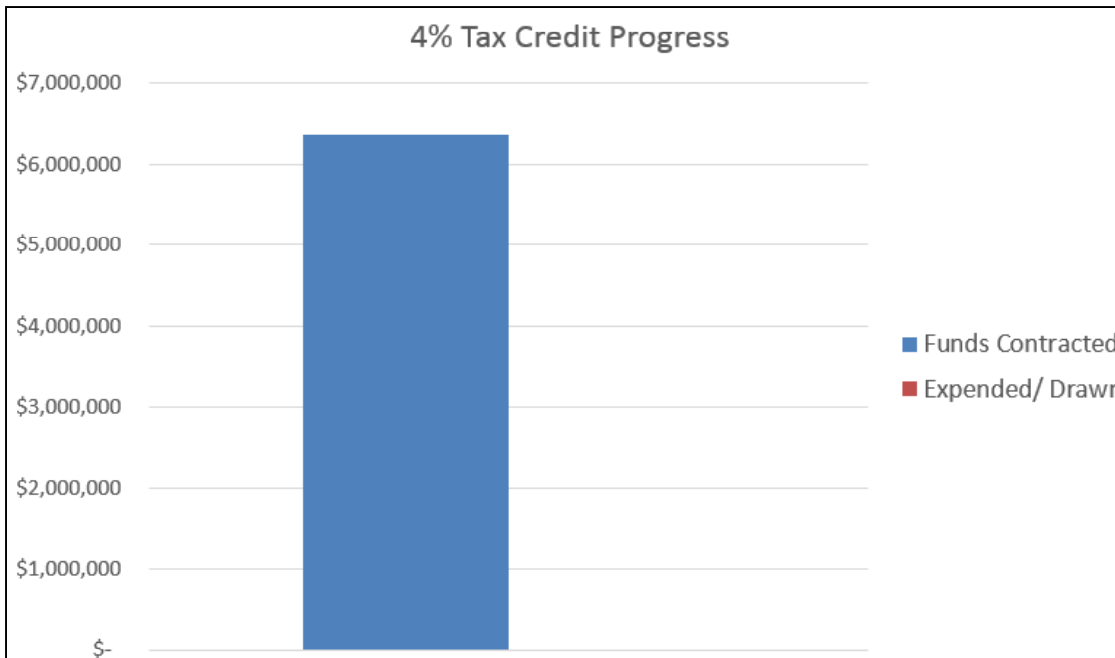
4% HTC

- No Award/Authorization/Allocation amount
- First step of progress on Snapshot is that the funds will be “contracted” when they have a Determination Notice issued
- The key percentage on the Snapshot is % Expended, as with many programs.
 - “% Expended” for 4% HTC shows the percentage of funds in deals that have 8609’s issued out of those that have had Determination Notices issued. Essentially, what percent of deals that have been started have finished.

4% Housing Tax Credits

Program-Area Snapshot excerpt

		A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N
Program	Program Year	Award to Administer	Program Income	Total Cumulative Funds	Admin Retained	Admin Expenditure	% Expended	Non-TDHCA Admin Funds for	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended/ Drawn	% Expended	% Expended Trendline	Units
4% HTC	2013	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$ 6,372,608	100%		\$ -	0%		2,152
Program Terms										Determination Notice Issued		8609 Issued				



The bar chart shows the progress of the 4% HTC program. As is shown above, of the \$6,372,608 in deals that have had Determination Notices issued none have had 8609's issued as of 11/25/2013.



Multifamily Bond (MF Bond)

Department-level Snapshot excerpt

$$A + B = C; C - D = F; F - G = H$$

Program	A Award to Administer	B Program Income	C Total Cumulative Funds	TDHCA Admin			F Non-TDHCA Admin Funds for Programming	G Funds Unencumbered	H Funds Contracted	I % Contracted	J % Contracted Trendline	K Expended/Drawn	L % Expended	M % Expended Trendline	N Units
				D Admin Retained	E Admin Expenditure	% Expended									
MF Bonds	\$ -	N/A	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	#DIV/0!		N/A	N/A	N/A	0

MF Bond

- Has a designated amount of bond funds set by the Bond Review Board
- The continuum of progress for MF Bond tracks deals as they close
- The key percentage is “% Contracted” which shows the percent



MF Bond

Program-Area Snapshot excerpt

	A	B	C	TDHCA Admin			F	G	H	I	J	K	L	M	N
				D	E										
Program	Award to Administer	Program Income	Total Cumulative Funds	Admin Retained	Admin Expenditure	% Expended	Non-TDHCA Admin Funds for	Funds Unencumbered	Funds Contracted	% Contracted	% Contracted Trendline	Expended/ Drawn	% Expended	% Expended Trendline	Units
MF Bond	\$ -	N/A	\$ -	N/A	N/A	N/A	\$ -	\$ -	\$ -	#DIV/0!		N/A	N/A	N/A	0
Program Terms	Bond Review Board Designation								Closed Deals						

As you can see from the data above, there are no MF Bond deals currently active. This is due to recent market forces that have made it difficult to realize financial viability with MF Bond deals. The visual components of the Program Area Snapshot for this program will be very similar to the other programs as active deals come into the program.



Questions, Concerns, or Ideas?

Please contact:

David Johnson

Program, Planning, Policy & Metrics (3PM)

david.johnson@tdhca.state.tx.us

1u

BOARD ACTION REQUEST
ASSET MANAGEMENT DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action to approve a Housing Tax Credit Amendment for Reserves at Maplewood in Wichita Falls (File No. 13246)

RECOMMENDED ACTION

WHEREAS, Reserves at Maplewood received an award of 9% Housing Tax Credits in 2013 to construct 36 multifamily units in Wichita Falls;

WHEREAS, the Development Owner requests approval to increase the size to provide for an additional amount of green space as a result of changing the configuration of the road on the property's north side to create an arc rather than a straight line;

WHEREAS, the increase in acreage results in a modification of residential density by more than 5%;

WHEREAS, Board approval is required for any change that would materially alter a Development and the Owner has complied with the amendment requirements in Texas Government Code §2306.6712 and 10 TAC §10.405(a); and

WHEREAS, the changes in the site do not impact the viability of the transaction or the amount of tax credits awarded;

NOW, therefore, it is hereby

RESOLVED, that the amendment of the Housing Tax Credit application for Reserves at Maplewood is approved as presented to this meeting and the Executive Director and his designees are hereby, authorized, empowered, and directed to take all necessary action to effectuate the foregoing.

BACKGROUND

Reserves at Maplewood was approved during the 2013 competitive cycle to construct 36 new multifamily units in Wichita Falls, Texas. On October 7, 2013, the Development Owner requested approval to change the site plan as a result of the safety requirements of the City of Wichita Falls.

Originally the site was 3.92 acres with a road extension proposed to run straight along the northern boundary. However, the City, in order to meet American Association of State Highway and Transportation Officials safety criteria, is now requiring that the road curve outward from the site instead of running along a straight line. The change results in an eight percent increase in the site's area of 0.315 acre to 4.235 acres. The increase in the size of the site results in a decrease in the density of the development from 9.2 units per acre to 8.5 units per acre, a decline of 7.6%.

The Development Owner provided all necessary information for the new development proposal to be underwritten, including an updated Environmental Site Assessment (ESA) to include all acreage in the site as amended. Based on REA staff evaluation, the changes proposed by the Development Owner do not impact the previous credit allocation.

Staff recommends that this amendment request be approved.

October 7, 2013

Ben Sheppard
TDHCA
PO Box 13941
Austin, TX

RE: Amendment Request for 13246 Reserves at Maplewood

Dear Mr. Sheppard:

Please find this request for an amendment to 13246 Reserves at Maplewood in Wichita Falls. We are requesting a change to the site acreage based on a request from the City of Wichita Falls. There are no changes to the development site plan or any buildings. Please note that we do not anticipate any changes in costs at this time.

Change to Site Acreage

As indicated in the application, the City of Wichita Falls intends to extend Maplewood Ave at the north side of the development. Preliminary discussions with the city situated the road extension straight across the northern boundary of the development site. Subsequent discussions with the city have indicated that a curved road is required. Because of this requirement, the northern boundary of the development site will change to include the additional acreage within the road curve. The site at application was 3.92 acres and the new site acreage will be 4.235 acres. The current seller of the development site owns this piece of land within the new road curve and is including it in the sale of the development site at no additional cost. We do not anticipate any changes in cost as underwritten at application based on this road curve at this time.

Please see the attached letter from the engineer regarding the site, new survey and legal description, and letter from the City of Wichita Falls. We have also included a new ESA that includes the entire 4.235 acres as shown in the maps in the appendix, but is still called a "3.92 acre tract" per the legal description.

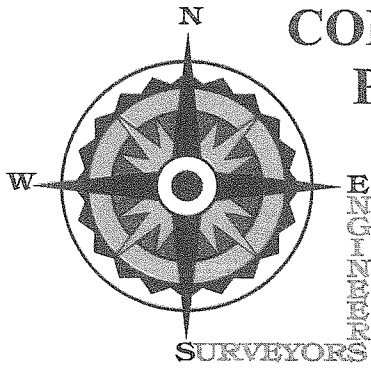
The check for the amendment fee was hand delivered to TDHCA on October 4, 2013.

Thank you for your attention to this request.

Regards,

A handwritten signature in black ink, appearing to be 'Alyssa Carpenter', with a long horizontal line extending to the right.

Alyssa Carpenter



**CORLETT,
PROBST &
BOYD, P.L.L.C.**

Texas Registered Engineering Firm F-279

Principals
Dennis L. Probst, P.E., R.P.L.S.
T. Dean Hinton, P.E.

August 26, 2013

Texas Department of Housing & Community Affairs

Re: Reserves at Maplewood (the "Property"), Wichita Falls, TX
Change in Acreage Requirement

To Whom it May Concern,

One of the requirements for the development of this Property is coordination with the City of Wichita Falls Public Works Department on the extension of the existing Maplewood Drive. Based on their review of the City's long-range street connection and levels of mobility, they required modification of the layout for the proposed Maplewood Drive right-of-way adjacent to the proposed Property development. This modification required us to move the right-of-way further north than originally anticipated to accommodate the City's request.

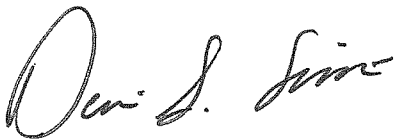
Realignment of the right-of-way for the proposed Maplewood Drive also changed the Property's North boundary line and modified the Property's overall acreage from 3.92 acres to 4.235 acres.

Should you or your staff have any questions concerning this plan, please do not hesitate to call.

Sincerely,

Corlett, Probst & Boyd, PLLC



By: 
Devin G. Smith, P.E., R.P.L.S.

LEGAL DESCRIPTION

FIELD NOTES OF A 3.92 ACRE TRACT OUT OF A TRACT OF LAND CONVEYED TO BSP PROPERTY, ET AL, BY DEED RECORDED IN VOLUME 2236, PAGE 839, OFFICIAL PUBLIC RECORDS OF WICHITA COUNTY, TEXAS, AND OUT OF BLOCK 11, DENTON COUNTY SCHOOL LAND, LEAGUE 1, ABSTRACT 58, WICHITA FALLS, WICHITA COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at an iron rod found at the Northeast corner of Lot 1A, Block 63, Fountain Park Section 8-D, as recorded in Volume 27, Page 119, Wichita County Plat Records, and in the West line of said BSP Property tract, for the Northwest corner of this tract;

THENCE S 86°37'17" E a distance of 462.77 feet to a point for the Northeast corner of this tract;

THENCE S 02°53'47" E a distance of 66.03 feet to an angle point;

THENCE S 02°21'20" E a distance of 94.37 feet to an angle point;

THENCE S 02°28'12" E a distance of 198.17 feet to a point for the Southeast corner of this tract;

THENCE S 89°44'56" W a distance of 49.64 feet to an iron rod set for an angle corner;

THENCE S 89°44'56" W, at 33.29 feet pass a nail found at the Northeast corner of Lot 8, Block 63, Fountain Park, Section 8-D as recorded in Volume 26, Page 183, Wichita County Plat Records, at 133.36 feet pass an iron rod found at the Northwest corner of said Lot 8 and the Northeast corner of Lot 7, Block 63, Fountain Park, Section 8-D as recorded in Volume 25, Page 341, Wichita County Plat Records, and continuing on the same course with the North line of said Lot 7 a total distance of 300.59 feet to a spike nail set at the Northwest corner of said Lot 7 and the Northeast corner of Lot 6, Block 63, Fountain Park, Section 8-D as recorded in Volume 25, Page 199, Wichita County Plat Records, for an angle corner of this tract;

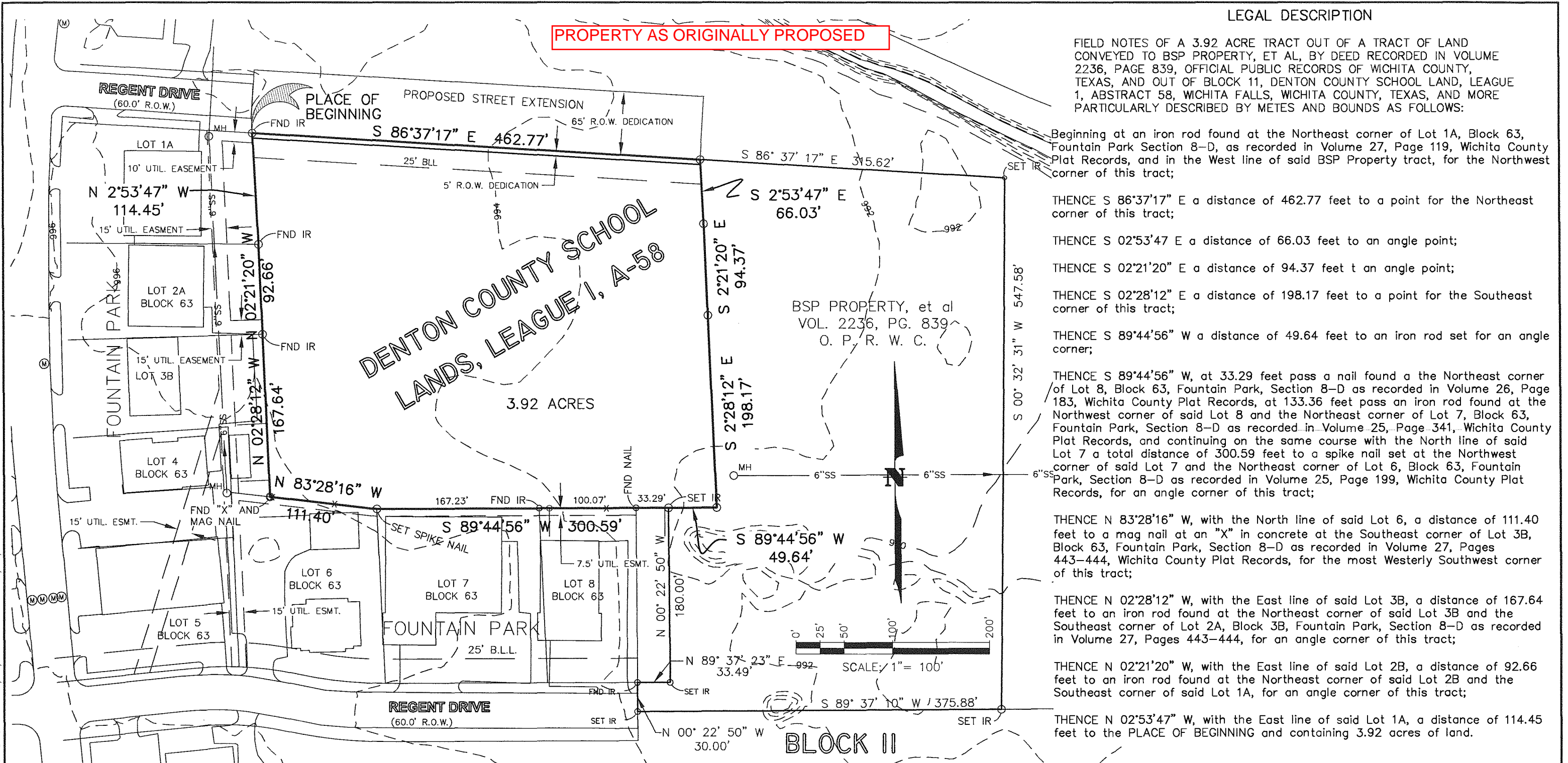
THENCE N 83°28'16" W, with the North line of said Lot 6, a distance of 111.40 feet to a mag nail at an "X" in concrete at the Southeast corner of Lot 3B, Block 63, Fountain Park, Section 8-D as recorded in Volume 27, Pages 443-444, Wichita County Plat Records, for the most Westerly Southwest corner of this tract;

THENCE N 02°28'12" W, with the East line of said Lot 3B, a distance of 167.64 feet to an iron rod found at the Northeast corner of said Lot 3B and the Southeast corner of Lot 2A, Block 3B, Fountain Park, Section 8-D as recorded in Volume 27, Pages 443-444, for an angle corner of this tract;

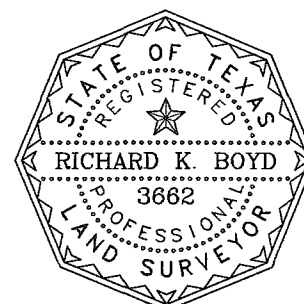
THENCE N 02°21'20" W, with the East line of said Lot 2B, a distance of 92.66 feet to an iron rod found at the Northeast corner of said Lot 2B and the Southeast corner of said Lot 1A, for an angle corner of this tract;

THENCE N 02°53'47" W, with the East line of said Lot 1A, a distance of 114.45 feet to the PLACE OF BEGINNING and containing 3.92 acres of land.

PROPERTY AS ORIGINALLY PROPOSED



I hereby certify that this plot has been prepared from an actual and accurate field survey of the land made under my personal supervision and direction in January, 2013, and that all information shown is true and correct; and that all monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision Regulations of the City of Wichita Falls, Texas.



Richard K. Boyd
 RICHARD K. BOYD
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3662

BOUNDARY SURVEY
THE RESERVES AT MAPLEWOOD
3.92 ACRES OUT OF BLOCK 11
DENTON CTY. SCHOOL LANDS LEAGUE 1,
A-58, WICHITA FALLS, TEXAS

DRAWN	PT	CORLETT, PROBST & BOYD, P.L.L.C. ENGINEERS - SURVEYORS (TBPE-F 279) 4605 JACKSBORO HIGHWAY WICHITA FALLS, TEXAS 76302
CHECKED	RKB	
APPROVED	RKB	
PHONE	(940) 723-1455	SCALE: 1" = 100' February, 2013 SHEET 1 OF 1
FAX	(940) 397-0549	

The herein described property does not lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Wichita Falls, Wichita County, Texas.

Map Number: 48485C0320 G,

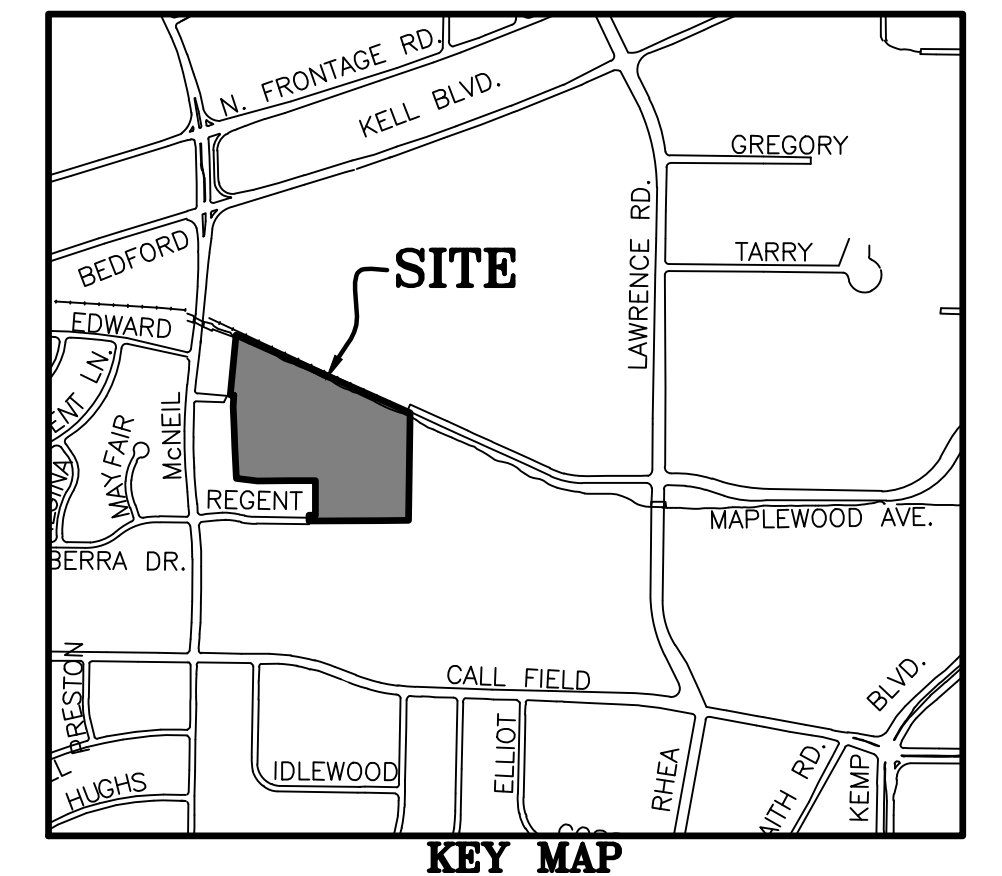
Dated: February 3, 2010,

as published by the U.S. Department of Homeland Security, Federal Emergency Management Agency.

Flood Zone designation is Zone X.

C:\PAT\2013\DIV\PMNT\PA\RES-AT-MAPLE-SURV.DWG Site P-2/26/2013 1:44 PM S-2/26/2013 1:44 PM PAUL

PROPERTY AS AMENDED



Portions of the herein described property lie within the Special Flood Hazard Areas inundated by 100 Year Flood as delineated on the Flood Insurance Rate Map for the City of Wichita Falls, Wichita County, Texas.

FIELD NOTES OF 14.084 ACRES TRACT OF LAND OUT OF BLOCK 11, DENTON COUNTY SCHOOL LANDS, LEAGUE NO. 1, ABSTRACT 58, WICHITA FALLS, WICHITA COUNTY, TEXAS, SAID TRACT BEING THAT SAME TRACT CONVEYED TO THOMAS P. STEPHENS & BSP PROPERTIES, L.C. BY DEED RECORDED IN VOLUME 2236, PAGE 839, OFFICIAL PUBLIC RECORDS OF WICHITA COUNTY, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod set for the Northeast corner of Lot 1-A, Block 62, Fountain Park Section 8-D, an addition to the City of Wichita Falls, as recorded in Volume 25, Page 120, Wichita County Plat Records, said rod being in the South line of a called 1.21 acre tract of old Fort Worth & Denver Railroad right-of-way conveyed to the City of Wichita Falls, for the Northwest corner of this tract;

The 3.920 acre site originally proposed will increase to 4.235 acres because the east-west road across the site's northern boundary will curve outward instead of running in a straight line, thus adding land to the original proposal. The development's density will decrease 7.6%, from 9.2 units per acre to 8.5 units per acre.

PRELIMINARY PLAT FOUNTAIN PARK, SECTION 8D LOTS 9, 10 AND 11, BLOCK 63 WICHITA FALLS, TEXAS

14.084 ACRES OUT OF BLOCK 11, DENTON COUNTY SCHOOL LANDS, LEAGUE 1, A-58
WICHITA FALLS, WICHITA COUNTY, TEXAS
AUGUST, 2013
SCALE: 1" = 50'

OWNERS / DEVELOPER:
BSP PROPERTIES, L.C. 1005 9th STREET, SUITE 200 WICHITA FALLS, TEXAS 76301 PHONE: (940) _____
THOMAS P. STEPHENS 811 6th STREET WICHITA FALLS, TEXAS 76301 PHONE: (940) _____

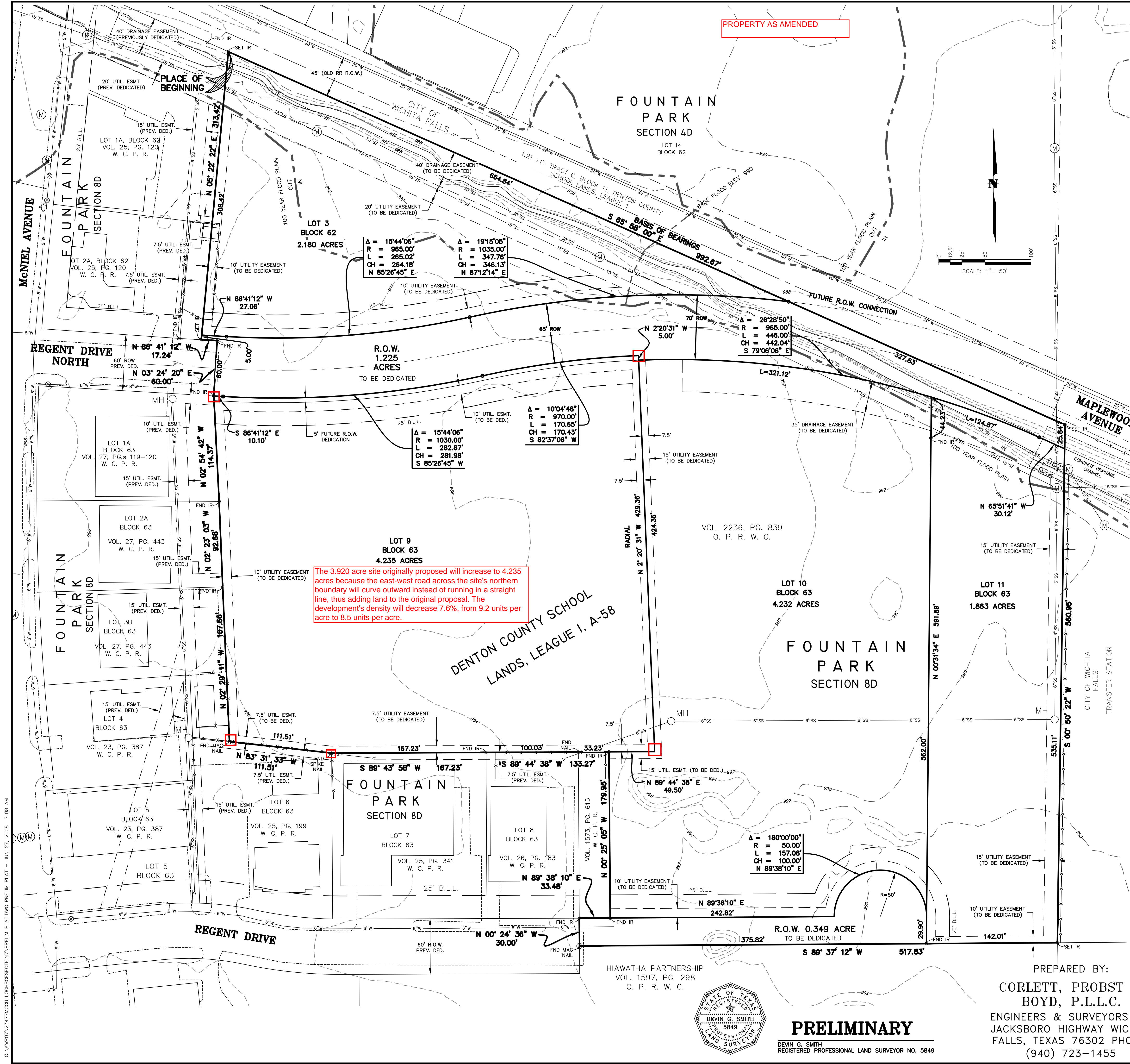
PREPARED BY:
CORLETT, PROBST & BOYD, P.L.L.C.
ENGINEERS & SURVEYORS 4605 JACKSBORO HIGHWAY WICHITA FALLS, TEXAS 76302 PHONE: (940) 723-1455

JOHN M. HIRSCHI
3305 BUCHANAN WICHITA FALLS, TEXAS 76308 PHONE: (940) _____

BRONSON & KAREN EVANS
4102 THISTLE HILL COURT SUGARLAND, TEXAS 77479 PHONE: (940) _____



PRELIMINARY
DEVIN G. SMITH
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5849



C:\WP07\2477\WICCOLL\CH\SECTION7\PRELIM PLAT.DWG PRELIM PLAT - JUN 27, 2008 7:08 AM

“3.92 ACRE” TRACT

FIELD NOTES OF A 4.235 ACRE TRACT OF LAND OUT OF BLOCK 11, DENTON COUNTY SCHOOL LANDS, LEAGUE NO. 1, ABSTRACT 58, WICHITA FALLS, WICHITA COUNTY, TEXAS, SAID TRACT BEING PART OF THAT SAME TRACT CONVEYED TO THOMAS P. STEPHENS & BSP PROPERTIES, L.C. BY DEED RECORDED IN VOLUME 2236, PAGE 839, OFFICIAL PUBLIC RECORDS OF WICHITA COUNTY, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the South right-of-way line of Regent Drive at the Northeast corner of Lot 1-A, Block 63, Fountain Park Section 8-D, as recorded in Volume 27, Pages 119-120, Wichita County Plat Records, for the Northwest corner of this tract;

THENCE S $86^{\circ}41'12''$ E a distance of 10.10 feet to a point at the beginning of a curve to the left having a radius of 1030.00 feet, a central angle of $15^{\circ}44'06''$ and a chord that bears N $85^{\circ}26'45''$ E 281.98 feet;

THENCE Easterly along said curve an arc distance of 282.87 to a point of reverse curvature, said reverse curve having a radius of 970.00 feet, a central angle of $10^{\circ}04'48''$ and a chord that bears N $82^{\circ}37'06''$ E 170.43 feet;

THENCE Easterly along said reverse curve an arc distance of 170.65 feet to a point for the Northeast corner of this tract;

THENCE S $2^{\circ}20'31''$ E a distance of 429.36 feet to a point for the Southeast corner of this tract

THENCE S $89^{\circ}44'38''$ W a distance of 49.50 feet to an iron rod found at the Northeast corner of a tract described in Volume 1573, Page 615, Wichita County Plat Records, for an angle corner of this tract;

THENCE S $89^{\circ}44'38''$ W, at 33.23 feet pass a spike nail found at the Northeast corner of Lot 8, Block, 63, Fountain Park Section 8-D, as recorded in Volume 26, Page 183, Wichita County Plat Records, and continuing on same course, in all a distance of 133.27 feet to an iron rod found at the Northwest corner of Lot 8, Block 63, said rod being the Northeast corner of Lot 7, Block 63, Fountain Park Section 8-D, as recorded in Volume 25, Page 341, Wichita County Plat Records, for an angle corner of this tract;

THENCE S $89^{\circ}43'58''$ W with the North line of said Lot 7, Block 63, a distance of 167.23 feet to a spike nail found at the Northeast corner of Lot 6, Block 63, Fountain Park Section 8-D, as recorded in Volume 25, Page 199, Wichita County Plat Records, for an angle corner of this tract;

THENCE N 83° 31' 33" W with the North line of said Lot 6, Block 63, a distance of 111.51 feet to a mag nail found at the Southeast corner of Lot 3-B, Block 63, Fountain Park Section 8-D, as recorded in Volume 27, Page 443, Wichita County Plat Records, for the most Westerly Southwest corner of this tract;

THENCE N 02° 29' 11" W with the East line of said Lot 3-B, Block 63, a distance of 167.66 feet to an iron rod found at the Southeast corner of Lot 2-A, Block 63, Fountain Park Section 8-D, as recorded in Volume 27, Page 443, Wichita County Plat Records, for an angle corner of this tract;

THENCE N 02° 23' 03" W with the East line of said Lot 2-A, Block 63, a distance of 92.68 feet to an iron rod found at the Southeast corner of Lot 1-A, Block 63, Fountain Park Section 8-D, as recorded in Volume 27, Pages 119-120, Wichita County Plat Records, for an angle corner of this tract;

THENCE N 02° 54' 42" W with the East line of said Lot 1-A, Block 63, a distance of 114.37 feet to the Place of Beginning and containing 4.235 acres of land.



PUBLIC WORKS DEPARTMENT

August 28, 2013

Pat Beatty
Partner
Overland Property Group, LLC
534 S. Kansas Avenue
Suite 900
Topeka, KS 66603

RE: Maplewood Alignment

Dear Ms. Beatty,

There has been a question concerning the ROW dedication required by the City of Wichita Falls for the Maplewood extension adjacent to the proposed Overland development. The Wichita Falls 2012 Thoroughfare Plan shows the extension of Maplewood to intersect with McNiel at Regent North. The existing Maplewood ends about halfway between Lawrence and McNiel. The proposed development will be required to dedicate the 70' of ROW for the extension adjacent to the proposed development.

The original proposal presented by Overland Property Group to the City had Regent North extended straight to the east with a curve at the Maplewood tie in. The alignment for the proposed Maplewood extension will require a gradual reverse curve to meet ASHTO safety criteria. The reverse curve alignment shifted the ROW to the North along the proposed development. The proposed alignment is illustrated in the attached drawing.

Please contact me at 940-761-7477 with any questions.

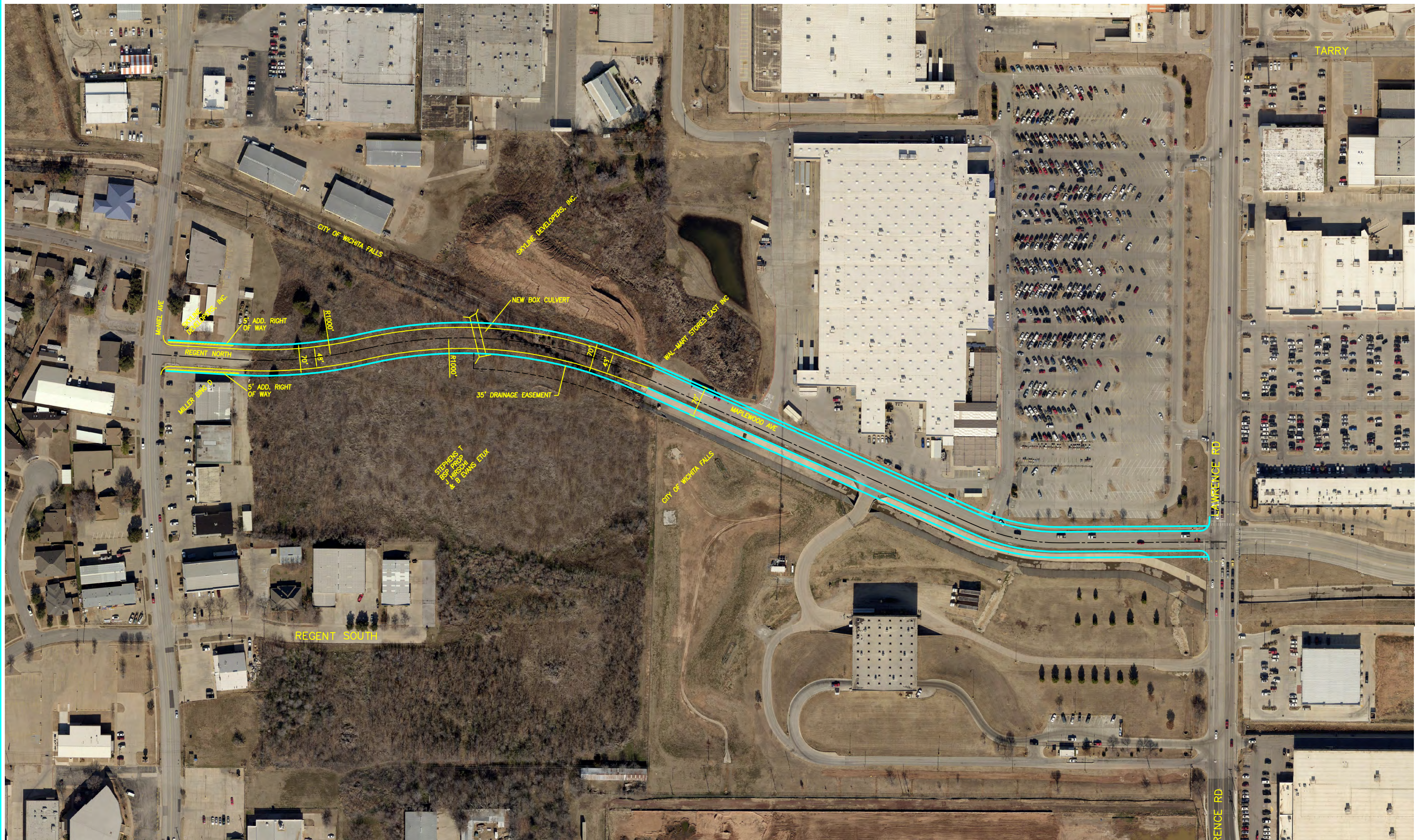
Sincerely,

Davis L. Powell, P.E.
City Engineer

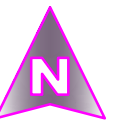
Cc: Karen Montgomery-Gagne
Andy Lee
Rick Branum
Subdivision File

Attachments:

CITY OF WICHITA FALLS



MAPLEWOOD EXTENSION





HTC #13246

October 8, 2013

Ben Sheppard
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, Texas 78701

Re: Terracon Phase I Environmental Site Assessment Project No. A4137032, Southwest Quadrant of North Regent Drive and McNiel Avenue, Wichita Falls, Wichita County, TX

Dear Mr. Sheppard:

The ESA referenced above, dated August 23 2013, was performed on what is called a "3.92 acre tract" per the legal description of a tract located at the Southwest Quadrant of North Regent Drive and McNiel Avenue in Wichita Falls, TX. Per the legal description, this tract contains 4.235 acres of land, and all 4.235 acres of land were examined for the ESA. Please reference the site diagram in the appendix of the report that outlines the entire 4.235 acres, which is called a "3.92 acre tract" per the legal description that is included with this correspondence.

Please let me know if you have any questions.

Sincerely,
Terracon Consultants, Inc.

Ryan C. Ely
For: Afton Noel
Field Environmental Engineer
Midland

E. Loyd
Erin Loyd, P.G.
Group Manager
Midland



1v

BOARD ACTION REQUEST
ASSET MANAGEMENT DIVISION
DECEMBER 12, 2013

Report and possible action on a letter from HUD regarding non-performing HOME multifamily activities, including those in Dickinson

BACKGROUND

As part of the plan to work out the open HUD monitoring finding regarding the three remaining multifamily activities that have been out of compliance due to foreclosure or demolition, staff has been engaged in attempting to redevelop 34 units of HOME affordability in Dickinson, Texas. Attempts to procure a new owner to redevelop the units on the site have not been successful due primarily to issues with the site and the significantly higher than anticipated redevelopment cost. The correspondence attached reflects the Department's request that HUD allow the Department to transfer the units to an alternative to be determined location in Dickinson that would be more conducive to redevelopment. The Department received a response to this request from HUD on November 26, 2013. Staff continues to evaluate the Department's alternatives in resolving these activities.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Rick Perry
GOVERNOR

BOARD MEMBERS
J. Paul Oser, *Chair*
Juan S. Muñoz, PhD, *Vice Chair*
Leslie Bingham-Escareño
Tom H. Gann
J. Mark McWatters
Robert D. Thomas

November 18, 2013

Writer's direct dial: 512.475.3296
Email: tim.irvine@tdhca.state.tx.us

Ms. Shirley J. Henley, Director
U.S. Department of Housing and Urban Development
Office of Community Planning and Development
801 Cherry Street, Unit #45, Suite 2500
Fort Worth, Texas 76102

RE: REQUEST FOR CONSIDERATION OF A REDEVELOPMENT PLAN FOR PROPERTY IN DICKINSON,
TEXAS (IDIS # 1527 & 1528) – CARRIAGE SQUARE APARTMENTS

Dear Ms. Henley:

The Texas Department of Housing and Community Affairs (the "Department") respectfully requests approval to provide the new construction of HOME restricted units on an alternative site to the site initially served by the above-described development in order to serve the community of Dickinson, Texas. The current site, located at 3914 Wagon Road, Dickinson, Texas 77539 has had several serious obstacles identified during the Department's attempt to effect a plan for the redevelopment of HOME restricted units as originally intended. These challenges are described in greater detail within this request.

History: The Department originally awarded \$892,977 in HOME funds to Lakeside Center, Inc. for the acquisition and reconstruction of 27 units in Dickinson, Texas. Reconstruction of the final building began in 2000; however, it was never completed. The remaining buildings were operated for some time by a replacement non-profit entity which failed to maintain adherence to City of Dickinson (the "City") building codes. The Department foreclosed on the property in April 2007. The structures were subsequently condemned and eventually demolished by the City. Although the Department has maintained ownership of the property and the HOME LURA restrictions have remained in place, the Department has, despite extensive marketing efforts and other activity to create a resolution, been unsuccessful in identifying a way to restore the property to operation in accordance with the HOME program.

Recent Activity: The U. S. Department of Housing and Urban Development ("HUD") approved the Department's plan to redevelop the site on February 14, 2013. The lack of success during prior marketing efforts led to the Department's creation and release of a Redevelopment Notice of Funding



Availability (“NOFA”). The Department offered up to \$3 million in funding from TCAP Program Income through a competitively scored NOFA that was released to the development community on June 24, 2013. Efforts to market the property with the offer of assistance under the NOFA included; a pre-NOFA roundtable conference call and discussion on May 22, 2013, presentations to the City including discussion at the City Council Regular Meeting in Dickinson on May 28, 2013, publication on the Department’s web site, multiple email announcements to the Department’s developer list serve, presentations at TDHCA board meetings and industry conferences, and a Bidder’s Conference in Dickinson on June 28, 2013. Attendance at all events was better than expected and showed that there was developer interest to construct new units in Dickinson. However, many members of the development community and local officials expressed great concern over the development site due to its being next to Dickinson Bayou and in a floodplain. In addition to the increased development costs necessary to address floodplain concerns, the City has publicly indicated its resistance to any requests for variances under City building codes and zoning designations if such variances are necessary to reconstruct multifamily housing on the site. The City has indicated that despite the site’s being zoned for multifamily use, the location would put households living at the site in jeopardy as well as burdening the City’s emergency relief efforts when flooding events occur.

The NOFA was released to the public on June 24, 2013, with an application deadline of July 22, 2013, subsequently extended to August 28, 2013 pursuant to requests from the development community to allow for more time to conduct further due diligence. While the Department had numerous follow up calls from interested developers, none submitted an application in the initial application period. On August 28, 2013, the Department received two applications; however, both were terminated due to material deficiencies. One of the applicants appealed staff’s termination to the Executive Director, and the opportunity remains for the Applicant to appeal to the TDHCA Governing Board; however, based on recent conversations with this applicant, further appeal is not expected to occur. In addition, the funding requests from these applicants exceeded the cost expectations estimated by the Department due to site-specific cost issues. Further when those developers who expressed an interest in the property with assistance under the NOFA but did not submit an application were surveyed after the application deadline, they all indicated that the cost of redevelopment on the site was too expensive or that they would be interested in development of the desired HOME units in Dickinson but on a site that did not present the significant floodplain issues the current site poses.

Salient facts regarding the challenges for redevelopment of this particular site that should be considered per this request:

- The development site is predominantly located in a floodplain, subject to erosion, and a portion of the site reaches into the bayou and is under water;
- FEMA has released preliminary base flood elevation (“BFE”) maps which raise the BFE from 11 feet to 14 feet. The highest point on the site is estimated to be 8 feet above the average water level in the Dickinson Bayou. The new BFE requirements would require substantially elevating the site in order to meet new guidelines and to reduce flood insurance premiums;
- High-Density Zoning regulations must be met as the City of Dickinson has stated that variance requests will be met with high opposition and are not likely to be approved by the City Planning & Zoning Commission;

- The site is located along a residential street that is predominantly single-family housing, and residents have continued to oppose the redevelopment of multi-family housing on this site regardless of the current high-density multi-family zoning designation; and
- The City of Dickinson supports TDHCA's efforts to provide quality affordable housing for low to moderate income households within the regulations of the HOME program as well as any other affordable housing program regulations. Please see the attached letter from Julie Johnson, City Administrator for Dickinson.

The Department is committed to developing HOME units in Dickinson to replace these units which were condemned and raised by the City, but it is clear from the efforts to date, the concerns expressed by potential developers, and the concerns expressed by the City that this site has attributes which call into question its appropriateness as a site for affordable housing units. Since this site was initially secured and developed, much has changed in the world of affordable housing. There is much greater scrutiny of environmental and site selection issues. The Department requests HUD approval to secure an alternative site on which to develop these HOME units. To further this effort, the Department has procured a real estate brokerage firm to provide assistance in identifying new sites in high opportunity areas of Dickinson for this redevelopment activity. Of course, the final site selection will have to be acceptable to HUD and to the successful future NOFA applicant. The Department will continue to evaluate available programmatic funding activities to ensure that this development is financially viable securing a new affordable housing development for the long-term within the City of Dickinson, Texas. In addition, given the limited sources of funding for affordable multifamily development, the Department continues to plan to use TCAP program income and or tax credits, with or without tax exempt bonds, to assist in funding the redevelopment of these units on an alternative site.

As is apparent from the foregoing, the options for affordable housing development in Dickinson are limited, but we believe this proposal by the Department can be brought promptly to a successful outcome. The Department appreciates HUD's consideration of this request and is hopeful that approval can be granted promptly. At present there are actively interested developers, and the City is engaged on the issue. Should you have any questions, please do not hesitate to contact Colton Sanders at 512.936.7839 or via email at colton.sanders@tdhca.state.tx.us.

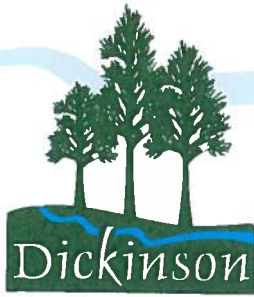
Respectfully



Timothy K. Irvine
Executive Director

CWS

cc: Stephen Eberlein, Program Manager
Tom Gouris, Deputy Executive Director of Asset Analysis & Management
Cari Garcia, Director of Asset Analysis
Colton Sanders, Asset Resolution Manager



November 13, 2013

VIA E-MAIL: colton.sanders@tdhca.state.tx.us
Mr. Colton W. Sanders
Asset Resolution Manager
Texas Department of Housing & Community Affairs
221 E. 11th Street
Austin, TX 78701

RE: Support for Alternative Sites for Development of Affordable Housing

Dear Mr. Sanders:

As you and I have discussed, the City of Dickinson is in need of quality affordable housing. Unfortunately, the development of an affordable housing project on the property owned by Texas Department of Housing & Community Affairs on Wagon Road in the City of Dickinson is problematic for many reasons, not the least of which is the limited amount of property on which to actually build as the property is entirely located in the floodplain with a small portion in the floodway, is subject to erosion problems, and portions of the site are under water.

The City of Dickinson would be receptive to a multi-family affordable housing development that could replace an existing market rate multi-family development that is currently serving low-income families, but without any real regulatory authority. Another possibility is to purchase an existing mobile home park, scrape it, and construct a brand new multi-family affordable housing development monitored by TDHCA.

Over the past couple of years, the City of Dickinson has entertained development opportunities proposed by a number of developers that have been interested in constructing multi-family affordable housing developments through the Tax Credit Program to purchase existing mobile home parks and market rate housing that currently serve low-income families and redevelop these with brand new construction.

It is my understanding that TDHCA has made a request to HUD for approval to switch the Wagon Road site for a less challenging and more economically feasible site to construct affordable housing units restricted by the HOME program and possibly

Mr. Colton W. Sanders
November 13, 2013
Page Two

layered with Housing Tax Credits to ensure financial feasibility. The City of Dickinson supports TDHCA's request to HUD for one of these alternative sites in order to better serve the low-income families in Dickinson.

Should you have any questions or need additional information, please do not hesitate to contact me directly at (281) 337-6204.

Sincerely,



Julie M. Johnston
City Administrator



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Fort Worth Regional Office, Region VI
Office of Community Planning and Development
801 Cherry Street, Unit #45, Ste. 2500
Fort Worth, TX 76102
www.hud.gov

26 NOV 2013

Mr. Timothy K. Irvine
Executive Director
Texas Department of Housing
And Community Affairs
P.O. Box 13941
Austin, Texas 78711-3941

Dear Mr. Irvine:

SUBJECT: Request for Consideration of a Redevelopment Plan – Activities 1527 & 1528

This letter is in response to your correspondence of November 18, 2013 regarding Activities 1527 and 1528 that were funded by the State of Texas under the HOME Investment Partnerships Program. The activities in question are associated with a property located at 3914 Wagon Road in Dickinson, Texas. TDHCA first committed HOME funds to the property in 1998 to assist Lakeside Center Inc. with the acquisition and reconstruction of 27 units of rental housing. The project was never completed and the existing structures were ultimately demolished and TDHCA took possession of the site. The total HOME investment was \$892,977.


In its correspondence TDHCA detailed its efforts to develop a replacement project on the site using non-federal funds. It has been unable to attract interest in the property and the site has subsequently been found to be unsuitable for redevelopment due to its location in the floodplain. As an alternative to repaying the original HOME investment, TDHCA has proposed constructing a comparable project using non-federal funds at a yet to be identified location within the community. The proposed replacement project would be subject to the HOME affordability requirements.

After consultation with the Office of Affordable Housing Programs on this matter, we have been advised that the proposal cannot be accepted. Given the time that has transpired since the initial HOME investment and the lack of a specific substitute project we have been advised that repayment of the HOME investment for these activities would be required. Should TDHCA be unable to repay its HOME account a grant reduction may be taken into consideration if the conditions outlined in the attached memorandum on voluntary grant reductions can be met.

Repayment of the HOME investment should be completed within 60 days of the date of this letter via wire transfer.

Should you have any questions please contact Stephen Eberlein, Program Manager, at 817.978.5956.

Sincerely,

A handwritten signature in cursive script that reads "Shirley J. Henley".

Shirley J. Henley
Director

Attachment

cc: Tom Gouris
Jennifer Molinari

1w

BOARD ACTION REQUEST
HOUSING RESOURCE CENTER
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on the 2014 State of Texas Low Income Housing Plan and Annual Report (Draft for Public Comment), and proposed amendment to 10 TAC §1.23, 2013 State of Texas Low Income Housing Plan and Annual Report (SLIHP), Adoption by Reference, for publication in the *Texas Register* for public comment

RECOMMENDED ACTION

WHEREAS, the Texas Department of Housing and Community Affairs enabling legislation Texas Government Code §2306.0721 requires a state low income housing plan;

WHEREAS, Texas Government Code, §2306.072 requires an annual low income housing report;

WHEREAS, the draft 2014 State of Texas Low Income Housing Plan and Annual Report must be published for public comment; and

WHEREAS, 10 TAC §1.23 requires an amendment to reflect the updated State of Texas Low Income Housing Plan and Annual Report;

NOW, therefore, it is hereby

RESOLVED, that staff is hereby directed to cause the Draft 2014 State of Texas Low Income Housing Plan and Annual Report, in the form presented to this meeting, together with such grammatical and non-substantive technical corrections as they may deem necessary or advisable, to be published online for public comment, a notice of which will be published in the *Texas Register*, and in connection therewith, to make such non-substantive grammatical and technical changes as they deem necessary or advisable; and

FURTHER RESOLVED, that a proposed amendment to 10 TAC §1.23 is hereby approved, together with the preambles presented to this meeting, for publication in the *Texas Register*, for public comment, together with such grammatical and technical and non-substantive technical corrections as they may deem necessary or advisable.

BACKGROUND

The Texas Department of Housing and Community Affairs (TDHCA) is required to prepare and submit to the Board not later than March 18 of each year an annual report of the Department's housing activities for the preceding year. This State of Texas Low Income Housing Plan and Annual Report must be submitted annually to the Governor, Lieutenant Governor, Speaker of the House, and legislative oversight committee members not later than 30 days after the Board receives and approves the final

SLIHP. The document offers a comprehensive reference on statewide housing needs, housing resources, and strategies for funding allocations. It reviews TDHCA's housing programs, current and future policies, resource allocation plans to meet state housing needs, and reports on performance during the preceding state fiscal year (September 1, 2012 through August 31, 2013).

The SLIHP will be made available for public comment on January 3 through February 3, 2014. Written comments may be submitted to Texas Department of Housing and Community Affairs, Elizabeth Yevich, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, by email to the following address: elizabeth.yevich@tdhca.state.tx.us, or by fax to (512) 475-0070. A public hearing will be held at 10:30 a.m. Friday, January 16, 2014, at Stephen F. Austin State Office Building, room #172, 1700 N. Congress, Austin, Texas 78701.

The full text of the draft 2014 SLIHP may be viewed at the Department's website: <http://www.tdhca.state.tx.us/board/meetings.htm>. The public may also receive a copy of the 2014 SLIHP by contacting the Department's Housing Resource Center at (512) 475-3976.

It is expected that the SLIHP will be presented to the Board for interim approval on February 20, 2014, and for final Board approval on April 10, 2014. The SLIHP will then be distributed to the Governor, Lieutenant Governor, Speaker of the House, and legislative oversight committee members by the April 18, 2014, deadline.

The following attachments are provided:

- Attachment A - Summary of Substantive Changes from the 2013 SLIHP
- Attachment B - Preamble and proposed amendment to 10 TAC §1.23

Attachment A
Summary of Substantial Changes from the 2013 SLIHP

- Housing Analysis chapter:
 - added foreclosure data; and
 - updated analysis figures with most recent socio-economic data available.
- Annual Report chapter:
 - updated numbers to reflect FY 2013 program performance by households/individuals and income group for the state and each region; and
 - updated performance measure information for goals and strategies reflecting FY 2013 performance, including updated targets for FY 2014.
- Action Plan chapter:
 - updated program descriptions to reflect programmatic changes;
- Stimulus Programs chapter:
 - removed the Homelessness Prevention and Rapid Re-housing Program, the Housing Tax Credit Exchange Program and National Foreclosure Mitigation Counseling Program Round 5, which were completed; and
 - updated report data for other stimulus programs based on their multiyear cycles instead of state fiscal year cycles.
- Updated Colonia Action Plan.

Attachment B.
Preamble and proposed amendment to 10 TAC §1.23

The Texas Department of Housing and Community Affairs (the “Department”) proposes amendments to 10 TAC Chapter 1, Administration, §1.23, concerning the State of Texas Low Income Housing Plan and Annual Report (SLIHP). The purpose of the proposed amendment is to adopt by reference the 2014 SLIHP.

FISCAL NOTE: Mr. Timothy Irvine, Executive Director, has determined that, for each year of the first five years the amended section is in effect, enforcing or administering the amended section does not have any foreseeable implications related to costs or revenues of the state or local government.

PUBLIC BENEFIT/COST NOTE: Mr. Irvine also has determined that, for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of the amended section will be improved communication with the public regarding the Department’s programs and activities. There will not be any economic cost to any individuals required to comply with the amended section. The amended section will not impact local employment.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES: The Department has determined that there will be no economic effect on small or micro-businesses.

REQUEST FOR PUBLIC COMMENT: The public comment period will be held January 3, 2014 to February 3, 2014, to receive input on the amended section. Written comments may be submitted to Texas Department of Housing and Community Affairs, Elizabeth Yevich, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, by email to the following address: elizabeth.yevich@tdhca.state.tx.us, or by fax to (512) 475-0070. A public hearing will be held at 10:30 a.m. Friday, January 16, 2014 at Stephen F. Austin State Office Building, room #172, 1700 N. Congress, Austin, Texas 78701. **COMMENTS MUST BE RECEIVED BY 5:00 P.M. FEBRUARY 3, 2014.**

The full text of the draft 2014 SLIHP may be viewed at the Department’s website: www.tdhca.state.tx.us. The public may also receive a copy of the draft 2014 SLIHP by contacting the Department’s Housing Resource Center at (512) 475-3976.

STATUTORY AUTHORITY: The amended section is proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules. Additionally, the amended section is proposed pursuant to §2306.0723 which specifically authorizes the Department to consider the SLIHP as a rule.

The proposed amendment affects no other code, article or statute.

§1.23. State of Texas Low Income Housing Plan and Annual Report (SLIHP).

The Texas Department of Housing and Community Affairs (the "Department") adopts by reference the 2014~~[2013]~~ State of Texas Low Income Housing Plan and Annual Report (SLIHP). The full text of the 2014~~[2013]~~ SLIHP may be viewed at the Department's website: www.tdhca.state.tx.us. The public may also receive a copy of the 2014~~[2013]~~ SLIHP by contacting the Department's Housing Resource Center at (512) 475-3800.

REPORT ITEMS

R1

TDHCA Outreach Activities, November 2013

A compilation of activities designed to increase the awareness of TDHCA programs and services or increase the visibility of the Department among key stakeholder groups and the general public

Event	Location	Date	Division	Purpose
Housing Tax Credit Compliance Training	Austin	Nov 5	Compliance	Training
Energy Efficiency Rule Information Session	McAllen	Nov 5	HOME, Housing Trust Fund, Office of Colonia Initiatives	Presentation
Attorney General's Government Law and Liability Conference	Austin	Nov 6	Board, Legal, External Affairs	Presentation
Congressman Cuellar's Weatherization & Home Improvement Workshop	Rio Grande City	Nov 7	Office of Colonia Initiatives	Presentation, Exhibitor, Participant
First Thursday Income Eligibility Training	Austin	Nov 7	Compliance	Training
United Texas – Housing Initiatives That Work	Fort Worth	Nov 7	Homeownership	Training
Housing Tax Credit Training	Fort Worth	Nov 8	Compliance	Training
Texas Mortgage Bankers Assoc. Educational Seminar and Marketplace	Dallas	Nov 12-13	Homeownership	Exhibitor
Housing Tax Credit Training	Fort Worth	Nov 13	Compliance	Training
FDIC Alliance for Economic Inclusion 4th Quarter Meeting	Austin	Nov 13	Public Affairs	Presentation
2013 Farmworker Housing Summit	Austin	Nov 14-15	Multifamily Finance	Presentation, Participant
United Texas – Housing Initiatives That Work Webinar	Austin	Nov 18	Homeownership	Training
Representative Dutton's Community Meeting/Affordable Housing Long-Term Planning	Crosby	Nov 20	External Affairs, Neighborhood Stabilization	Presentation

Internet Postings of Note, November 2013

A list of new or noteworthy documents posted to the Department's web site

Housing Tax Credit Applicable Percentages and Calculation of Underwriting Rates — used to determine the allocation amount of the credits, as defined in Section 42(b) of the Internal Revenue Code:

www.tdhca.state.tx.us/rea/index.htm#tools

Approved Fair Housing Training Providers — updated list of approved providers of training to architects, engineers, property owners, and managers regarding fair housing:

www.tdhca.state.tx.us/housing-center/fair-housing/fair-housing-training.htm

Fiscal Year 2014 Internal Audit Plan: Approved 9/12/13 — detailing program areas and divisions to be audited in 2014, hours budgeted for each task, and explanatory notes:

www.tdhca.state.tx.us/internal-audit.htm

Community Affairs: Update to Texas Administrative Code Rules — providing information regarding recent updates to sections of the Texas Administrative Code (TAC) Rules affecting all Community Affairs programs:

www.tdhca.state.tx.us/community-affairs/announcements.htm

Program Services: Environmental Clearance Training/Noise — *related to HUD Part 58 Environmental Review Process, detailing required documentation, factors which trigger a noise study, how to complete a noise study, etc:*
www.tdhca.state.tx.us/program-services/training.htm

2014 75-Day Deadline for Outstanding Documentation — *detailing timeframes associated with applications for 4% Housing Tax Credits only:*
www.tdhca.state.tx.us/multifamily/apply-for-funds.htm

Internal Audit 2014 Report on Loan Processing: 11/6/13 — *evaluating the performance of single-family loan processing relating to HOME Homeowner Rehabilitation Assistance, HOME Homebuyer Assistance, and Bootstrap Loan programs*
www.tdhca.state.tx.us/internal-audit.htm

Fair Housing Choice Disclosure Notice — *providing acknowledgement of basic housing rights for potential tenants of subsidized, affordable rental housing units:*
www.tdhca.state.tx.us/pmcomp/forms.htm

2014 Multifamily Bond Pre-Application Submission Timeline — *detailing submission dates, public comment deadlines, and dates of board meetings for inducement purposes for pre-applications in the 4% Housing Tax Credits only:*
www.tdhca.state.tx.us/multifamily/apply-for-funds.htm

Public Comment period for the Substantial Amendment to the 2013 State of Texas Consolidated Plan: One Year Action Plan — *during which the Department will accept comment on allowable preferences for certain subpopulations having an unmet housing need:*
www.tdhca.state.tx.us/housing-center/pubs-drafts.htm

Environmental Website Resources by Subject Matter: Noise Abatement and Control — *providing links to federal and state resources relative to noise levels, calculations, and rail and aviation systems:*
www.tdhca.state.tx.us/program-services/environmental/docs.htm

LURA Templates — *for documents imposing income and rent restrictions on properties financed through 4% and 9% Housing Tax Credits:*
www.tdhca.state.tx.us/asset-management/pca-manual.htm

Housing Tax Credit Consultants List — *providing the names, contact individuals, telephone numbers, and email addresses to entities consulting to the Housing Tax Credit Program development community:*
www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm

4% Housing Tax Credit Program Application Status Log - Local Bond Issuers: 11/20/13 — *detailing property name, location, address, contact information, and related details for proposed bond transaction with issuers other than the Department:*
www.tdhca.state.tx.us/multifamily/housing-tax-credits-4pct/index.htm

2014 Multifamily Uniform Application Templates — *providing applicants seeking multifamily financing templates for documents relating to public notifications, resolutions, notices, and related form letters:*
www.tdhca.state.tx.us/multifamily/apply-for-funds.htm

R2

**BOARD REPORT ITEM
SINGLE FAMILY HOME PROGRAM DIVISION
DECEMBER 12, 2013**

Status Report on the HOME Program Single Family Contracts and Reservation System Participants through November 2013, Calendar Year YTD

Activity Type	<u>Funded/Awarded for November</u>		<u>Funded/Awarded for Year</u>		<u>Setups for November</u>		<u>Setups for Year</u>		<u>Draws for November</u>		<u>Draws for Year</u>	
	RSP	Contracts	RSP	Contracts	Amount	Number	Amount	Number	Amount	Number	Amount	Number
CFD	\$0	\$0	\$751,031	\$1,036,656	\$0	0	\$751,031	6	\$0	0	\$448,979	32
CHDO Operating	\$0	\$0	\$0	\$50,000	\$0	0	\$0	0	\$25,006	1	\$112,500	6
Dev SF	\$115,000	\$0	\$325,000	\$0	\$200,825	2	\$971,800	10	\$81,218	4	\$547,743	35
HBA/Rehab	\$21,500	\$0	\$2,301,854	\$0	\$21,500	1	\$2,404,354	131	\$85,472	8	\$2,469,805	209
HRA	\$481,577	\$0	\$20,518,284	\$0	\$1,282,162	15	\$28,612,650	335	\$2,514,785	98	\$26,874,284	1,275
TBRA	\$313,270	\$0	\$5,142,097	\$0	\$372,496	32	\$5,425,091	515	\$231,531	290	\$3,911,095	5,309
Sub Totals:	\$931,347	\$0	\$29,038,267	\$1,086,656	\$1,876,983	50	\$38,164,926	997	\$2,938,012	401	\$34,364,405	6,866
Totals:	\$931,347		\$30,124,923									

CFD - Contract For Deed

CHDO - Community Housing Development Organization

HRA - Homeowner Rehabilitation

HBA/Rehab - Homebuyer Assistance with Rehab

RSP - Reservation System Participant

TBRA - Tenant Based Rental Assistance

R3

BOARD REPORT ITEM
ASSET MANAGEMENT DIVISION
DECEMBER 12, 2013

Executive Report of Multifamily Program Amendments, Extensions, and Ownership Transfers

REPORT ITEM

This report contains information on 1st Quarter of Fiscal Year 2014 (9/1/13 to 11/30/13).

- 22 LURA Amendments (20 Administratively Approved; 2 Board Approved)
- 8 Application/Direct Loan Amendments (4 Administratively Approved; 4 Board Approved)
- 4 Extensions (3 Cost Certification; 1 10% Test; All Approved Administratively)
- 19 Ownership Transfers (All Approved Administratively)

2nd Quarter of Fiscal Year 2014 information will be reported at the March 2014 meeting.

**Land Use Restriction Agreement (LURA) Amendments
2014 1st Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Date of Approval	Development Name	City	Owner Name/Contact	Subject of Amendment Approved
05222	10/8/2013	Kingwood Senior Village	Kingwood	Kingwood Senior Village, LP	Change the one market rate unit to a 60% AMI unit to make compliance easier for the property
99126	9/18/2013	Sunset Arbor Townhomes	ABILENE	Sunset Arbors Townhomes Ltd	removal of HUB requirement in order to remove current GP with a nonprofit-owned entity
10227	9/26/2013	Tarrington Court Apts	Houston	Tarrington Court Apartments, LP	Request to add 2 bldgs to the project and add 2 BINS to the LURA
10028	9/10/2013	Pecan Ridge	Texarkana	Pecan Ridge at RoseHill, LP	Amended Legal Description and BIN's
10064	9/26/2013	Cypress Gardens	Houston	Cypress Gardens Rykara, LP	Amend Appendix B - mobility accessible unit numbers
10040	9/27/2013	Merritt Lakeside Senior Village	Schertz	DDC Ashton, Ltd	Add Material Participation by NonProfit Organization to Appendix A
10152	10/7/2013	Sierra Vista	Austin	Shady Oaks Housing, LP	Add lienholder page since it was not recorded as part of LURA.
09130	10/7/2013	M Station	Austin	M Station Housing, LP	Add legal description LURA since it was not recorded as part of LURA.
1000421	10/8/2013	Kingwood Senior Village	Kingwood	Kingwood Senior Village, LP	Change one market rate unit to a 60% AMI unit and increase applicable fraction to 100%.
10079	10/9/2013	Steeple Chase Farms	Sherman	Steeple Chase Farms Summit, LP	Change to number of BINS (as a result of increasing # of residential bldgs); also identified two units that are 3BR w/den and restricted owner to rent these out as 3BR units during the term of the LURA.
07413	10/16/2013	Mansions at Hastings Green Senior	Houston	Mansions at Hastings Green Senior, LP	Amend Appendix C - delete Accessible Walking Path (1 pt) and add Community Laundry Room (1 pt)
01166	10/18/2013	Churchill Place	La Porte	La Porte Venture, Ltd.	Change supportive services and service provider
04494	10/18/2013	Baypointe Apartments	Webster	Houston Baypointe Apartments, LP	Add supportive service requirement to LURA as required by 2006 QAP
03245	10/18/2013	Meadows Place Senior Village	Stafford	Meadows Place Village, LP.	Change supportive services
05060	10/22/2013	North Mountain Village	El Paso	North Mountain Village, Ltd.	Remove HUB requirement based on previously approved ownership transfer.
04070	10/22/2013	Cedar Oak Townhomes	El Paso	Cedar Oak Townhomes, Ltd.	Remove HUB requirement based on previously approved ownership transfer.
95009	10/22/2013	Mission Woods (fka Windcrest Spring Apar	Spring	Spring Windcrest Spring I, LP	Remove Access Gate & Basketball Court (to add more parking)
060199	10/25/2013	Legacy Senior Housing of Port Arthur	Port Arthur	LRG Legacy Senior Housing of Port Arthur, LP	LURA Amendment to correct accessible units
530617	11/7/2013	Spring Garden Apartments III	Springtown	Affordable Housing of Parker County	Amend for senior age restriction in HOME LURA from 62+ to allow 55+
538089	11/7/2013	Spring Garden Apartments II	Springtown	Affordable Housing of Parker County	Amend for senior age restriction in HOME LURA from 62+ to allow 55+

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BOARD APPROVED

96014	10/7/2013	Courtyards At Kirnwood	Desoto	Texas Kirnwood Apartments, L.P.	Determined no board approval required because change was to amend LURA for senior age restriction consistent with current federal law, to allow for either 100% at 60 yrs or older; or 80% of development at 55+.
93038	9/12/2013	Spanish Park Apartments	Arlington	Cooper Redevelopment, LLC	LURA amendment not yet processed, approval by Board was to amend subject to the owner's resolution to all noncompliance issues. The owner is still working to resolve those, so LURA amendment cannot be processed yet.

**Housing Tax Credit Application Amendments
2014 1st Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Date of Approval	Development Name	City	Owner Name/Contact	Subject of Amendment Approved
11200	9/27/2013	The Ranch at Silvercreek (fka Silvercreek II Apartments)	Houston	Houston Silvercreek II Apartments, LP	Delete Common area Laundry Room (-1 pt) and ADD Pavilion with BBQ Grills and Tables (+2 pts)
11004	10/14/2013	North Court Villas	Frisco	Stewart Creek Villas, LP	Swap amenities for equal points.
12379	11/8/2013	Sunrise Terrace	La Feria	Sunrise Terrace LP	Site acreage reduction
10022	11/21/2013	Presidio Dolores Apts	San Elizario	Presidio Dolores Apartments, LP	Elimination of 9 ft. ceilings.

4

BOARD APPROVED

10014	9/12/2013	Artisan at Port Isabel	Port Isabel	ARDC Port Isabel, Ltd	Reduce size of land as presented at application. Will also require a LURA Amendment in future (conditioned).
02484	9/12/2013	Sycamore Center Villas	Fort Worth	Sycamore Center Villas, LP	Convert and identify existing 3BR/2BA w/den as 4BR/2BA units and charge 4BR rents.
02485	9/12/2013	Alemeda Villas	Fort Worth	Alemeda Villas, L.P.	Convert and identify existing 3BR/2BA w/den as 4BR/2BA units and charge 4BR rents.
10079	9/12/2013	Steeple Chase Farms	Sherman	Steeple Chase Farms Summit, LP	Changes to number of residential buildings, creating change in bldg plans, unit layout and site plan.

4

**Housing Tax Credit Extensions
2014 1st Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Dat of Approval	Development Name	City	Owner Name/Contact	Type of Extension	Original Deadline	Approved Extension Deadline
12336	9/1/2013	The Residences of Solms Village	New Braunfels	The Residences of Solms Village, LP	10%	7/1/2013	7/11/2013
10033	9/18/2013	Sulphur Springs Pioneer Crossing for Srs	Sulphur Springs	SS Seniors, LLC	Cost Certification	6/1/2013	6/10/2013
12084	10/3/2013	San Gabriel Apartments	Georgetown	HPD SG LP	Cost Certification	1/15/2014	9/30/2014
11041	11/1/2013	Riverwood Commons	Bastrop	Riverwood Commons, L.P.	Cost Certification	1/15/2014	5/15/2014

**Housing Tax Credit Program Ownership Transfers
2014 1st Quarter**

ADMINISTRATIVELY APPROVED

Dev. No.	Dat of Approval	Development Name	City	Person/Entity Departing	New Person/Entity	Type of Ownership Change
530200	9/10/2013	Dale Meadows	Dale	Dale Meadows LLC	Peter Le and Diana Nguyen	Sale
05610	9/17/2013	Prairie Ranch Apartments	Grand Prairie	Hal Thorne, Individual Sole Owner of GP	AHF-OP Acquisition, LLC	GP Transfer
99126	09/18/2013	Sunset Arbor Townhomes	Abilene	Shelter Resource Corporation	AHDF-Sunset Arbor Townhouses G/P, LLC	GP Transfer
94164	09/30/2013	Windsor Pointe Townhomes	College Station	Southwest Pointe, LP.	Park Lane Apartments, LLC	Sale
530617	9/30/2013	Spring Garden Apartments III	Springtown	Springtown Spring Garden Apartments	Affordable Housing of Parker County	Affiliate change in ownership- Al Swan's son, Mike Swan, assumed ownership via nonprofit after his dad passed away.
538089	9/30/2013	Spring Garden Apartments II	Springtown	Springtown Spring Garden Apartments	Affordable Housing of Parker County	Affiliate change in ownership- Al Swan's son, Mike Swan, assumed ownership via nonprofit after his dad passed away.
04002	9/30/2013	Cricket Hollow Apartments	Willis	Terri L Torregrossa	James M Billings	Change to GP percentage ownership
04420	10/1/2013	Tranquility Bay Apartments	Pearland	Blazer Land, L.L.C.	Tranquility Housing GP, LLC	GP Transfer
98007T	10/9/2013	Greens of Hickory Trail	Dallas	Brisben Hickory LP	Post Hickory, LLC	Sale
98235	10/17/2013	Oaks on La Salette (fka San Jacinto Gardens)	Houston	Bayview Loan Servicing-Foreclosure	La Salette, LLC	Purchase of Foreclosed Property
70135	11/4/2013	Cloverleaf Apartments	Irving	Julio and Lilia Rico	CRRE Investments, LLC	Sale
07403	11/4/2013	Amelia Parc	Fort Worth	OPLP Amelia Parc, Inc. - Hal Thorne	ORC Amelia Parc GP, Inc.	GP Transfer
93100	11/12/2013	Windcrest On Sherwood Apartments	Houston	Manor West Associates & Bellaire Palms, Ltd.	Windcrest PCF, Ltd	Sale
07602	11/14/2013	Villas of Mesquite Creek	Mesquite	OPLP Mesquite Creek, Inc.- Hal Thorne	ORC Villas of Mesquite Creek GP, Inc.	GP Transfer
98002T	11/19/2013	McKinney Park Apartments (FKA Pebble Brook Apartments)	Denton	One Pebble Brook, Ltd.	JB/C Calder Fund VII Joint Venture	Sale
11033	11/20/2013	American GI Forum Village I and II	Robstown	N/A	Mortgage Bankers Corporation	SLP Entering Ownership
12264	11/20/2013	LULAC Hacienda Apartments	Corpus Christi	Housing and Community Services	Mortgage Bankers Corporation	GP Transfer
96157	11/21/2013	Brentwood Oaks Apartments	Fredericksburg	Brentwood Oaks Apartments, Ltd.	PC Brentwood, LLC	Non-Affiliate change in ownership
93048	11/7/2013	Fountain Oaks	Houston	Juniper Chimney Rock GP, LLC	Fountain Oaks Property LLC	Sale

R4

BOARD REPORT ITEM
HOUSING RESOURCE CENTER
DECEMBER 12, 2013

Final report on the Real Choice Systems Change Grant

REPORT ITEM

This Report Item is presented to provide the TDHCA Governing Board with a report of the completed activities of the Real Choice Systems Grant, a \$330,000 grant provided to TDHCA in 2011 from the Centers for Medicaid and Medicare Services (CMS).

BACKGROUND

The Texas Department of Aging and Disability Services (DADS) and the Texas Department of Housing and Community Affairs (TDHCA) partnered in 2011 to develop a successful application to the Centers for Medicaid and Medicare Services (CMS) to receive the *Real Choice Systems Change Grant: Building Sustainable Partnerships for Housing*. As part of the grant, the DADS and TDHCA partnership successfully completed the following activities: 1) applied for the HUD Section 811 Project Rental Assistance Demonstration Program, 2) created and implemented a Housing and Services Partnership (HSP) Academy, and 3) built the Housing and Services for Persons with Disabilities Online Clearinghouse.

DADS was the lead agency awarded these funds, with a grant period of September 30, 2011, to September 29, 2012. Texas received a one-year no-cost extension to September 29, 2013. DADS, through an Inter-Agency Contract, transferred the funds to TDHCA to administer the grant activities, with Kate Moore, currently the Section 811 Manager at TDHCA, and Steve Ashman, the Project Director for the Money Follows the Person Demonstration Project at DADS, acting as co-directors for the grant. The grant is one of several excellent examples of how the strong partnership between TDHCA and DADS has brought in additional federal funds to Texas to create greater affordable housing opportunities for persons with disabilities in Texas.

For this grant, TDHCA created an advisory team, called the 811 Team, to provide feedback and guidance on the grant activities. The 811 Team included representatives from all of the Texas Health and Human Service Agencies, including DADS, the Department of Assistive and Rehabilitative Services (DARS), the Department of Family and Protective Services (DFPS), the Department of State Health Services (DSHS), and the Health and Human Services Commission (HHSC). The 811 Team also included three consumer representatives and affordable housing developers. TDHCA had representatives on the 811 Team and regularly reported on grant progress to the Disability Advisory Workgroup, the Promoting Independence Advisory Committee, and the Housing and Health Services Coordination Council.

Activity One: Applying to HUD for the Section 811 Project Rental Assistance Demonstration Program

TDHCA contracted with the University of Texas at Austin, Center for Disability Studies (the Center), to assist with the state's application to HUD for the Section 811 Project Rental Assistance (Section 811 PRA) program. The Center and their subcontractors assisted in the necessary research and program design to develop a successful application to HUD, which is a partnership between TDHCA and the Health and Human Service Agencies, with DADS serving as the lead for those agencies. The grant allowed for extensive public input into the Section 811 program design, including consultation with the 811 Team and targeted outreach to consumers and consumer representatives at five roundtables held throughout the State with more than 100 people in attendance. TDHCA entered into an Inter-Agency Agreement with HHSC, which was a requirement of the Section 811 PRA grant application. The Inter Agency Agreement outlines the targeted populations for the Section 811 program, methods of outreach and referral, and commitments of availability of services from the Health and Human Service Agencies. On June 14, 2012, the TDHCA Board authorized TDHCA to submit this application in collaboration with the Health and Human Services Agencies.

TDHCA was notified in February 2013 that Texas was one of 13 states awarded funds for the Section 811 program. TDHCA received the maximum grant amount of \$12 million. This grant will provide project based affordable housing for extremely low income persons with disabilities, in seven Metropolitan Statistical Areas (MSAs) in Texas. The clients must meet one of the following target populations: 1) Persons Exiting Institutions, not including incarceration; 2) Youth Exiting Foster Care with Disabilities; and 3) Persons with Serious Mental Illness. TDHCA anticipates being able to fund between 20 to 40 properties for an estimated 385 units. TDHCA anticipates releasing a Notice of Funding Availability to solicit properties that have received TDHCA financing and are interested in having a limited number of Section 811 units in their property. Once units are available, TDHCA will receive referrals from the Health and Human Service related agencies and TDHCA will screen for program eligibility before placing an applicant on a waiting list by property. TDHCA received a draft of the initial Section 811 documents in November 2013 and has been reviewing them to provide feedback to HUD.

Activity Two: Creating and Implementing a Housing and Services Partnership (HSP) Academy

The Housing and Services Partnership Academy was held May 14 and 15, 2013, in Dallas with 16 local community teams participating, with over 70 total participants. The grant paid for the Center and their subcontractors to assist with the implementation of the Academy. The goal of the Academy was to provide local communities with education and technical assistance to create affordable housing for people with disabilities in their communities. The local community teams were required to have a housing representative (developer, funder, or provider), a service provider, and a consumer. Teams submitted applications for consideration of being included in the Academy; these teams were screened by a review team. The grant also provided travel reimbursement for those team members who requested that assistance.

TDHCA staff, Health and Human Service Agency staff, and other nonprofit and for-profit experts provided extensive education to the participants at the Academy to include small group breakout sessions on affordable housing and service resources. In addition to the training at the Academy, all of the teams were provided with a facilitator to assist with team goal creation based on what they were learning at the Academy. The grant paid for the development of resource materials for each team as

well as four webinars and ongoing technical assistance after the Academy. Results of the Academy include significant new community partnerships between service agencies and housing agencies and new plans to create affordable housing.

Activity Three: The Housing and Services for Persons with Disabilities Online Clearinghouse

TDHCA entered into an Inter-Agency Contract with the Health and Human Service Commission (HHSC) to create the Housing and Services for Persons with Disabilities Online Clearinghouse (Clearinghouse) on the 2-1-1 Texas website. The website provides a central location for affordable housing and services resources for people with disabilities. The Clearinghouse provides an easy to navigate online searchable tool that provides resources by geographic area. The Clearinghouse was released as a draft for public comment with an online survey. Based on the public comment, the Clearinghouse was finalized and made live on the 2-1-1 Texas.org website in September 2013. To access the site, go to www.211texas.org and click on Disability Services on the Search tab at the top of 211texas.org. This Clearinghouse augments what information is available to people with disabilities when contacting 211.

Additional Grant Activities

The grant was also able to pay for additional work that supports the efforts outlined above. This includes, through the contract with the Center, the completion of a White Paper that will provide CMS a detailed analysis of grant activities and resources created throughout the grant.

The grant also supported the work of several TDHCA Information and Technology projects, including changes to TDHCA's Vacancy Clearinghouse to allow for the online resource to inform the public about Section 811 units and the creation of a new page on the TDHCA website which focuses on resources for administrators and developers who want to serve persons with disabilities. This grant also funded the development of a data feed to inform 2-1-1 Texas of administrators who receive TDHCA funds. Lastly, the grant provided funding for additions to one of TDHCA's internal databases to support the work of the Section 811 program.

ACTION ITEMS

2a

ORAL PRESENTATION

2b

BOARD ACTION REQUEST
SECTION 811 PRA PROGRAM
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action authorizing specific next steps relating to the Section 811 Project Rental Assistance Demonstration Program.

RECOMMENDED ACTION

WHEREAS, the Department was awarded \$12 million from the U.S. Department of Housing and Urban Development (HUD) for the Section 811 Project Rental Assistance Demonstration Program on February 12, 2013; and

WHEREAS, the Department has received a draft for review of the Cooperative Agreement which will formalize the administration of those funds between the U.S. Department of Housing and Urban Development (HUD) and the Department for the Section 811 Project Rental Assistance Demonstration Program; and

WHEREAS, staff believes that due to the complexity of this program, and considering the ongoing lack of an executed agreement, the Department will require flexibility in how it will proceed; and

WHEREAS, this flexibility includes Board authorization to move forward with specific next steps relating to the Section 811 Project Rental Assistance Demonstration Program, including: 1) Entering into a Cooperative Agreement with HUD for the Section 811 Project Rental Assistance Demonstration Program; 2) Releasing one or more Requests for Proposals and/or Requests for Information to procure software and/or vendors necessary to implement the Section 811 Project Rental Assistance Demonstration Program, and 3) Releasing one or more Notices of Funding Availability to solicit applications from multifamily properties to participate in the Section 811 Project Rental Assistance Demonstration Program.

NOW, therefore, it is hereby

RESOLVED, the Department is authorized to move forward with entering a Cooperative Agreement with HUD for the Section 811 Project Rental Assistance Demonstration Program conditioned on the Executive Director's satisfaction that the program can be cost-effective and reasonably successful in its implementation and review of the form of contract by Legal as to its acceptability,

FURTHER RESOLVED, the Department is authorized to release one or more Requests for Proposals and/or Requests for Information to procure software and/or vendors necessary to implement the Section 811 Project Rental Assistance Demonstration Program and to release one or more Notices of Funding Availability to solicit applications from rental properties to participate in the program, and

FURTHER RESOLVED, that the Executive Director, the Deputy Executive Director for Single Family Programs, Community Affairs Program, and Metrics, and each of them be and they hereby are authorized, empowered, and directed for and on behalf of the Department, to execute, enter into, deliver, and cause to be performed such documents, instruments, or writings as they or either of them may reasonably deem necessary or advisable to effectuate the foregoing.

BACKGROUND

On February 12, 2013, the U.S. Department of Housing and Urban Development (HUD) announced that TDHCA was one of 13 states selected to participate in the first ever Section 811 Housing for Persons with Disabilities Project Rental Assistance (PRA) Demonstration. This new Section 811 PRA Demonstration is designed to assist state housing agencies to expand integrated supportive housing opportunities for people with the most significant and long term disabilities, and was the centerpiece of the Frank Melville Supportive Housing Investment Act of 2010. The Governing Board approved authorization to apply for the funds on June 14, 2012, and TDHCA submitted an application in August 2012 in response to a competitive Notice of Funding Availability (NOFA).

On November 6, 2013, the Department received some of the initial draft documents related to the program for review by the Department. These draft documents, upon execution by the Department and HUD, will act as the guiding regulations for the program, since HUD has not promulgated rules yet. In order to move forward with implementation of the program based on the expectation of reaching satisfactory changes to the documents, staff is requesting permission today to move forward with several steps required to implement this new program.

First, once the negotiations on the Cooperative Agreement and related documents have been finalized, the Department will sign the agreement. As part of the implementation of the program, staff anticipates the need to procure HUD required software, called Tenant Rental Assistance Certification System (TRACS) and potentially other software to implement the program. The Department may also choose to procure an outside vendor to assist with the program software requirements. Staff is requesting permission to release a Request for Proposal and/or a Request for Information for these activities if needed.

The Department also anticipates releasing a Notice of Funding Availability (NOFA) to solicit interested TDHCA financed multifamily properties to participate in the Section 811 PRA program. Staff is requesting permission to release this NOFA.

Section 811 PRA Program Background

The Texas Department of Housing and Community Affairs (TDHCA) partnered with the State's Medicaid agency, the Health and Human Services Commission (HHSC), on the application for the

Section 811 PRA Demonstration Program. HHSC oversees four other agencies, Department of Aging and Disability Services (DADS), Department of State Health Services (DSHS), Department of Assistive and Rehabilitative Services (DARS), and Department of Family and Protective Services (DFPS); all of whom are partners in this program. The Department of Aging and Disability Services (DADS) is taking the lead for all of the Health and Human Service Agencies for this program. In this partnership, TDHCA contributes the housing voucher administration and expertise, while the health and human service agencies contribute the provision and coordination of services.

As part of the effort toward expanding supportive housing in Texas, the State of Texas pursued other funds as well. The State of Texas was one of six states selected for the Centers for Medicare/Medicaid Systems (CMS) Real Choice Systems Change Grant received in 2011. DADS and TDHCA partnered on the application for these funds. The State of Texas's application was selected, in part, because of its demonstrated on-going commitment to infrastructure change, innovation, and building sustainable partnerships to benefit low income persons with disabilities. As part of the CMS Real Choice Grant, the State created the 811 Team composed of TDHCA, HHSC, DADS, DFPS, DARS, DSHS, consumers of services, advocates, and housing providers/developers. The 811 Team held multiple meetings devoted to the identification of the populations to be served through the Section 811 PRA Demonstration Program.

Program Concept

Operationally, upon negotiation of a Cooperative Agreement with HUD, TDHCA will release a Notice of Funding Availability (NOFA) for rental properties funded with TDHCA programs in seven geographic areas specified in TDHCA's application. Properties awarded from the NOFA will enter into a rental assistance contract with TDHCA committing to, among other things, a set number of units that they will be willing to set aside for use by the target populations noted below. The Health and Human Service agencies specified above have local providers who will identify income-eligible clients (households earning at or below 30% Area Median Family Income) within the target populations that are in a position to transition into a stable housing unit. Those HHSC agencies will educate the client during this process and then refer the client to TDHCA for placement in a unit at a participating property of their choice. If there are no units available, clients will have the option of being placed on a waiting list for one or more of the properties (every property will have its own PRA waiting list). Upon being reached on a specific waiting list (or at first lease-up if applicable), the client will be notified. Assuming they satisfy any property level screening requirements and accept the rental assistance, the client will then sign a lease, move into their unit at that property, and a portion of monthly payments for the unit will begin being made to the property owner on that client's behalf, similar to the handling of a HOME Tenant Based Rental Assistance client.

Target Populations

Following extensive analysis and public input, including roundtables held in five cities, the 811 Team chose three target populations for the Section 811 PRA Demonstration Program. A property will need to accept referrals from all three population types.

1. **People with disabilities living in institutions.** People that wish to transition to the community from nursing facilities and intermediate care facilities for persons with intellectual disabilities may not have access to affordable housing in their community.
2. **People with serious mental illness.** These individuals are engaged in services but face challenges due to housing instability. Stable, integrated, affordable housing would enable these individuals to fully engage in rehabilitation and treatment, greatly improving their prospects for realizing their full potential in the community.
3. **Youth with disabilities exiting foster care.** Youth exiting foster care often become homeless, particularly without the stability of long-term housing and comprehensive support services.

Program Areas

Due to the large size of the State of Texas and the primary locations of concentrations of the three chosen populations, TDHCA will focus the agency's resources on seven geographic areas, all of which are Metropolitan Statistical Areas (MSAs) and are geographically dispersed statewide:

1. Austin-Round Rock-San Marcos
2. Brownsville-Harlingen
3. Dallas-Fort Worth-Arlington
4. El Paso
5. Houston-Sugar Land-Baytown
6. McAllen-Edinburg-Mission
7. San Antonio-New Braunfels

These MSAs were chosen because they are representative of the state's geographic, ethnic, and socio-economic diversity. Within the seven MSAs, TDHCA will be able to develop a Section 811 PRA Demonstration Program to effectively match qualified tenants with quality units. The State of Texas has identified that there are approximately 6,500 people from the target populations living in the seven identified areas. The awarded \$12 million is anticipated to provide approximately 385 Section 811 PRA vouchers that will fill six percent of the need in the seven areas.

The NOFA process, application review and selection of the eligible properties to participate will be completed by the Multifamily Finance Division in collaboration with the Housing Resource Center and other divisions. The long term oversight of the Program's administration will be overseen by the Deputy Executive Director for Single Family Programs, Community Affairs Program, and Metrics. Kate Moore is the Program Manager for the Section 811 PRA Program with assistance from Spencer Duran, who is funded from a grant received by TDHCA via DADS through the Money Follows the Person program.

3a

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for Masters Ranch was submitted to the Department on July 1, 2013;

WHEREAS, the proposed issuer of the bonds is the San Antonio Housing Trust Public Facility Corporation;

WHEREAS, the Certification of Reservation from the Texas Bond Review Board expires on April 13, 2014; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby

RESOLVED, that the issuance of a Determination Notice of \$808,526 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for Masters Ranch is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: The Certificate of Reservation from the Bond Review Board was issued under the Priority 2 designation which requires 80% of the units to be set aside for individuals who earn no more than 60% of the Area Median Family Income ("AMFI") and up to 20% of the units can be set aside as market rate; however, this development proposes all 252 units to be rent and income restricted at 60% AMFI. Masters Ranch, located in San Antonio, Bexar County, involves the new construction of residential units and the rehabilitation of an existing club house; which was previously part of a neighboring golf course. The development will serve the general population and is currently zoned appropriately.

Organizational Structure and Compliance: The Borrower is Masters SA Apartments, LP, and the General Partner is Masters Living GP, LLC, of which the sole member is San Antonio Housing Trust Public Facility Corporation, and is comprised of the following individuals: John Kenny, Diego Bernal, Rey Saldana, Ray Lopez and Carlton Soules. The Compliance Status Summary completed on November

25, 2013, reveals that the principals of the general partner have received 9 multifamily awards. There were no identified issues relating to material noncompliance.

Census Demographics: The development is to be located at 3435 E. Southcross Boulevard in San Antonio. Demographics for the census tract (1413.00) include AMFI of \$51,559; the total population is 5,591; the percent of population that is minority is 78.97%; the percent of the population that is below the poverty line is 18.88%; the number of owner occupied units is 1,053 and the number of renter units 866. (Census information from FFIEC Geocoding for 2013).

Public Comment: The Department received letters of opposition from State Representative Roland Gutierrez, who represents the district for the proposed development, and from Bexar County Commissioner Tommy Adkisson. Moreover, the Department received a letter of opposition from the president of the Highland Hills Neighborhood Organization and comments in opposition were received from what appears to be from the Pecan Valley Neighborhood Association.

The Department received letters of support from State Representative Jose Menendez, State Senator Leticia Van De Putte, Veterans of Foreign Wars of the United States Highland Hills Southeast Post 837, San Antonio Coalition for Veterans and Families and the Military Officers Association of America (Alamo Chapter). There were also support letters from 2 individuals and 1 business in the area and a letter from the Highland Hills and Pecan Valley Neighbors was submitted that expressed support for the development which included a petition of 144 signatures and further indicated that some of the residents initially signed a petition in opposition.

Moreover, a letter was submitted from State Representative Justin Rodriguez that affirmed the experience of the developer, the Brothers of Fallen Heroes submitted a letter supporting the effort to redevelop the Pecan Valley Golf Club (part of the overall redevelopment), the Veterans of Foreign Wars submitted a letter that expressed support for a development that provides support for veterans in the community. Copies of all of these letters are included behind this presentation.

Applicant Evaluation

Project ID # **13417U**

Name **Masters Ranch**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	9	Projects in Material Noncompliance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Projects grouped by score	0-9: 8	10-19: 1
Total # of MF awards not yet monitored or pending review:	1	Unresolved Audit Findings Identified w/ Contract(s) <input type="checkbox"/>		20-29: 0	
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance: <u>0</u>	Total monitored with a score 0-29:	<u>9</u>	
Total # of SF Contracts:	<u>0</u>				

Completed by: J. Taylor Reviewer: Patricia Murphy

Date: 11/20/2013 Date: 11/25/2013

Comments (if applicable):

Single Audit

Single audit review not applicable Late single audit certification form (see comments)
 Single audit requirements current Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date: 11/20/2013

Comments (if applicable):

Loan Servicing

No delinquencies found Delinquencies found (see comments)

Reviewer: Sandra Molina Date: 11/20/2013

Comments (if applicable):

Financial Services

No delinquencies found Delinquencies found (See Comments)

Reviewer: John M Tomme Date: 11/21/2013

Comments (if applicable):

Community Affairs

No identified issues Identified Issues (see comments)

Reviewer: Monica Guerra Date: 11/20/2013

Comments (if applicable):

Support Letters

Master's Ranch

TEXAS HOUSE OF REPRESENTATIVES

□ CAPITOL OFFICE:
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0634
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E-mail: jose.menendez@house.state.tx.us



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JOSÉ MENÉNDEZ

STATE REPRESENTATIVE

DISTRICT 124

The Honorable J Paul Oser
Chairman of the Board
Texas Department of Housing & Community Affairs
P.O. BOX 13941
Austin, TX 78711-3941

Dear Chairman Oser,

October 1, 2013

I understand that Home Springs Realty Partners is applying for funding for the 252 unity Master Ranch Apartments to be a part of the Valor Club development in San Antonio. I extend my full support to this development in a part of town that has seen little, if any, reinvestment and enhancement in over 40 years.

Master Ranch Apartments will be one of the largest affordable housing developments in Texas offering a full range of accessible living to persons with disabilities, particularly the growing number of Wounded Warriors who return home after serving our country and need this quality of safe, affordable housing in proximity to the medical care and therapy centers that are available here. Home Springs Realty Partners is well known for the high quality and long term maintenance of their affordable housing projects as is evident in the two Willow Springs developments that serve citizens in my district so well.

I know I join the majority of my colleagues in supporting affordable housing initiatives that provide an enhanced quality of life for young working families, senior citizens and in this case, disabled citizens, especially Veterans. Master Ranch Apartments will do that and more for the residents and the community and I strongly urge TDHCA's support for this application.

As Chairman of the House Committee on Defense and Veteran's Affairs I have become increasingly concerned that of the many initiatives Texas has established to assist those who so unselfishly have served our country, quality, affordable housing, for many reasons, has not yet been a state-wide priority. This development is an opportunity to lay the foundation for an increased role in addressing this demand and I am confident that you and the rest of the Board will be eager to support, and in the near future, visit this property that will be a part of a nation-leading effort in serving disabled Veterans. If you have any questions please do not hesitate to contact me and I thank you for your attention to this very important project.

Respectfully yours,

A large, stylized handwritten signature in black ink that reads "José Menéndez".
José Menéndez



The Senate of The State of Texas

Senator Leticia Van de Putte, R. Ph.

District 26

PRESIDENT PRO TEMPORE, 2013

September 30, 2013

RE: Home Spring Realty Partners
Valor Club

To Whom It May Concern,

Please accept this letter as evidence of my unequivocal support for Home Spring Realty Partners who is undertaking the development of the Valor Club which will include a 252-unit multi-family housing project, to be called the Master Ranch Apartments.

As Texas State Senator, I have seen the wonderful work that Home Spring Realty Partners has done here in District 26. Woodlawn Ranch Apartment Home community, situated on West Cheryl Drive, was formerly the site of the Chaminade Apartments. It was a community that had seen better days, yet it was home to many. At the time, I unequivocally supported this endeavor, and viewed it as the "spark" that was needed to ignite the revitalization effort which was part of the St. Mary's University and the City of San Antonio's five-year strategic plan.

The Chaminade Apartments were located in a wonderful neighborhood and thanks to the San Antonio Housing Trust Public Facility Corporation, the City of San Antonio, St. Mary's University, and Home Spring Realty Partners, we have community residents who now have a spectacular place to call, 'home,' the new Woodlawn Ranch Apartment Homes. If you have not already, please do take some time to visit.

Any community may rest assured that when Home Spring Realty Partners develops a community, it is one that will indeed change and transform the dynamics of a neighborhood. I'm excited that this opportunity will be possible for so many more residents of San Antonio!

Sincerely,


Leticia Van de Putte, R. Ph.

101 W. Nueva St., Suite 809
San Antonio, Texas 78205
(210) 733-6604
Fax: (210) 733-6605

E-MAIL: leticia.vandeputte@senate.state.tx.us

Committees: Veteran Affairs and Military Installations, *Chair*
Business & Commerce • Education • State Affairs

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Dial 711 For Relay Calls

TEXAS HOUSE OF REPRESENTATIVES



Justin Rodriguez District 125

September 2013

To Whom It May Concern,

It is my understanding that the development known as the Valor Club will include a 252-unit multi-family housing project called the Master Ranch Apartments. Furthermore, the proposed complex will be developed and managed by Home Spring Realty Partners, an organization I have had a very good experience with in recent years.

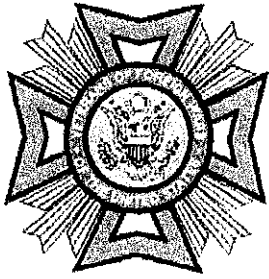
Home Spring Realty redeveloped the Woodlawn Ranch Apartments in my district from approximately 2010 to 2012. This was a project that called for a significant transformation as one of the centerpieces of the St. Mary's University Gateway District. It called for a complete demolition of then-existing structures and the construction of 252 new units.

Significantly, I was impressed not only by the quality of the project, but also the commitment Home Spring made to improving the quality of life in and around the development. With their help, walls and structures that were once marred with graffiti were restored to their original condition and various improvements, including drainage and sidewalk infrastructure, were implemented for public safety. Additionally, Home Spring took measures to ensure that existing tree canopy was not impacted.

Based on my experience, I can say with confidence that Home Spring Realty provided a high-quality project that has become a cornerstone of the redevelopment efforts in my district. Should you have any questions, please feel free to contact me at 512-463-0669.
Sincerely,

Justin Rodriguez
State Representative
District 125





VETERANS OF FOREIGN WARS OF THE UNITED STATES

Department of Texas
Cris Vieyra Jr.
District 20 Commander
San Antonio, Texas
210-827-3803

To: Mayor Julian Castro,
City of San Antonio

September 18, 2013

From: Cris Vieyra Jr.
Commander
Texas VFW District 20

Copy to: City Council District 1, Diego M. Bernal, City Council District 2, Ivy R. Taylor, City Council District 3, Rebecca J. Viagran, City Council District 4, Rey Saldana, City Council District 5, Shirley Gonzales, City Council District 6, Ray Lopez, City Council District 7, Cris Medina, City Council District 8, Ron Nirenberg, City Council District 9, Elisa Chan and City Council District 10, Carlton Soules

Subject: The Valor Club at Pecan Valley

District 20 in the Department of Texas Veterans of Foreign Wars is composed of 7800 members. We have 14 VFW Posts throughout the City of San Antonio and 6 Posts that are in the surrounding area like Poteet, Poth, Jourdanton, Lytle, Helotes, and Universal City.

I was invited to attend an open house at the Pecan Valley Golf Club House which displayed the plans for a fully accessible, 9 hole golf course as a center piece where wounded warriors and people with disabilities could enjoy the sport of golf. The golf course which is especially designed for wounded warriors and people with disabilities is only the first feature of this project. There will also be an affordable apartment complex, an "age in Place" retirement campus, a hike and bike trail, an Olympic and Paralympic style sports complex and a youth recreation and sports facilities. The Valor Club at Pecan Valley will meet the needs of Veterans which have given so much for their Country. The Valor Club is also located in close proximity to Brooke Army Medical Center in Fort Sam Houston where wounded warriors can be transported to enjoy and recover in this new facility.

San Antonio's reputation as "Military City USA" has always been well-deserved. The City of San Antonio and its communities have always been strong supports of the Military and its Veterans. As Commander of Texas VFW District 20 which represents all the VFW Post in San Antonio and surrounding areas, I encourage our city leaders and those involved in the Valor Club at Pecan Valley project to support this project and move forward with its development.

Respectfully,

Cris Vieyra Jr.

Commander

Department of Texas VFW District 20

Email: crisvieyra@yahoo.com



VETERANS OF FOREIGN WARS OF THE UNITED STATES
HIGHLAND HILLS SOUTHEAST POST 837
4436 Valleyfield Drive
San Antonio, Texas 78222-3719
vfwpost837@sbcglobal.net
Phone: 210-337-8893

August 29, 2013

TO Whom It May Concern,

In April 2013 I attended a meeting conducted by the Valor Club which was designed to provide details and seek neighborhood comments and suggestion on their plans to redevelop Pecan Valley Golf club, located in the Southeast corner of San Antonio. Later in the month I was honored to attend an open house at the Pecan Valley Golf Club House which displayed the entire plan which was to develop a fully accessible, 9-hole golf course as a center piece where wounded warriors and people with disabilities could enjoy the sport of golf. In addition the course would be opened to the public as well. The golf course was to be totally designed with special equipment which would cater to those special needs and would be family oriented.

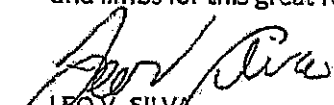
Additionally, the overall plan also included 252 affordable housing units, a gated community, a 250 unit "age-in place" retirement campus, a \$20 million multi-sport complex and community center all of which had the interest of disabled veterans and those with disabilities as first and foremost.

After various discussions with Valor Club management and staff, I walked away with a feeling that this was a great project which would be beneficial to the immediate locality and would bring a sense of pride, jobs and economic boost and would force the immediate business establishments and residents to clean up the area and maintain the area clean and in good repair as their effort to attract new and sorely needed business.

With Fort Sam Houston being in close proximity and being the premiere treatment center for the Wound Warriors undergoing long term and extensive medical treatment and rehabilitation, this project would certainly be ideal and centrally located for our wounded warriors to use and enjoy.

As Commander of Highland Hills Southeast Veterans of Foreign Wars of the United States Post 837 located nearby at 4436 Valleyfield Drive, and three Auxillary Units (Ladies, Men's and District 20 Motorcycle Group) I represent over 500 members. This project was presented to our members and posted on our VFW Post 837 Facebook to enable our members to understand and view the complexity of this worthwhile and important project for our community which is structured to support our veterans and their families.

At this time, I am deeply concerned that there appears to be no progress and hereby go on record as a staunch supporter of the Master Plan for the Valor Club at Pecan Valley. I encourage our city leaders and those involved in this project to seize this great opportunity and move forward with a sense of urgency. When completed this will be the only community of its kind in the United States. Those who bravely risked their lives and limbs for this great Nation deserve it.


LEO V. SILVA
Commander





BROTHERS OF FALLEN HEROES (BOFH)
7006 EAST Sulphur Springs Road
San Antonio, Texas 78263
(210) 430-6878

August 29, 2013

To Whom it May Concern,

I represent a Veterans Organization here on the Southside of San Antonio in close proximity of the proposed redevelopment of the Pecan Valley Golf Club.

Our mission is to honor our fallen Brothers; to remember the veterans of all the Armed Forces of the United States of America, regardless of campaign or war, to provide a wreath for our local fallen brothers and sisters; to assemble, as a unit, with other local chapters who request our support; to exhibit our displays, and provide support to the citizens and businesses of our community.

Our organization works closely with VFW Post 837 and in many cases combine our efforts to compete our programs and community projects. We are a non-profit corporation founded in San Antonio. We are a group of dedicated veterans who served in the United States Armed Forces and we joined together to honor and respect those in our Armed Forces and honor those Fallen while on active or after active duty.

In our efforts to support our veterans we are interactive with those in the community in need of VA benefits, food, housing, clothing, and medical care. As we interact with these individuals we have the opportunity to discuss issues such as the Projected Valor Club Project in Pecan Valley. Everyone we come in contact with supports that project as it clearly identifies the needs and interest which are inclusive of our wounded warriors, people with disabilities and the elderly who are always in search of recreation which is accommodating to their requirements and needs.

In behalf of our membership, I fully support the Project to redevelop the Pecan Valley Golf course into a fully accessible 9-hole golf course clearly designed with special equipment for people with special needs. We would be honored to support opportunities to get wounded warriors to from the facilities.


BERT HERNANDEZ
President



LYTLE MEMORIAL POST NO. 12041

P. O. Box 2139

Lytle, Texas 78052-2139

Chartered September 27, 2005

Dear sirs

I attended an open house in late August 2013 conducted by the Valor Club in San Antonio to reveal the Design with plans for redevelop Pecan valley Golf club which would help and assist our Veterans. As of This date no help or start for the support from any of our community leaders has been reported My post VFW 12041 Lytle Texas one of the strongest small post in the state of Texas with numerous young warriors understand that the values of such a complex for their support would give them access and enjoyment as their disabilities limits them in most areas. The excitement with help on the movement of further development gives my troops a better piece of mind knowing how the community supports them as they deserve the best for servicing for our country.

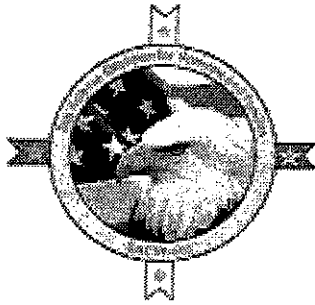
Larry Sanders-Commander

Lytle VFW Post 12041

Lytle, Texas 78052

830 709 0250

NO ONE DOES MORE FOR VETERANS.



SAN ANTONIO COALITION
FOR VETERANS AND FAMILIES

SAN ANTONIO COALITION FOR VETERANS AND FAMILIES

A 501c3 serving veterans and families

In South Texas

9 September 2013

Mayor Julian Castro
City of San Antonio
P.O. Box 839966
San Antonio, TX 78283

Dear Mayor Castro,

The San Antonio Coalition for Veterans and Families (SACVF), an organization whose mission is to serve our veterans and families of any era, in South Texas, wants to encourage your support of a project that will be coming before the Council later this month. It is one, that we feel would be of great benefit to our disabled veterans in the San Antonio/Bexar County area. We are referring to the proposed low cost, disabled friendly Masters Ranch at the Valor Club that would be built at the Pecan Valley Golf Course in District 3.

This facility would be made up of 252 new and affordable apartment homes that would include 84 specifically designed and targeted to handicapped accessible apartments for disabled veterans. In addition, there would be facilities for physical therapy, recreation and support services as our veteran heal from their wounds and prepare to re-enter civilian life. Part of this would be to retool the present golf course into a 9 hole facility friendly to the disabled.

It is our understanding, as well, that there is general support within the immediate community for this facility. Construction of the facility would also correct some serious drainage problems which have resulted in flooding of the surrounding area in the past.

We further understand that all studies and applications for funding of this project have been done and that it is just awaiting the formal awarding of HOME funds from the City of San Antonio. At completion of the complex, ownership would be under the San Antonio Housing Trust Board with further continued compliance to state regulations.

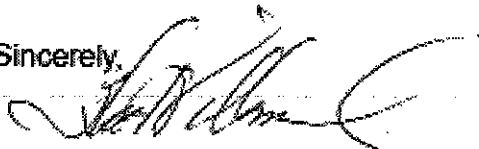
8622 Cheviot Heights, San Antonio, TX 78254-2302
210-347-1567 or 210-416-0302

hectorvillarreal38@yahoo.com

redlegs48@gmail.com

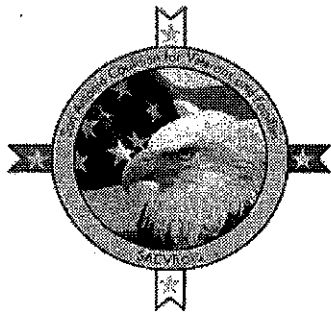
All in all, this would appear to be a further example of San Antonio living up to its reputation of being "Military City USA" and something that would be of great benefit to the veteran community and your District. We encourage your support for this project.

Sincerely,



LTC Hector Villarreal, USA (Ret)
Chairman
San Antonio Coalition for Veterans and Families

Major James R. Cunningham, USAR (Ret)
Vice Chairman
San Antonio Coalition for Veterans and Families



SAN ANTONIO COALITION
FOR VETERANS AND FAMILIES

HELPING OUR VETERANS AND THEIR FAMILIES

SAN ANTONIO COALITION FOR VETERANS AND FAMILIES

A 501c3 serving veterans and families

In South Texas

9 October 2013

Rebecca J. Viagran
District 3 Councilwoman
City of San Antonio
P.O. Box 839966
San Antonio, TX 78283

Dear Ms. Viagran,

The San Antonio Coalition for Veterans and Families (SACVF), an organization whose mission is to serve our veterans and families of any era, in South Texas, wants to encourage your support of a project that will be coming before the Council later this month. It is one, that we feel would be of great benefit to our disabled veterans in the San Antonio/Bexar County area. We are referring to the proposed low cost, disabled friendly Masters Ranch at the Valor Club that would be built in your District at the Pecan Valley Golf Course.

This facility would be made up of 252 new and affordable apartment homes that would include 84 specifically designed and targeted to handicapped accessible apartments for disabled veterans. In addition, there would be facilities for physical therapy, recreation and support services as our veteran heal from their wounds and prepare to re-enter civilian life. Part of this would be to retool the present golf course into a 9 hole facility friendly to the disabled.

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8622 Cheviot Heights, San Antonio, TX 78254-2302

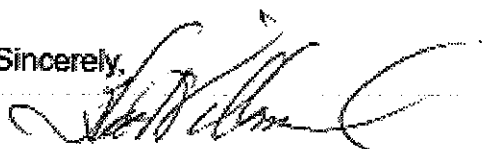
210-347-1597 or 210-416-0502

hectorvillarreal38@yahoo.com

redlegs48@gmail.com

All in all, this would appear to be a further example of San Antonio living up to its reputation of being "Military City USA" and something that would be of great benefit to the veteran community and your District. We encourage your support for this project.

Sincerely,



LTC Hector Villarreal, USA (Ret)
Chairman
San Antonio Coalition for Veterans and Families

Major James R. Cunningham, USAR (Ret)
Vice Chairman
San Antonio Coalition for Veterans and Families



MOAA

Military Officers Association of America

ALAMO CHAPTER

9 October 2013

Mayor Julian Castro
City of San Antonio
P.O. Box 839966
San Antonio, TX 78283

Dear Mayor Castro,

The Alamo Chapter of the Military Officers Association of America (Alamo MOAA) an advocacy organization made up of officers, warrant officers, spouses and widows of active duty, having served and retired whose mission is to advocate for benefits earned by all of our veterans, wants to encourage your support of a project that will be coming before the Council later this month. It will benefit to our disabled veterans in the San Antonio/Bexar County area. We are referring to the proposed low cost, disabled friendly Masters Ranch at the Valor Club that would be built in your District at the Pecan Valley Golf Course.

This facility would be made up of 252 new and affordable apartment homes that would include 84 specifically designed and targeted to handicapped accessible apartments for disabled veterans. In addition, there would be facilities for physical therapy, recreation and support services as our veteran heal from their wounds and prepare to re-enter civilian life. Part of this would be to retool the present golf course into a 9 hole facility friendly to the disabled.

We understand that there is general support within the immediate community for this facility. Construction of the facility would also correct some serious drainage problems which have resulted in flooding of the surrounding area in the past.

We further understand that all studies and applications for funding of this project have been done and that it is just awaiting the formal awarding of HOME funds from the City Council.

P.O. Box 340497
San Antonio, TX 78234-0497
Phone 210-228-9955
Fax: 210-228-9955
Email: moaa-ac@sbcglobal.net

All in all, this would appear to be a further example of San Antonio living up to its reputation of being "Military City USA" and something that would be of great benefit to the veteran community. We encourage your support for this project.

Sincerely,

Major James R. Cunningham, USAR (Ret)
President
Alamo Chapter of the Military Officers Association of America



ALAMO CHAPTER

9 October 2013

Ms. Rebecca J. Viagran
District 3 Councilwoman
City of San Antonio
P.O. Box 839966
San Antonio, TX 78283

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Sincerely,

Major James R. Cunningham, USAR (Ret)
President
Alamo Chapter of the Military Officers Association of America

October 7, 2013

San Antonio City Manager, Mayor and City Council Members
City Hall – 100 Military Plaza
P.O. Box 839966
San Antonio, TX 78283

City Manager Scully, Mayor Castro, Councilwoman Viagran, and
Councilmembers

My wife and I have lived adjoining the Pecan Valley Golf Course, while owning our own home, for over 40 years. I am a retired San Antonio Police Officer and my wife is a retired San Antonio school teacher.

When the golf course first closed we were told that there would be hundreds of section 8 apartments built on the property and we could not support that. Since then, we have been invited to and have attended 2 open houses and 1 luncheon where The Valor Club development was laid out for us. After seeing first hand that the plan includes 252 gated apartments, an adapted 9 hole golf course, the Salado Creek Hike and Bike Trail, a Valordome and a Retirement Village, we are now very much in favor of this development. In fact, we can't imagine why anyone would oppose a project for veterans, the elderly, children and families. There are not only benefits for veterans but also extensive economic development for the southeast side of town. Why would anyone want to oppose economic development in San Antonio?

It has come to our attention that the Highland Hills and Pecan Valley Neighborhood Associations actively opposed this project. We are the residents most directly affected by this development, not those who do not live anywhere near the property to be developed. This is a case of a few, on the association boards, being vocal but not necessarily representing those who are affected most.

My correspondence today is to let you know that they do not speak for my neighbors and my family. We are in favor of The Valor Club development knowing it will not only benefit veterans and wounded warriors, but the entire community, as well as the City of San Antonio.

The attached pages represent just a few of my neighbors that live near the property to be developed, along with other supporters in our community who are in favor of this project.

Nothing positive in the way of development has occurred in neighborhood for many years. We need this development.

We respectfully ask that you would enthusiastically support this project.

Sincerely,

Shelton W. Spears
720 Hull Street
San Antonio, Texas 78223

210 884-1713

sspears@satx.rr.com

Highland Hills/Pecan Valley Neighbors

September 21, 2013

Mayor and Council
City Hall – 100 Military Plaza
P.O. Box 839966
San Antonio, TX 78283

Mayor Castro, Councilwoman Viagran, and Councilmembers,

We are residents who live on and adjacent to the Pecan Valley Golf Course. When the course first closed, we were told that there would be hundreds of section 8 apartments built and obviously we were against that, some of us even signed petitions against this development.

Since then, we have been invited and attended 2 open houses and 1 luncheon where The Valor Club development was laid out for us. After seeing first hand the plan that includes 252 gated apartments, an adapted 9 hole golf course, the Salado Creek Hike and Bike Trail, Valordome and Retirement Village, we are now very much in favor of this development.

It has come to our attention that our Neighborhood Association has actively opposed this project, without ever speaking to us. We are the residents most directly affected by this development. We can only assume that there are very few that are in leadership at the Association that are against this and they are choosing to speak on behalf of the entire neighborhood.

Our correspondence today is to let you know that they do not speak for us. We are in favor of The Valor Club development knowing it will not only benefit veterans and wounded warriors, but the entire community.

Nothing positive in the way of development has happened in this part of town for 30 years. This project will have a positive impact to the economy of the south side and specifically the Southcross Blvd. and Pecan Valley neighborhood.

We respectfully ask that you would enthusiastically support this project.

Sincerely,

The Highland Hills and Pecan Valley Neighbors (Signatures attached)

9/19/2013

The Honorable Julian Castro
Mayor of San Antonio

Dear Mayor,

I would like to submit positive comments regarding the proposal for the development of the Valor Club at Pecan Valley in San Antonio, TX. I can't express how satisfying and welcoming this news is to me based on my experience regarding the special needs community. This program provides a unique prospect to once again elevate the notable Pecan Valley golf course to a recognized entity, not just in San Antonio, but at a national and international level. What a great opportunity to establish a legacy once again for that famous property!

I had the fortune of being the General Manager during the development and opening of Morgan's Wonderland - the world's first theme park designed for the special needs community - here in San Antonio. In our first year of operation, we had visitors from 38 states and 14 foreign countries. By the end of the second year of operation we had visitors from all 50 states and a total of 25 foreign countries. The response from our guests was overwhelming appreciation for the chance to provide a "first in their life" experience for family members. San Antonio was heralded nationwide for this iconic breakthrough project geared for the special needs community. I know of two families who relocated here (one from Corpus Christi, one from California) due to the existence of Morgan's Wonderland and the welcoming environment of San Antonio.

I applaud the efforts and mission of the Valor Club and see it as a true asset to San Antonio. This project will bring yet additional exposure to our community as one which embraces and serves those who currently have limited options. At the Valor Club, these patrons will experience fulfilling lives for themselves and their families via transitional and long term care. Similar to the special needs community, the disabled veterans are perceived as heroes, but falsely seen as limited in their potential. The Valor club will be a community that welcomes those who have served our country and who deserve the best possible care and enrichment. Please support the Valor Club at Pecan Valley and provide yet another reason to elevate the stature of San Antonio.

Respectfully,

Dave Force
Former General Manage/Morgan's Wonderland

FROM THE DESK OF
REBA MALONE

September 27, 2013
The Hon. Julian Castro
Mayor, City of San Antonio

Dear Mayor Castro,

I understand that there are an items coming up on the council agenda for Masters Ranch at Pecan Valley. I wanted to let you know that I am in favor of doing anything to move this project forward. I believe this project will bring jobs and economic growth to our area as well as provide housing for wounded and retired veterans.

Please vote in favor of the Masters Ranch at Pecan Valley Development.

Sincerely yours,

Reba Malone

210.912.1367

Highland Hills/Pecan Valley Neighbors

September 21, 2013

Mayor and Council
City Hall – 100 Military Plaza
P.O. Box 839966
San Antonio, TX 78283

Mayor Castro, Councilwoman Viagran, and Councilmembers,

We are residents who live on and adjacent to the Pecan Valley Golf Course. When the course first closed, we were told that there would be hundreds of section 8 apartments built and obviously we were against that, some of us even signed petitions against this development.

Since then, we have been invited and attended 2 open houses and 1 luncheon where The Valor Club development was laid out for us. After seeing first hand the plan that includes 252 gated apartments, an adapted 9 hole golf course, the Salado Creek Hike and Bike Trail, Valordome and Retirement Village, we are now very much in favor of this development.

It has come to our attention that our Neighborhood Association has actively opposed this project, without ever speaking to us. We are the residents most directly affected by this development. We can only assume that there are very few that are in leadership at the Association that are against this and they are choosing to speak on behalf of the entire neighborhood.

Our correspondence today is to let you know that they do not speak for us. We are in favor of The Valor Club development knowing it will not only benefit veterans and wounded warriors, but the entire community.

Nothing positive in the way of development has happened in this part of town for 30 years. This project will have a positive impact to the economy of the south side and specifically the Southcross Blvd. and Pecan Valley neighborhood.

We respectfully ask that you would enthusiastically support this project.

Sincerely,

The Highland Hills and Pecan Valley Neighbors (Signatures attached)

Betty Hogan
3122 Ramsey Circle
S.A. TX 78223


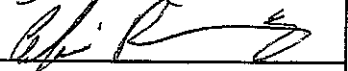
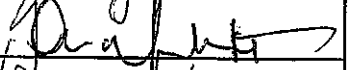
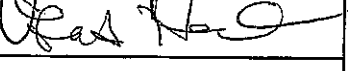
Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Shirley Southern	716 Hull St	210-643 7150	<i>Shirley Southern</i>
Abe VIMARIAL	718 HULL ST.	210-262-2984	<i>[Signature]</i>
SHELTON SPEARS	720 HULL ST.	210-884-1713	<i>Shelton Spears</i>
Cathy Speers	720 Hull St.	210-884-1713	<i>Catherine Speers</i>
JOE S. GARCIA	704 FOX ST	210-359-6251	<i>Jose Garcia</i>
ROSEMARIE G. GARCIA	704 FOX ST	210-359-6251	<i>Rosemarie Garcia</i>
Jerry Dudek	638 Prestwick	210-333-0592	<i>Jerry Dudek</i>
Alice Dudek	638 Prestwick	210-333-0592	<i>Alice Dudek</i>
Carlos Gomez	630 630 prestwick	210-605-9608	<i>Carlos Gomez</i>
Rosie Gomez	630 prestwick	210-605-9608	<i>Rosie Gomez</i>
LOUDIE JOHNSON	618 PRESTWICK	210 333-7300	<i>Louise Johnson</i>
Joanita Aguilera	610 prestwick	210 429 4358	<i>Joanita Aguilera</i>
Rosa E. Suarez	603 Prestwick	210 842 0584	<i>Rosa E. Suarez</i>
Carmen Garza	700 FOX ST	210 371 0325	<i>Carmen Garza</i>

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
VERNIE SHUBERT	723 PRESTWICK	210 317-0552	Vernie Shubert
DOROTHY SHUBERT	723 PRESTWICK	210-313-0052	Dorothy Shubert
Sherry Gomez	710 Prestwick	210-290-1615	
Jasmine Benanga	746 Prestwick Blvd	210-687-5415	Jasmine Benanga
Nerlinda S. Lerma	750 Prestwick	(210) 333-6270	Linda Lerma
Samuel Lerma	" "	" "	Samuel Lerma
Albe Ramirez	" "	" "	
Judy H Solis	3611 Woodville	210-359-4654	Judy Solis
John Mendoza	611 Prestwick	210-240-0822	
Fred Hender	815 Prestwick	210-333-8362	
JIMMIE L. BLEVIN'S	627 Prestwick	210-333-7449	Jimmie Blewin
Kathy Hubbell	627 Prestwick	210-333-7449	Kathy Hubbell
Joyce Bohmert	639 Prestwick	210 333-0835	Joyce Bohmert
Gary Bohmert	" "	" "	Gary Bohmert
Lilla Rodney	642 Prestwick	333-6950	Lilla Rodney
Brenda Gibbens	619 Prestwick	843-1916	Brenda Gibbens
Kathy Felix	623 Prestwick	860-3582	Kathy Felix

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Amada Guerra	3627 Woodville Dr.	210-887-4683	A. Guerra
Laura Bates	711 Prestwick Blvd		Laura Bates
Julia Castro	711 Prestwick Blvd		Julia Castro
James Nement	643 Prestwick		James
Carmen Iborralbe	3614 Woodville		C. Iborralbe
CADUELL WILSON	3606 WOODVILLE		C. Wilson
Virginia Barnes	3603 Woodville		V. Barnes
Alexis Gonzales	3602 Woodvilles		Alexis Gonzales
DON LACKEY	3519 Woodville		Don Lackey

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Wanda [unclear]	2416 Jupe	²¹⁰ 815-5484	[unclear]
Sherry [unclear]	218 Little San Antonio	322-4710	[unclear]
Jarrett Leath	5470 Copperhead Ln	²¹⁰ 282-4633	Jarrett Leath
Hinda I. Huble	3010 Jupe SA, TX ⁷⁸⁷³²	430-6586	Hinda I. Huble
Andrew Castello	5455 Copperhead Ln.	215-4320	Andrew Castello
Diana Burton	138 Hartford	425 6254	Diana Burton
Charles Todd	378 ANTON DR	333-7602	Charles E Todd
Richard Chodry	429 Hansford DR	434-8189	[unclear]
Albert Duran	526 Kate Scheidt	318-3397	Albert Duran
Lucy Moreno	4510 Clear Spring Dr	355 9375	[unclear]
Manuel Coronado	166 Bristo St.	843-8897	Manuel Coronado
Gabriel Tapia	247 Hatcher	740 7043	Gabriel Tapia
Seal [unclear]	1029 N. [unclear]	398 4197	[unclear]
Roberto Zapata	138 Hartford	425-6256	Roberto Zapata
Rodolfo Guzman	255 Parchman	⁸³⁰⁻ 534-5227	[unclear]
[unclear]	255 Parchman	²¹⁰ 247-1281	[unclear]
JR Rickerson	7109 Leslie Rd. SA 78254	363-2399	JR Rickerson

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Ray Anderson	7331 E Loop 1604	210 778-9247	Ray Anderson
Christina Wallace	1163 Arroyo Encino	210 216-2792	Christina Wallace
Debra Flores	9534 Summerbrook	887-7494	Debra Flores
Adam Matiza	51221 Peachman	210 381 8033	Adam MATIZA
Etta Seabers	4406 Avenida Prime	210 781-7033	Etta Seabers
Feri Sanchez	323 Bonair Rd	210 323 2829	Feri Sanchez
Barry D Anderson	115 Goodell	210 430-5964	Barry D. Anderson
Sarah S. Martinez	134 Gaiety	210 818-5655	Sarah S. Martinez
Key Estrada	126 Glenoak	210-772-6256	Key Estrada
Beatriz Neves	210 Stolnet	210 602 2866	Beatriz Neves
Santos Estrada	547 Holmgreen	210 257 5823	Santos Estrada
Maria M. J.	8221 Grand Bend	885-3409	M. J.
Carlos M. J.	8221 Grand Bend	885-3409	M. J.

Highland Hills/Pecan Valley Neighbors

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Name	Address	Phone #	Signature
Reka Malone	807 KASHMIR Ln SA - 78223	210-912 1367	Reka Malone
Mary V. Holub	4327 Forest Green SA, TX 78222	210-333- 2915	Mary V. Holub
Thelma Dutton	1139 McKinley Lane SA TX 78210	534-0989	Thelma Dutton
Carol Ann Hughes	4710 Pecan Grove Drive SA, TX 78222	333-4777	Carol Ann Hughes
Henri Louise Battle	8222 Shumard Oak Dr S A, TX 78223	337-5090	Henri L. Battle
MARK HUDSON	3859 E SOUTH CROSS #H SAN ANTONIO TX 78222	399-2980	M
Neesie Beal	5797 New Sulphur Spr. Rd, SAT TX 78222	648-4920	Neesie Beal
Marie J. Horn	243 Flower San Antonio Texas	534-4154	Marie Horn
Irene Hernandez	2215 Biolith Rod SAN ANTONIO TX 78224	210 922-7176	Irene Hernandez
Brenda L. Fox	238 Killarney Dr, SA 78223	337-2170	Brenda L. Fox
Grace E. Emery	1415 Sage Run SA 78253 78209	875-6919	Grace E. Emery
SHARON DUKES	512 RITTIMAN Rd SA 78223	828-3721	Sharon Dukes
CORA "CJ" RIOS	503 PLOKWELL Dr	362-6316	CJ Rios
Chin Jimenez	2915 Spokane SA TX 78222	210 3731139	Chin Jimenez
Cof	5200 Old Army Rd W	210 337-3662	Cof

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Kate Leigh	144e Croopers	533-5713	Kate Leigh
Victor Votaw	6667 Harry Rd.	(210) 825-6455	Victor Votaw
Dorothy Lachin	4203 Desert Blvd	333-5372	Dorothy Lachin
Markiev Lzano	958 ARANSAS	5331679	Markiev Lzano
Cherry Beggay	7947 Lassus	3650351	Cherry Beggay
Matt	4355 E. SOUTH CROSS	(210) 585-1525	Matt
Laura Elaine St. Lawrence	4355 E. Southcross #2	(210) 606-0355	Laura Elaine St. Lawrence
Amelia Rios	318 Suklot	365-7660	Amelia Rios
Paul Wilson	2022 E. Southcross	534-4827	Paul Wilson
Ronald Quinto	1438 Veg	333372	Ronald Quinto
Martha Mann	407 Golden Crown		Martha Mann
Edward Reinhard	622 W E Dargal	533-0440	Edward Reinhard
Duff Moy	3702 Skyridge	533 5593	Duff Moy

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Cyndi Utley	4436 Valleyfield	830-534-2591	<i>Cyndi Utley</i>
Robert Utley	4436 Valleyfield	830-534-9658	<i>Robert Utley</i>
Roland BELKIN	4700 Spring Valley #601	210-685-0951	<i>Roland Belkin</i>
EDWARD HALLET	5838 Wychiff - 78220	210-648-0840	<i>Edward Hallett</i>
Virginia Orlitz	4255 Valleyfield	210-337-4776	<i>Virginia Orlitz</i>
CHARLES POSEY	4215 Billy James		<i>Charles Posey</i>
LITTLE JOHNSON	10731 GREEN TRAIL ST 78223	210-633-2105	<i>Little Johnson</i>
JAMES POSEY			<i>James Posey</i>
MARIA S. SALAZAR	6022 Pleasant Manor		<i>Maria S. Salazar</i>
RUDY CAVALIAL	4234	386 2630	<i>Rudy Cavalial</i>
Aron Manska	2114 E Southcross Blvd	210-249-2409	<i>Aron Manska</i>

Highland Hills/Pecan Valley Neighbors

We the undersigned are in full support of The Valor Club development to include a 9-hole accessible golf course, 252 gated apartments, The Valordome sports complex, Salado Creek Hike and Bike Trail, Retirement Village and Park.

Name	Address	Phone #	Signature
Leo V. Silva	2626 Lake ALTAIR S.A. TX 78222	363-4878	<i>[Signature]</i>
Kiyue Y. Silva	2626 Lake ACTAIA San Antonio 78222	648-7556	<i>[Signature]</i>
D.C. BITIS	246 GAYLE AVE.	333-2528	<i>[Signature]</i>
Michael C. Valdez	511 COSGROVE	542-2067	<i>[Signature]</i>
Alfred Davila	5923 Lake VICTORIA 2	210-648-3557	<i>[Signature]</i>
CHRIS KOEPP	8715 Starwood S.P. TX	210-599-9063	<i>[Signature]</i>
MARY JOE DZIERZANOWSKI	ST. HEDWIG TX 78152 12384 ST. HEDWIG Rd. #2	210 215 2431	<i>[Signature]</i>
O.P. Austin	147 HATCHER	210-333-7100	<i>[Signature]</i>
MANUEL Sanchez	1400 CLAMP	210 736 9143	<i>[Signature]</i>
ARNULFO M. HERNANDEZ JR	502 HOLMGREEN	210 978-3099	<i>[Signature]</i>
CARLOS SANCHEZ	503 Holmgreen	210-309-7751	<i>[Signature]</i>
Samuel D. Cullins	4247 VALLEYFIELD	210-632-8022	<i>[Signature]</i>
RONALD A ROBINSON	4247 VALLEYFIELD	830 393 0985	<i>[Signature]</i>
Shirley McAdams	5526 Diamondback Tr.	210-748-2500	<i>[Signature]</i>
MARIANNE CULLINS	4247 VALLEYFIELD TX	210-632-8022 210-527-	<i>[Signature]</i>
J. R. Castillo	2726 LAKE MEADOW	210 277-7823	<i>[Signature]</i>
LARRY W. KENDALL	4247 VALLEYFIELD, SA, TX	210-903-4081	<i>[Signature]</i>

Highland Hills/Pecan Valley Neighbors

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Name	Address	Phone #	Signature
Victor Votion Jr	6667 Harry Rd.	825-6455	Victor Votion Jr
Susan Smith	407 E Vestal	400-2869	Susan Smith
Alice Korzekwa	458 Shrine	922-8330	Alice Korzekwa
Gail Thompson	2627 Barton Hill ^{Pulverde} TX	830-980-3030	Gail Thompson
Joaquin Ramirez	2623 MANTICELLO CT	210-332-2124	Joaquin Ramirez
Celestina Ramirez	2623 Monticello	210-355-5386	Celestina Ramirez
Edward C. Miller	203 Juniper	210-569-2098	Edward Miller
Rebecca Esquivel	6639 ⁵ NEW BRAUNFELS #1710	210-639-7105	Rebecca Esquivel
Marialyn Hernandez	2819 Snowwhite Rd SATX	210-276-0501	Marialyn Hernandez
Carmen M. Leijn	107 JO Marie	317-5722	Carmen M. Leijn
Norma Garcia	326 Glenoak	337-2152	Norma Garcia

Opposition Letters

Master's Ranch

The State of Texas
House of Representatives

CAPITOL OFFICE
P.O. Box 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0452
FAX (512) 463-1447



DISTRICT OFFICE
3319 SIDNEY BROOKS
BUILDING 510, SUITE 2
SAN ANTONIO, TEXAS 78235

ROLAND GUTIERREZ
STATE REPRESENTATIVE • DISTRICT 119

Ms. Teresa Morales
Multifamily Division Manager
Texas Department of Housing and Community Affairs (TDHCA)
PO Box 13941
Austin, TX 78701-3941

August 25, 2013

Dear Ms. Morales:

Along with the Constituents of State District 119, I oppose the application submitted to TDHCA for Private Activity Bonds and Housing Tax Credits for the property located at 3435 E. Southcross Blvd., San Antonio, TX 78223. The proposed project is for 100% low income housing.

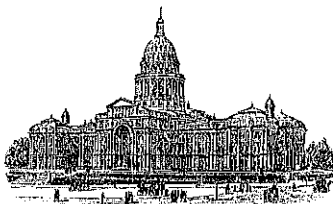
I represent the residents who live adjacent and near to this property. Many of these homeowners are the original residents, now seniors, who take much pride in their neighborhood and have struggled and worked to maintain a strong neighborhood structure. They are leaders in their neighborhoods and are opposed to new or renovated developments that consist of 100% low-income housing units. This area has suffered long enough with the existing low income housing developments and does not need or require another development as proposed.

I understand that the Highland Hills Neighborhood Association as well as the Pecan Valley Neighborhood Association have or are planning to submit letters of opposition to this application. I stand by these Neighborhood Associations and ask that the TDHCA deny this or other similar applications for this area. Should you have any questions, or need further information from my office, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Roland Gutierrez".

Roland Gutierrez



71EM230 14A9

The State of Texas
House of Representatives

CAPITOL OFFICE
P.O. Box 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0452
FAX (512) 463-1447



DISTRICT OFFICE
3319 SIDNEY BROOKS
BUILDING 510, SUITE 2
SAN ANTONIO, TEXAS 78235

ROLAND GUTIERREZ
STATE REPRESENTATIVE • DISTRICT 119

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Sincerely,

A handwritten signature in black ink, appearing to read "Roland Gutierrez".

Roland Gutierrez



ROLAND.GUTIERREZ@HOUSE.STATE.TX.US

71523 14A9



September 24, 2013

The Honorable Roland Gutierrez
State Representative District 119
3319 Sidney Brooks
Building 510, Suite 2
San Antonio, Texas 78235

DELIVERY BY LONE STAR OVERNIGHT AND E-MAIL

RE: Master Ranch Apartment Homes
At The Valor Club Master Development
E. Southcross Blvd, San Antonio, Texas 78223

Dear Representative Gutierrez,

We have been provided your letter of opposition to our Masters Ranch Apartments. Your letter appears to be the unfortunate product of a lack of understanding the unique nature of Masters Ranch Mission to primarily serve our City's Veteran's, Wounded Warriors, Seniors and Persons with Disabilities at the Valor Club using the Housing Tax Credit Program designed for this very special constituent.

In response to your letter of August 25, 2013 to Texas Department of Housing and Community Affairs in opposition to the application for Masters Ranch Apartments:

- The First Development of its kind in the country, The Valor Club Campus designed to provide housing and recreational facilities for wounded veterans and the disabled, as well as working families, and senior citizens, requires Masters Ranch to provide the transitional and permanent housing for the Master planned veteran centric development.
- Masters Ranch will be an integral housing piece adjacent to The Valor Club at Pecan Valley, only the second golf course in the United States designed specifically for the wounded veteran.
 - Essential to the physical, mental, and emotional wellbeing of every soldier returning from combat is being able to communicate and interact with other military personnel with similar experiences, particularly in a recreational setting.
 - The Valor Club campus will include an independent living and assisted living retirement community and an indoor multiuse Olympic and Paralympic training facility.
 - This campus will create quality, safe, affordable housing and recreational facilities to ease the soldier's transition back into civilian life.

- And Masters Ranch and the Valor Club will say thanks to the thousands of returning wounded soldiers, ninety-three percent of whom are enlisted personnel, and to the two hundred and nine thousand veterans living in San Antonio.
- Masters Ranch Apartments will be 252 new, modern, energy efficient, safe, affordable homes for working families, senior citizens, and veterans, including 84 specifically designed and targeted handicapped accessible units for disabled civilians and military personnel.
- Masters Ranch Apartments will be owned by the City of San Antonio Housing Trust, not a private entity.
- The five City Council members comprising the Housing Trust board voted unanimously to develop Masters Ranch Apartments.
- The community will be built using private activity bonds and tax credits. Neither the bonds nor the tax credits are the obligation of the city, county, state or federal government. The sole security for the financing is the property.

What Masters Ranch is NOT.

- ❖ It is not opposed by the majority of the real stake holders in the Highland Hill subdivision.
- ❖ Is not built in a flood zone and will NOT contribute to any additional flooding along the Salado Creek.
- ❖ It is not "section 8" housing.
- ❖ It will not detract from the surrounding community.
- ❖ It is not opposed by heritage and adjacent land owners.
- ❖ It is not opposed by the local business community.
- ❖ It is not being constructed for traditional investment strategies.

What Masters Ranch IS

- ❖ Mission Based Housing ownership in a Public (COSA)/Private Partnership with large operating reserves and local and state oversight.
- ❖ Professionally managed under a long term contract.
- ❖ The first high quality 252 unit multi-family housing development along E. Southcross road in over 40 years.
- ❖ The creation of hundreds of construction jobs, bring in new permanent employers, generate millions in payroll (approx. \$9,000,000), and introduce hundreds of new customers to local businesses.
- ❖ Transitional and permanent housing for the active and veteran's with special challenges.
- ❖ Providing 1/3 of its rental units built to fully Uniform Federal Accessibility Standards (UFAS).
- ❖ Full amenity package for residents including:
 - Carports Available
 - 9' ceilings
 - Exterior storage
 - Clubhouse
 - Community room
 - Business center
 - Sparkling pool
 - Gazebo with sitting area
 - Sport court
 - Central air/heat
 - Full perimeter fence with gate system
 - Complete workout/rehab facility
 - Brick / Stucco / Metal Roof
 - Community laundry room
 - Washer/dryer connections
 - Patios/balconies
 - Service coordinator office
 - Health screening room
 - Children's playscapes
 - Barbecue grills with picnic tables

- Fire sprinklers in all rooms
- Wheelchair accessible swimming pool
- Microwave ovens
- Covered community porch
- Refrigerator with icemaker

- ❖ The Manager, HomeSpring Residential will provide written criteria at the time of application. Some of the HomeSpring required qualification criteria includes:
 - Checking Criminal Backgrounds.
 - Previous Rental History.
 - Credit Report.
 - Employment and/or Income Verifications.
 - **Unlike the adjoining neighborhoods**, we will not allow sex offenders or people with crimes against people on property.

What the Valor Club IS

- ❖ It is a Master Plan development targeting the persons with disabilities from the veteran and active military community.
- ❖ It is a fully accessible golf course designed specifically for the disabled, particularly disabled veterans and senior citizens.
- ❖ It is a first class apartment complex (Masters Ranch).
- ❖ It is an “age in place” retirement campus.
- ❖ It is the extension of the Salado Creek hike and bike trail.
- ❖ It is an Olympic and Paralympic sports complex.
- ❖ It is a new youth recreation and sports facilities.
- ❖ It is new, modern residences and recreational facilities for hundreds of working families, senior citizens, the handicapped and wounded soldiers.

We would have hoped to have gotten the meeting we were promised prior to your authoring the letter of opposition. Beginning October 2012 we started reaching out to your office to seek an appointment to discuss this development in detail and to be sure your information was not solely through the lens of the “opposition fog of misinformation”. In November of 2012 you encountered our community liaison, Ms. Gloria Martinez, at a social gathering at a private home at the Dominion. At that time you asked her to contact your office and set up a meeting to learn more about the Valor Club Development. Working through your Ms. Francis Wallace, Ms. Martinez has tried no less than 18 times through continued follow on calls to make the meeting you promised her. Unfortunately your opposition letter was written while we were still waiting for an opportunity to clarify and answer questions.

We notified your field office of two community wide open houses we hosted over the last 18 months seeking your participation. Much to your field office’s credit, your Mr. Tom Daniels came to the 2nd open house and learned more about the project and saw the neighborhood turn out. In furtherance to our continued hope to engage you personally, we (I, Gloria Martinez and Jill DeYoung) stopped by your capital office at the beginning of the 83rd legislative session to be sure your staff and you knew that we were ready to meet anytime regarding the Valor Club development.

We openly challenge the representation that the two letters written by the Pecan Valley and Highland Hills Neighborhood Associations to TDHCA that the associations actually express the will of the majority of the residents in the area. The real stakeholders/homeowners bordering the golf course that have been educated on the Valor Club overwhelmingly support the Valor Club development.

711050

Regardless, we can only talk to those who will talk to us. I would hope you would reconsider a meeting with us before the end of September or shortly thereafter and listen to the real truths about the Valor Club and the Masters Ranch Community Partnership Plan and its potential impact on the surrounding neighborhoods and E. Southcross Blvd.

I look forward to such a meeting with you only or with whomever you would like to invite to that meeting before the end of September or shortly thereafter. We would encourage the participation of Ms. Toni Morehouse, and Ms. Liz Trainor so they can be very clear what their fears are about having "those people", the veterans, seniors and persons of disability served by this Master Plan Development". We have obtained their respective opposition letters to TDHCA that were replete with inaccurate and disparaging information about Masters Ranch and I would look forward to an informed face to face discussion.

I can be reached at the contact information in the enclosed email transmission or on this letter head.

My sincerest hope for a meeting,



Michael A. Hogan
President

cc:

Mr. Dan Pedrotti
President
Foresight Golf

Highland Hills Neighborhood Association
PO Box 23381
San Antonio, Texas 78223

Pecan Valley Neighborhood Association
4126 Valleyfield
San Antonio, Texas 78222

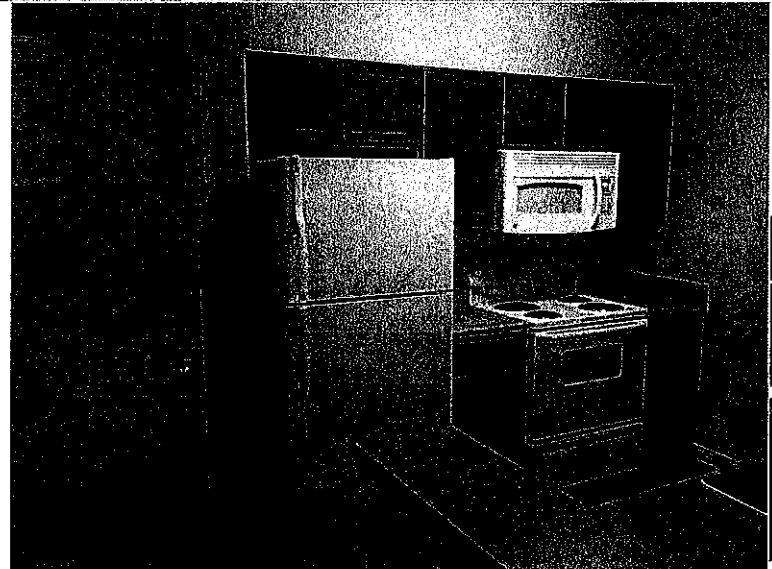
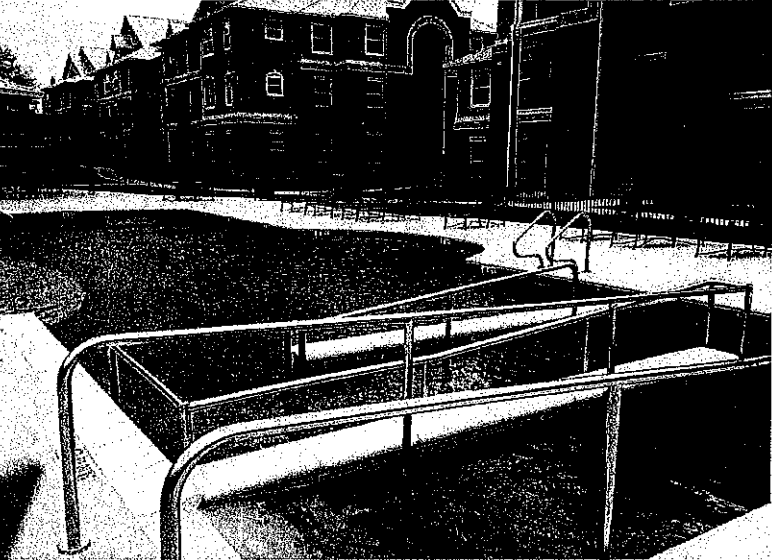
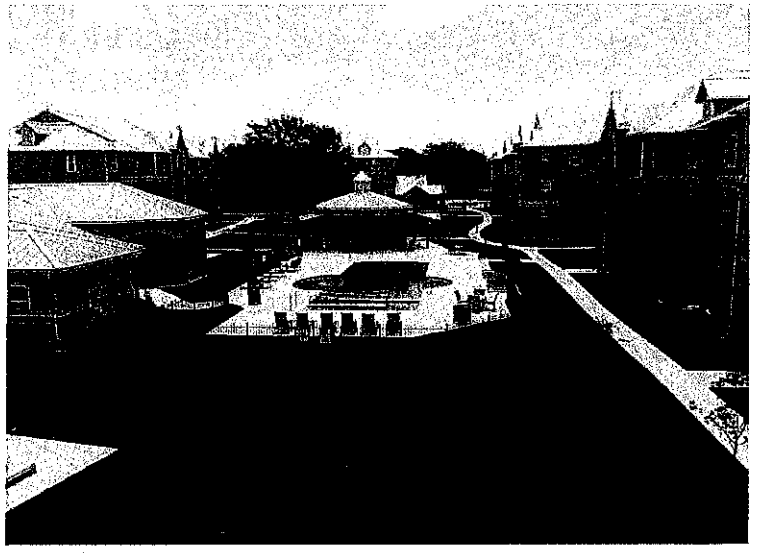
Attachments:
Appendix to Letter

Appendix to Roland Gutierrez Letter
September 16, 2013

- **SECTION 8 VOUCHERS ARE NOT PART OF THE TAX CREDIT PROGRAM.**
 - The tax credit program was created by President Reagan in 1987 through the Internal Revenue Code as a financing structure for building housing for America's workforce. It is a debt/equity structure. It is not a voucher system.
 - This is the most successful housing program in the history of the United States. Due to extensive regulation and oversight, the foreclosure rate for tax credit communities is one tenth that for market rate multifamily.
 - By contrast, Section 8, which is now Housing Choice is a HUD program whereby applicants receive individual vouchers they can use to rent any residential property, **includes single family homes. It is not associated in any way with the tax credit program.**
 - Low Income Families are not automatically bad neighbors.
- Virtually every property the developer, HomeSpring Realty Partners, has built using this program has won an award for design and construction excellence.
 - Woodlawn Ranch Apartments – 252 units, Associated Builders and Contractors (ABC) 2013 Excellence in Construction Award, San Antonio Green Level I Award
 - Converse Town Square Apartments – 252 units, Winner 2008-09 Outstanding Construction Award Associated General Contractors of America
 - Eagle Ridge Apartments – 276 units, Winner McGraw Hill Best of O4 Texas Construction Award
 - Elan Gardens Apartments – 228 units, Winner Multifamily Executive Award
- HomeSpring employs the latest innovations in design and construction, utilizing high quality, low maintenance, energy efficient building materials, which reduce operating costs, and maintain the value of the property throughout its existence.
 - Extensive unit amenities include attractive floor plans, nine foot ceilings, exterior storage, fire sprinklers in all rooms, central heat and air, energy-efficient appliances, frost-free refrigerators with icemakers, washer-dryer connections, high-speed internet access in all rooms, microwave ovens, balconies/patios, ceiling fixtures in all rooms, walk-in closets, individual hot water heaters, dishwashers, and manufactured hardwood floors.
 - Common area features consist of covered entries, health/rehab exercise facility, children's playscapes, large handicapped accessible pool, gazebo with picnic tables and barbecue grills, clubhouse, sports court, community laundry rooms, perimeter fence and limited access gates, covered parking, furnished community room, service coordinator office, and health screening room.
 - All this translates into greater safety, lower cost, and residences that will be beautiful homes for working families which will maintain their value for years to come.
- Unlike market rate apartments, **by law** these communities are heavily regulated throughout their existence.
 - They **must** submit annual audited financial statements.
 - They **must** maintain substantial capital reserves.
 - They **must** investigate applicants through credit and criminal background checks. Residents **must** be able to pay their rent, and **no** persons who have committed crimes against persons or property are permitted to live in this development. (Unlike single family homes, where any homeowner can rent to anyone.)

- These communities undergo rigorous annual physical inspections by Texas Department of Housing and Community Affairs
- Much has been made of the term “low income.” HUD defines “low income” as eighty percent of area median income. The San Antonio AMI is \$61,200, so any family making less than \$48,970 is defined as low income. If it is the desire to keep “low income” residents out of the area, then over half the families of in District 119 would not be welcome.
- San Antonio is Military City.
 - Sixty percent of the over 50,000 military personnel wounded in Iraq and Afghanistan call San Antonio home for some period of time. That is over 30,000 individuals.
 - Ninety three percent of those wounded, approximately 28,000, are enlisted personnel. This does not count dependents. These are young families who need safe, affordable, modern, energy efficient, permanent residences where they can transition back into civilian life.
 - In addition, according to the Veterans Administration, there are 209,294 veterans currently living in the San Antonio area. Some multifamily communities managed by HomeSpring have up to thirty percent active duty military personnel and veterans.
 - It is vital that these families be provided with affordable, safe, energy efficient, large family size units, with amenities, tenant services, and recreational facilities.
- Thirty percent of HomeSpring’s management portfolio consists of senior residents.
 - Many tax credit communities are infill developments which allow senior citizens to sell their dwelling and move into large, safe, energy efficient homes in the same neighborhood where their families grew up, shopped, went to school and church. We anticipate many senior citizens will take advantage of Masters Ranch.
- These tax credit communities:
 - Create jobs. Masters Ranch will create 250 quality construction jobs and generate nine million dollars in payroll.
 - Revitalize the neighborhood. This will be the first new, modern multifamily residences in decades.
 - Bring customers to local businesses. This is two hundred and fifty new working families to patronize restaurants, auto repair shops, dry cleaners, barbers, beauty shops, convenience stores.
 - Bring more businesses and employers to the area.
- As developer, HomeSpring has engaged the local community at every level. Over ten thousand door hangers have been distributed, and two open houses have been held at the Pecan Valley clubhouse. Virtually every one who has attended those open houses is now in support of the development.

THIS IS THE HOUSING PRODUCT WE BUILD AND WILL BE AT MASTERS RANCH





TOMMY ADKISSON
Commissioner, Precinct 4
101 W. Nueva, Ste. 1029
San Antonio, Texas 78205-3036
Office: (210) 335-2614 • Fax: (210) 335-2926
www.bexar.org
Email: tadjkisson@bexar.org

September 3, 2013

TDHCA, Multifamily Finance Division
Attention: Teresa Morales, Multifamily Division Manager
PO Box 13941
Austin, Texas 78711-3941

Re: Community Participation
Development #: 13417
Development Name: Masters Ranch Apartments
Development Address: 3435 E. Southcross Blvd., San Antonio, Texas 78223

Dear Ms. Morales:

As County Commissioner of Precinct Four, I am writing to provide my reasons for opposing the above-referenced development.

I have lived in the immediate area during all my sixty-four years. I have maintained and owned my permanent residence in the Highland Hills Neighborhood near the Pecan Valley Golf Course and the property upon which Masters Ranch intends to build. When I formed the Highland Hills Neighborhood Association thirty-five years ago, I did it to promote the spirit of community pride. So, naturally I view with great credence, the views of this Association, opposing this development.

This development is surrounded by two low income housing units, Section 8 and other low income housing.

The Southeast area of San Antonio in which the Masters Ranch is proposed to be located has a disproportionate share of low income housing.

The crime rate in the immediate vicinity does not recommend further concentration of poverty.

The proposed property upon which Masters Ranch would be built lies immediately adjacent to the Salado Creek flood plain where "biblical proportion" floods regularly visit.

If you have any questions, please do not hesitate to contact me at 210-335-2614.

Sincerely,

Tommy Adkisson
Tommy Adkisson

3-13 ACC 4 201

HIGHLAND HILLS NEIGHBORHOOD ASSOCIATION OF SAN ANTONIO

**PO Box 23381
San Antonio TX 78223**

August 23, 2013

TDHCA, Multifamily Finance Division
Attention: Teresa Morales, Multifamily Division Manager
PO Box 13941
Austin, Texas 78711-3941

Re: Community Participation
Development#: 13417
Development Name: Masters Ranch Apartments
Development Address: 3435 E. Southcross Blvd., San Antonio, Texas 78223

08-26-13 PM 1:32 OUT

Dear Ms. Morales:

As President of the Highland Hills Neighborhood Association of San Antonio (hereafter Highland Hills Neighborhood Association) I am writing to provide the organization's reasons for opposing the above-referenced development. The Highland Hills Neighborhood Association meets monthly on a regular basis and the Masters Ranch development has been discussed in open meetings. The Highland Hills Neighborhood Association is a qualified Neighborhood Organization as further described below.

A copy of the map of the Highland Hills Neighborhood Association is attached hereto and the proposed housing development is directly adjacent to the boundaries of the Highland Hills Neighborhood Association as indicated on the map. (Attachment 1)

Highland Hills Neighborhood Association of San Antonio was registered with the Secretary of State as of April 13, 1993 and continues to be on record with the Secretary of State as an incorporated entity in good standing as of April 22, 2013. (Attachment 2)

The Highland Hills Neighborhood Association is an organization of persons living near one another within the organization's defined boundaries and the primary purpose of the association is to provide a common voice for the betterment of the Highland Hills community, to provide a line of communication between citizens and governmental agencies and to promote the spirit of community pride per our enclosed bylaws. (Attachment 3)

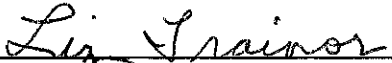
The officers and members of the Highland Hills Neighborhood Association expressed strong unanimous opposition to the proposed development based on the following reasons:

- This development is surrounded by two low income housing units as indicated by red hatch marks on the attached map. (Attachment 4)

- This Developer knew that the subject development was surrounded by what is known as Section 8 housing.
- This Developer has not acted in good faith.
- After closing the historical Pecan Valley Golf Course (while having built their own golf course nearby), this Developer asserted that they would build upscale housing. Per the Feb. 10, 2012 San Antonio Business Journal interview, Mr. Hogan, President of HomeSpring Realty Partners, says: "*Masters Ranch is described as a high-quality project ...*" while also claiming that "*It's an old neighborhood that's been in a downward decline*"
- The Southeast area of San Antonio has a disproportionate share of low income housing as evidenced by documents provided by the San Antonio Housing Authority and by the Housing Authority of Bexar County for Zip code 78223. (Attachments 5 and 6)
- The crime rate in the immediate vicinity is of grave concern. (Attachment 7)
- The subject property lies immediately adjacent to the Salado Creek flood plain. See the map of the City of San Antonio Zoning Case Notification Plan showing the floodplain marked by hatch marks (Attachment 8), SARA GIS Floodplain Map (Attachment 9) and undated City GIS map showing the floodplain (Attachment 10).

If you have any questions, please do not hesitate to call Christel Villarreal, Secretary, at 210-333-9437.

Sincerely yours,

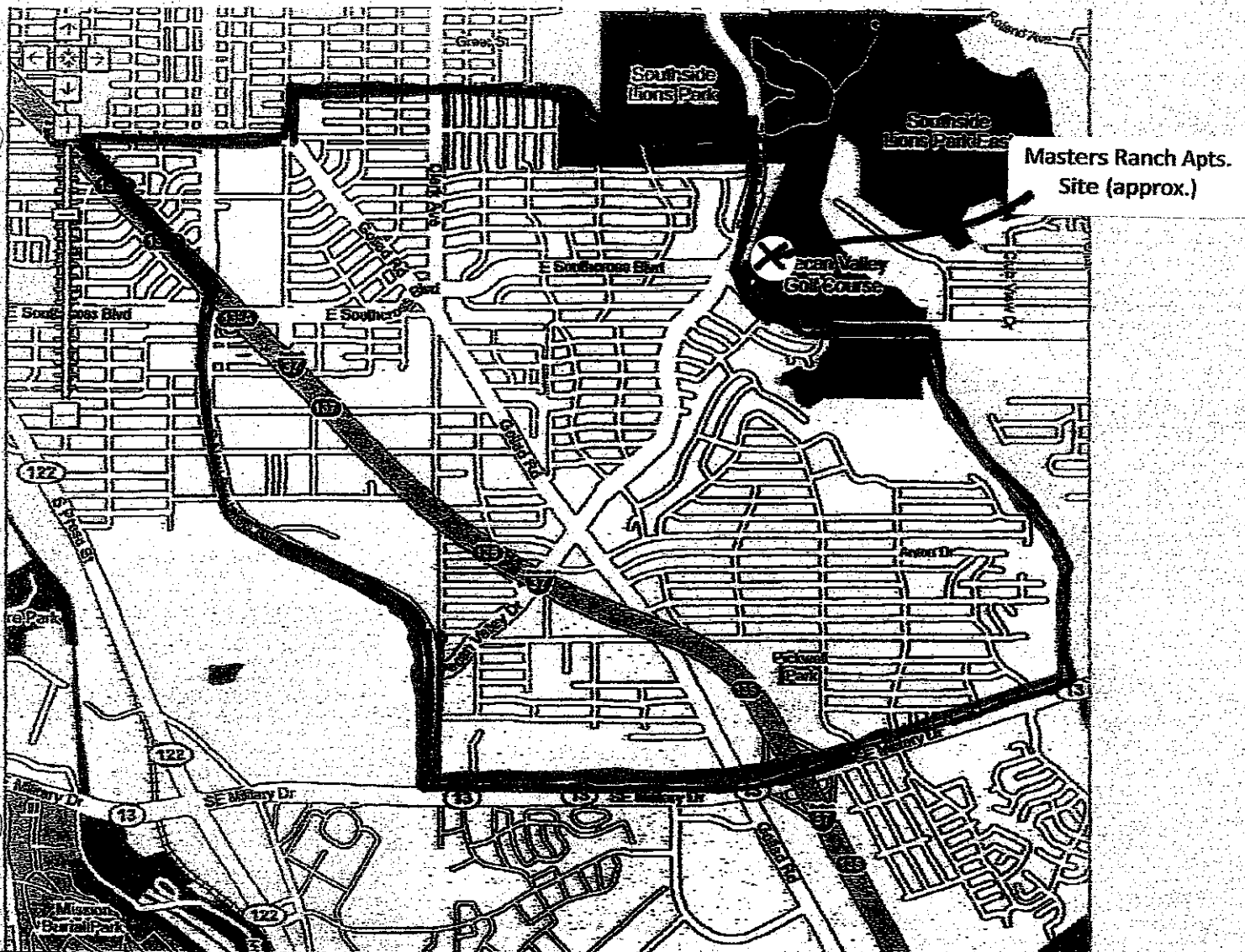


Liz Trainor, President
Highland Hills Neighborhood Association

HIGHLAND HILLS NEIGHBORHOOD ASSOCIATION
OF SAN ANTONIO

ATTACHMENTS 1 through 10

To Letter dated August 23, 2013
To TDHCA
Case No. 13417



Highland Hills Neighborhood Association Boundaries:

- SE Military Dr. and New Braunfels
- North on New Braunfels to IH 37
- North along IH 37 to Fair Ave.
- East on Fair Ave to Gevers Rd.
- North on Gevers Rd. to Hiawatha St.
- East on Hiawatha St. to Pecan Valley St.
- South on Pecan Valley St. to Southcross St.
- East on Southcross St. to Salado Creek
- South along Salado Creek to SE Military Dr.
- West on SE Military Dr. to New Braunfels.



Office of the Secretary of State

**CERTIFICATE OF FILING
OF**

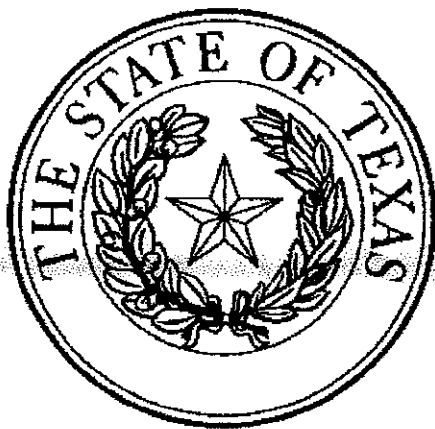
HIGHLAND HILLS NEIGHBORHOOD ASSOCIATION OF SAN ANTONIO, INC.
File Number: 126709501

The undersigned, as Secretary of State of Texas, hereby certifies that the Nonprofit Periodic Report for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 04/22/2013

Effective: 04/22/2013



A handwritten signature in black ink, appearing to read "John Steen".

John Steen
Secretary of State

Attachment 2

**BYLAWS
of the
HIGHLAND HILLS NEIGHBORHOOD ASSOCIATION
A Texas Nonprofit Association**

ARTICLE 1 - NAME

SECTION 1. The name of this organization shall be Highland Hills Neighborhood Association of San Antonio, Inc.

ARTICLE 2 - OFFICE

SECTION 1. The Association's principal office shall be reached at PO Box 23381, San Antonio, Texas 78223. The Board of Directors may designate another location at its discretion.

ARTICLE 3 - BOUNDARIES

SECTION 1. The boundaries of the association are: Beginning at the Northwest corner with the intersection of I-37 and Fair Avenue and proceeding South along IH37 to S. New Braunfels Avenue, continuing South on S. New Braunfels Avenue to SE Military Drive, continuing Eastward on SE Military to the Salado Creek, proceeding North up the Salado Creek to E. Southcross, proceeding West on E. Southcross to Pecan Valley Drive, proceeding North on Pecan Valley Drive to Golfview, then to Kashmir, to Stringfellow, to Hiawatha and then to Clark Avenue, proceeding South on Clark Avenue to Fair Avenue, and proceeding West on Fair Avenue to point of beginning at IH37 at Fair Avenue.

ARTICLE 4 - PURPOSE

SECTION 1. The purpose of this organization shall be to create a beautiful, safe, and healthy environment, to provide a common voice for the betterment of the Highland Hills community, to provide a line of communication between citizens and governmental agencies, and to promote a spirit of community pride.

ARTICLE 5 – LEGAL STATUS

SECTION 1. The Association shall be a non-partisan, non-profit organization and shall not support candidates for public office. The Association may take positions on neighborhood issues by majority vote of the members in good standing in attendance. All approved actions to support a position will be carried out by the Board of Directors or its designated representative.

ARTICLE 6 – MEMBERSHIP AND DUES

SECTION 1. MEMBERSHIP CATEGORIES

There shall be three categories of membership in the Association: Regular, Business, and Sustaining, as follows.

a. A 'Regular Member' shall be a Family or Individual residing or owning property within the Association boundaries. A Family shall consist of two voting members. Upon full payment of dues for the current year, a Family membership and Individual membership shall have the privileges of voting, holding office or serving on committees and shall be considered a member in good standing.

b. A 'Sustaining Member' of the Association shall be any person, business or corporation, who maintains an interest in the Association and its purposes, but does not reside, own property, or operate a business within the neighborhood. A Sustaining Member shall have the privilege of regular Membership but cannot vote or hold office.

c. A 'Business Member' of the Association shall be any business or organization operating within the Association boundaries. A business entity shall be limited to one membership in the Association with the privilege of one (1) vote, except, at the discretion of the Board, a business may be granted an additional vote for a total of two (2) votes. There are two business categories: Business A is entitled to a business card size ad in the newsletter and Business B shall receive a one-line ad in the newsletter for each year of dues paid.

SECTION 2. MEMBERSHIP DUES

a. Annual dues for each category of membership shall be recommended by the Board of Directors and approved by a majority vote of the members in good standing in attendance at the meeting at which a dues change is to be considered. Dues shall be paid by January 1 for the following calendar year. Members shall be considered in arrears if their dues are not paid by April 1.

b. Membership Dues – Annual dues shall be as follows:

- | | |
|-------------------------|------------------|
| 1. Family or Individual | \$6.00 |
| 2. Sustaining | \$6.00 or more |
| 3. Business A | \$100.00 or more |
| 4. Business B | \$25.00 |

c. A new member first paying dues in November shall be deemed to be paying dues for the following year.

d. A new member first paying dues after July 1 shall be charged only \$3.00 for that year.

e. A membership in the Association is automatically terminated whenever any member is in default of payment of the annual dues and shall lose the privileges to vote or hold office in the Association.

ARTICLE 7 – MEETINGS

SECTION 1. Regular meetings shall be held on a date, time and place designated by the Board of Directors.

by a vote of the membership. Should a Trustee miss three (3) consecutive meetings, the Board, in its discretion, may appoint another Trustee in his or her place.

SECTION 2. Trustees shall provide advice and assistance in carrying out the Association's activities and programs.

ARTICLE 9 - COMMITTEES

SECTION 1. At the regular November meeting a Nominating Committee of three shall be appointed by the President. This committee shall report its recommendations for Officers for the following year at the December meeting. Additional nominations by currently paid members from the floor shall be permitted. Officers will serve for one year starting January 1.

SECTION 2. The President shall appoint standing, administrative or ad hoc committees as needed such as Publicity, Program, Dial-a-Trailer, Code Compliance, Membership, Audit, and Hospitality, among others.

ARTICLE 10 -- PARLIAMENTARY AUTHORITY

SECTION 1. In the event of a conflict or in the absence of a provision governing a certain aspect of the Highland Hills Neighborhood Association's operation, Robert's Rules of Order Newly Revised, shall govern such situations.

ARTICLE 11 -- AMENDMENTS

These Bylaws may be amended at any regular meeting of the Association at which there is a quorum by a majority vote of the currently paid members present, provided that any such amendment is to be read in full to the membership at the preceding regularly called monthly meeting.

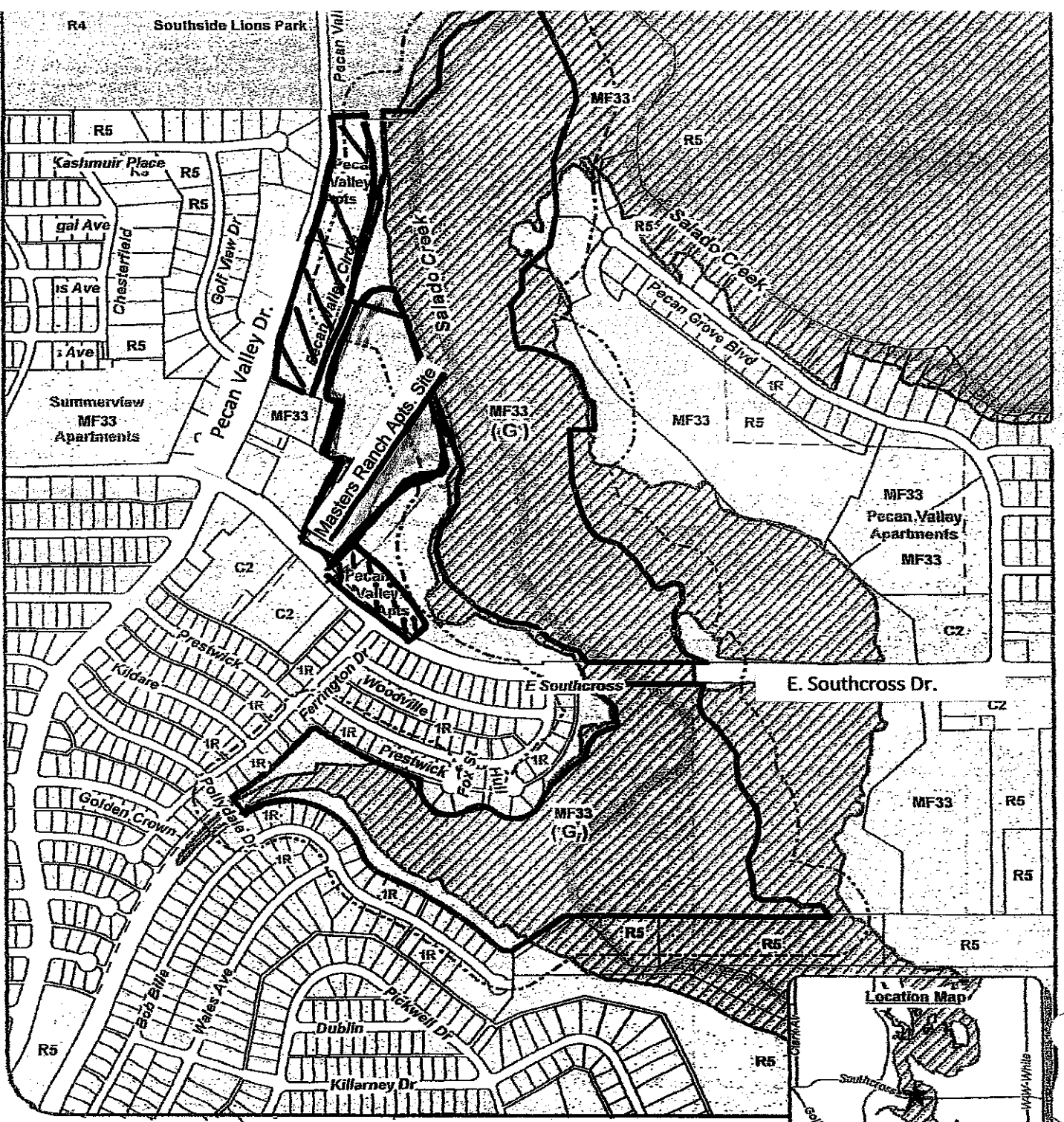
ARTICLE 12 -- ADOPTION OF BYLAWS

Approved by the membership on the 4th day of October, 2010 as witnessed by:

Elizabeth Lynn Truitt
President

Christel Villanuel
Secretary

Adopted August 2, 1993
Amended October 4, 1994
Amended 1998
Amended October 4, 2010



Zoning Case Notification Plan
Case Z2012081

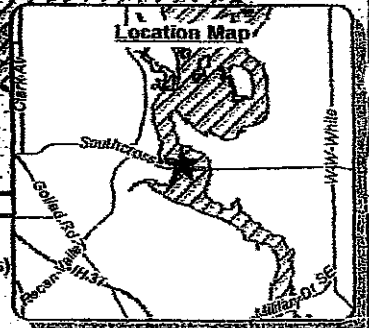
Council District 3

Scale: 1" approx. = 700 Feet

Subject Property Legal Description(s): NCB 13486 - Block 002 - 42.011 acres out of Tract I and
 NCB 13485 - Block 001 - 59.216 acres out of Tract I

Legend

- Subject Properties (101.227 Acres)
- 200' Notification Area
- Current Zoning
- Requested Zoning Change
- 100-Year DFIRM Floodplain
- Single Family Residential 1R



Development Services Dept
 City of San Antonio
 (05/17/2012 - R. Martinez)

SAN ANTONIO HOUSING AUTHORITY
818 S. Flores St.
San Antonio TX 78204

List of Section 8-S8 Tenants

For Zip Code 78223 (Highland Hills Area)
August 2013

Consisting of 22 pages listing 1032 Units

PrimaryStreet	City	State	City State Zip
122 Coney	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #5103	San Antonio	TX	San Antonio, TX 78223
1519 Fair Ave	San Antonio	TX	San Antonio, TX 78223
7303 Hanzi #A	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F1	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2705	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #8b	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #11c	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #J5	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #30d	San Antonio	TX	San Antonio, TX 78223
462 Utopia #G-126	San Antonio	TX	San Antonio, TX 78223
114 Stratford Ct	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1103	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #1306	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1602	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2610	San Antonio	TX	San Antonio, TX 78223
3722 S Mittman	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #D8	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5104	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1207	San Antonio	TX	San Antonio, TX 78223
132 Monticello (front)	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1810	San Antonio	TX	San Antonio, TX 78223
4416 Meeks	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1810	San Antonio	TX	San Antonio, TX 78223
2951 Lasses Blvd	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5302	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3204	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #6101	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3810	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #703	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2101	San Antonio	TX	San Antonio, TX 78223
2222 Dollarhide	San Antonio	TX	San Antonio, TX 78223
444 Utopia #211	San Antonio	TX	San Antonio, TX 78223
211 Bonnell	San Antonio	TX	San Antonio, TX 78223
113 Cox #1	San Antonio	TX	San Antonio, TX 78223
209 Stratford #7	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #R1	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #1004	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5802	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #213	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5305	San Antonio	TX	San Antonio, TX 78223
462 Utopia #E-113	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1602	San Antonio	TX	San Antonio, TX 78223
222 Cox Avenue	San Antonio	TX	San Antonio, TX 78223
7403 Hanzi Apt E	San Antonio	TX	San Antonio, TX 78223
7204 Hanzi #a	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3010	San Antonio	TX	San Antonio, TX 78223

7304 Hanzi #D	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #G3	San Antonio	TX	San Antonio, TX 78223
9219 Mission Run	San Antonio	TX	San Antonio, TX 78223
134 Caldwell	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5601	San Antonio	TX	San Antonio, TX 78223
7404 Hanzi #F	San Antonio	TX	San Antonio, TX 78223
3222 Cato	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9303	San Antonio	TX	San Antonio, TX 78223
124 Wahrmond Ct	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2304	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #24b	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1703	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5102	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #n6	San Antonio	TX	San Antonio, TX 78223
471 Avondale #x-5	San Antonio	TX	San Antonio, TX 78223
474 E Palfrey	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5208	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #430	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10305	San Antonio	TX	San Antonio, TX 78223
462 Utopia # I-134	San Antonio	TX	San Antonio, TX 78223
433 Pennystone	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #F8	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9308	San Antonio	TX	San Antonio, TX 78223
451 Avondale #u3	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #X7	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #107	San Antonio	TX	San Antonio, TX 78223
166 Hartford	San Antonio	TX	San Antonio, TX 78223
6022 State Street #102	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5901	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2105	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10202	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #18102	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1607	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5108	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1303	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7106	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5101	San Antonio	TX	San Antonio, TX 78223
7404 Hanzi #e	San Antonio	TX	San Antonio, TX 78223
130 Menlo	San Antonio	TX	San Antonio, TX 78223
143 Pennystone	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #101-3	San Antonio	TX	San Antonio, TX 78223
462 Utopia # I-231	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #25104	San Antonio	TX	San Antonio, TX 78223
210 Harcourt	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #C7	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #515	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #10102	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #503	San Antonio	TX	San Antonio, TX 78223

444 Utopia #212	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1301	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #j1	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #704	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #210	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8207	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3108	San Antonio	TX	San Antonio, TX 78223
7401 Hanzi #b	San Antonio	TX	San Antonio, TX 78223
12590 Southton Rd	San Antonio	TX	San Antonio, TX 78223
462 Utopia #C-206	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #25a	San Antonio	TX	San Antonio, TX 78223
462 Utopia #H-128	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1903	San Antonio	TX	San Antonio, TX 78223
406 Kashmuir Place	San Antonio	TX	San Antonio, TX 78223
7303 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1410	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #16b	San Antonio	TX	San Antonio, TX 78223
7201 Hanzi #e	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1821	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8107	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #417	San Antonio	TX	San Antonio, TX 78223
2233 SE Military #502	San Antonio	TX	San Antonio, TX 78223
462 Utopia #B-203	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #313	San Antonio	TX	San Antonio, TX 78223
7205 Hanzi #F	San Antonio	TX	San Antonio, TX 78223
119 Bushick	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1810	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3203	San Antonio	TX	San Antonio, TX 78223
7401 Hanzi #E	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2106	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1106	San Antonio	TX	San Antonio, TX 78223
112 Stratford Ct	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #C4	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1207	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #4510	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #130	San Antonio	TX	San Antonio, TX 78223
462 Utopia #G-123	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1110	San Antonio	TX	San Antonio, TX 78223
514 Avondale #1	San Antonio	TX	San Antonio, TX 78223
502 Mt Vernon	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #j2	San Antonio	TX	San Antonio, TX 78223
451 Avondale #U4	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2201	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #601	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #248	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2208	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1203	San Antonio	TX	San Antonio, TX 78223
311 Grecian	San Antonio	TX	San Antonio, TX 78223

5500 S New Braunfels #E4	San Antonio	TX	San Antonio, TX 78223
7403 Hanzi Apt C	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #p8	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1902	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #206	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #37103	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #708	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #403	San Antonio	TX	San Antonio, TX 78223
506 Golden Crown	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2205	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #4103	San Antonio	TX	San Antonio, TX 78223
327 Monticello	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1108	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1208	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1601	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8302	San Antonio	TX	San Antonio, TX 78223
4015 S Presa	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #235	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3503	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #14a	San Antonio	TX	San Antonio, TX 78223
247 McDougal	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1305	San Antonio	TX	San Antonio, TX 78223
5518 Wales	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1102	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1804	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #34104	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #26104	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #22103	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #A4	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #S2	San Antonio	TX	San Antonio, TX 78223
103 Mt Vernon	San Antonio	TX	San Antonio, TX 78223
610 Mebane St	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8310	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #304	San Antonio	TX	San Antonio, TX 78223
462 Utopia #B-103	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5302	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3107	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7202	San Antonio	TX	San Antonio, TX 78223
471 Avondale #v-4	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #122	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2104	San Antonio	TX	San Antonio, TX 78223
7203 Hanzi #A	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2305	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #402-3	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #802	San Antonio	TX	San Antonio, TX 78223
7206 Hanzi #a	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #3101	San Antonio	TX	San Antonio, TX 78223
4423 Southton Way	San Antonio	TX	San Antonio, TX 78223

3203 Bolmore #112	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1102	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1307	San Antonio	TX	San Antonio, TX 78223
121 Esma	San Antonio	TX	San Antonio, TX 78223
7203 Hanzi #D	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #2602	San Antonio	TX	San Antonio, TX 78223
323 Kipling	San Antonio	TX	San Antonio, TX 78223
7318 Palm Park	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2207	San Antonio	TX	San Antonio, TX 78223
2233 SE Military #209	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1901	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #301-3	San Antonio	TX	San Antonio, TX 78223
2938 Shane Rd	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7206	San Antonio	TX	San Antonio, TX 78223
7304 Hanzi #e	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2505	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #301	San Antonio	TX	San Antonio, TX 78223
434 Golden Crown	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #H1	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10106	San Antonio	TX	San Antonio, TX 78223
471 Avondale #v-3	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2102	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #M5	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #3302	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #G7	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1404	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2308	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #G4	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #K5	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2807	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #220	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #25102	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8104	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3303	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #140	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3902	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #n3	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #224	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #38103	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #30102	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #506	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #D1	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #29104	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #103	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #M8	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #37	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1902	San Antonio	TX	San Antonio, TX 78223
7405 Hanzi #a	San Antonio	TX	San Antonio, TX 78223

3211 Lassus	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #6103	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3901	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1304	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #41104	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2803	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5504	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2107	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8208	San Antonio	TX	San Antonio, TX 78223
922 Dullnig	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #1a	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #18106	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1102	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #n7	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1002	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3404	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F7	San Antonio	TX	San Antonio, TX 78223
3007 E Southcross	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #21103	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #46102	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1107	San Antonio	TX	San Antonio, TX 78223
138 Glamis	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #6b	San Antonio	TX	San Antonio, TX 78223
216 Avondale #1	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2-302	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #141	San Antonio	TX	San Antonio, TX 78223
471 Avondale #w-4	San Antonio	TX	San Antonio, TX 78223
462 Utopia #H-130	San Antonio	TX	San Antonio, TX 78223
110 Samoth	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10207	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #143	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2308	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #9a	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2212	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #25107	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #4904	San Antonio	TX	San Antonio, TX 78223
3806 Clark	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5301	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #2202	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1201	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #6103	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9202	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5105	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #N8	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #120	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2201	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #602	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #L4	San Antonio	TX	San Antonio, TX 78223

6840 Pecan Valley #2202	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2503	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #D4	San Antonio	TX	San Antonio, TX 78223
7406 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8203	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #13c	San Antonio	TX	San Antonio, TX 78223
134 Caldwell (rear)	San Antonio	TX	San Antonio, TX 78223
3826 S Mittman St	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9307	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1204	San Antonio	TX	San Antonio, TX 78223
3011 E Southcross	San Antonio	TX	San Antonio, TX 78223
118 Gayle	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1202	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #203	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1104	San Antonio	TX	San Antonio, TX 78223
451 Avondale #u2	San Antonio	TX	San Antonio, TX 78223
1515 E. Southcross #1	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #402	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1010	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #D8	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1103	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7308	San Antonio	TX	San Antonio, TX 78223
3008 E Southcross	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2202	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1810	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1304	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #142	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #F1	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #802	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2304	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8108	San Antonio	TX	San Antonio, TX 78223
119 Pool Dr	San Antonio	TX	San Antonio, TX 78223
3077 E Southcross	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2907	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #527	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #J8	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #6104	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1605	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1610	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #701	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1510	San Antonio	TX	San Antonio, TX 78223
3715 Portsmouth	San Antonio	TX	San Antonio, TX 78223
239 Waugh	San Antonio	TX	San Antonio, TX 78223
3034 E Southcross	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3301	San Antonio	TX	San Antonio, TX 78223
3079 E Southcross	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3510	San Antonio	TX	San Antonio, TX 78223
102 Pennystone	San Antonio	TX	San Antonio, TX 78223

142 Killernay	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #12d	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #507	San Antonio	TX	San Antonio, TX 78223
2233 SE Military #313	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #208	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #508	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #9103	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #n4	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4108	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #E2	San Antonio	TX	San Antonio, TX 78223
505 Pennystone	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9304	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1904	San Antonio	TX	San Antonio, TX 78223
444 Utopia #120	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #129	San Antonio	TX	San Antonio, TX 78223
3855 Portsmouth	San Antonio	TX	San Antonio, TX 78223
426 Montrose #103	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1601	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #904	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #1305	San Antonio	TX	San Antonio, TX 78223
267 Coney Ave	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #10a	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #C6	San Antonio	TX	San Antonio, TX 78223
619 Dollarhide	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #3104	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8103	San Antonio	TX	San Antonio, TX 78223
303 Kathy Dr	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3104	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1103	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #701	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #605	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #209	San Antonio	TX	San Antonio, TX 78223
7406 Hanzi #a	San Antonio	TX	San Antonio, TX 78223
131 Lebanon St	San Antonio	TX	San Antonio, TX 78223
555 Pennystone	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #1004	San Antonio	TX	San Antonio, TX 78223
7404 Hanzi #B	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2701	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #F3	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #807	San Antonio	TX	San Antonio, TX 78223
7301 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #523	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8109	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7101	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1810	San Antonio	TX	San Antonio, TX 78223
183 Pennystone	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7305	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4504	San Antonio	TX	San Antonio, TX 78223

927 VFW Blvd #7104	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #3206	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #9c	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1201	San Antonio	TX	San Antonio, TX 78223
2233 SE Military #1605	San Antonio	TX	San Antonio, TX 78223
161 Menlo	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #18210	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1102	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9204	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #805	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #607	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3701	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #23	San Antonio	TX	San Antonio, TX 78223
163 Menlo	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #41102	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1304	San Antonio	TX	San Antonio, TX 78223
210 Glamis	San Antonio	TX	San Antonio, TX 78223
3227 Scarlet O'hara	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #601	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2204	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5103	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #C1	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #1504	San Antonio	TX	San Antonio, TX 78223
401 Hot Wells	San Antonio	TX	San Antonio, TX 78223
444 Utopia #119	San Antonio	TX	San Antonio, TX 78223
462 Utopia #E-114	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #18203	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #305	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7203	San Antonio	TX	San Antonio, TX 78223
7301 Hanzi #b	San Antonio	TX	San Antonio, TX 78223
3718 Portsmouth	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9102	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #4204	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #504	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10303	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5001	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #702	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1804	San Antonio	TX	San Antonio, TX 78223
8814 Mission Top	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10204	San Antonio	TX	San Antonio, TX 78223
435 Montrose #401	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1008	San Antonio	TX	San Antonio, TX 78223
462 Utopia #G-225	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1503	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #522	San Antonio	TX	San Antonio, TX 78223
106 Howle	San Antonio	TX	San Antonio, TX 78223
462 Utopia # I-133	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #26103	San Antonio	TX	San Antonio, TX 78223

6835 Pecan Valley #2008	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #709	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #J8	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F4	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #606	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2903	San Antonio	TX	San Antonio, TX 78223
451 Avondale #u6	San Antonio	TX	San Antonio, TX 78223
106 Pool Dr	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #4301	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #607	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #116	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #9	San Antonio	TX	San Antonio, TX 78223
402 Pamela	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #B8	San Antonio	TX	San Antonio, TX 78223
7406 Hanzi #e	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7304	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #229	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3101	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3106	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #5b	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #R3	San Antonio	TX	San Antonio, TX 78223
7404 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
502 Pennystone	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #A2	San Antonio	TX	San Antonio, TX 78223
7615 Monte Seco	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3710	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #303	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #6102	San Antonio	TX	San Antonio, TX 78223
7423 Yarrow Blvd #8205	San Antonio	TX	San Antonio, TX 78223
426 Montrose #108	San Antonio	TX	San Antonio, TX 78223
120 Wahrmond Ct #E	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #2a	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #A7	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #19b	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #C3	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #L6	San Antonio	TX	San Antonio, TX 78223
538 Hotwells #607	San Antonio	TX	San Antonio, TX 78223
339 Harcourt	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #302	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #308	San Antonio	TX	San Antonio, TX 78223
471 Avondale #v-2	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #311	San Antonio	TX	San Antonio, TX 78223
3711 Devon	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2610	San Antonio	TX	San Antonio, TX 78223
3038 E Southcross	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2010	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1010	San Antonio	TX	San Antonio, TX 78223
538 Hotwells #111	San Antonio	TX	San Antonio, TX 78223

444 Utopia #112	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #20103	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1306	San Antonio	TX	San Antonio, TX 78223
424 Utopia #144	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1904	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #H6	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #18104	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4208	San Antonio	TX	San Antonio, TX 78223
3734 Portsmouth	San Antonio	TX	San Antonio, TX 78223
219 Pennystone	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #H3	San Antonio	TX	San Antonio, TX 78223
424 Utopia #139	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8101	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #45102	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #44104	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2107	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2704	San Antonio	TX	San Antonio, TX 78223
5019 Clark Ave	San Antonio	TX	San Antonio, TX 78223
556 Pennystone	San Antonio	TX	San Antonio, TX 78223
209 Stratford #5	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2201	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #227	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #508	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #D3	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #34102	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #6202	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8301	San Antonio	TX	San Antonio, TX 78223
546 Pennystone	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #E8	San Antonio	TX	San Antonio, TX 78223
7401 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #204	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1906	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #K4	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #128	San Antonio	TX	San Antonio, TX 78223
427 Montrose #306	San Antonio	TX	San Antonio, TX 78223
705 Dollarhide	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #m7	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2002	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1106	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #303	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3206	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8103	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #109	San Antonio	TX	San Antonio, TX 78223
7202 Hanzi #E	San Antonio	TX	San Antonio, TX 78223
7305 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #20	San Antonio	TX	San Antonio, TX 78223
102 Cravens	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #G4	San Antonio	TX	San Antonio, TX 78223

6835 Pecan Valley #1505	San Antonio	TX	San Antonio, TX 78223
424 Utopia #247	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #4201	San Antonio	TX	San Antonio, TX 78223
405 Pennystone	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8303	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #02	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #801	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #504	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5205	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10104	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3103	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #L1	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #704-3	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8312	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #18203	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F2	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #T8	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1503	San Antonio	TX	San Antonio, TX 78223
200 Avondale	San Antonio	TX	San Antonio, TX 78223
210 Cox	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3002	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4903	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5201	San Antonio	TX	San Antonio, TX 78223
462 Utopia #A-101	San Antonio	TX	San Antonio, TX 78223
240 Christine Dr	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #110	San Antonio	TX	San Antonio, TX 78223
129 Caldwell	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #43103	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #29203	San Antonio	TX	San Antonio, TX 78223
306 Pennystone	San Antonio	TX	San Antonio, TX 78223
4415 Meeks	San Antonio	TX	San Antonio, TX 78223
7306 Hanzi #a	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #3203	San Antonio	TX	San Antonio, TX 78223
3250 Lassés	San Antonio	TX	San Antonio, TX 78223
119 Pennystone	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #308	San Antonio	TX	San Antonio, TX 78223
427 Golden Crown	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #6d	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5502	San Antonio	TX	San Antonio, TX 78223
6014 Hillje	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #P6	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5303	San Antonio	TX	San Antonio, TX 78223
212 Mt Vernon	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #12103	San Antonio	TX	San Antonio, TX 78223
235 Coral Ave	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8308	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7205	San Antonio	TX	San Antonio, TX 78223
655 Glamis	San Antonio	TX	San Antonio, TX 78223

6835 Pecan Valley #208	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #J4	San Antonio	TX	San Antonio, TX 78223
104 Caldwell	San Antonio	TX	San Antonio, TX 78223
209 Stratford #4	San Antonio	TX	San Antonio, TX 78223
713 Fair Ave	San Antonio	TX	San Antonio, TX 78223
7307 Hanzi #C	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #405	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5404	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2210	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #4110	San Antonio	TX	San Antonio, TX 78223
3903 S Pine	San Antonio	TX	San Antonio, TX 78223
203 Lyric	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #4410	San Antonio	TX	San Antonio, TX 78223
6840 PECAN VALLEY DR #310	San Antonio	TX	San Antonio, TX 78223
3335 Pollydale	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1803	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1205	San Antonio	TX	San Antonio, TX 78223
1869 W Thompson #120	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #107	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #124	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #204	San Antonio	TX	San Antonio, TX 78223
212 Sligo	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #530	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1608	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F3	San Antonio	TX	San Antonio, TX 78223
1523 E Southcross #1	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1710	San Antonio	TX	San Antonio, TX 78223
5803 Ingram #1703	San Antonio	TX	San Antonio, TX 78223
156 Menlo	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #H4	San Antonio	TX	San Antonio, TX 78223
120 Wahrmond Ct #w	San Antonio	TX	San Antonio, TX 78223
3076 E Southcross	San Antonio	TX	San Antonio, TX 78223
424 Utopia #243	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2203	San Antonio	TX	San Antonio, TX 78223
7402 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2205	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #n5	San Antonio	TX	San Antonio, TX 78223
423 Pennystone	San Antonio	TX	San Antonio, TX 78223
10327 Us Hwy 181	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #212	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1803	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #507	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8204	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3207	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #3102	San Antonio	TX	San Antonio, TX 78223
507 Offer Dr	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #502-3	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #102	San Antonio	TX	San Antonio, TX 78223

216 Linda Lou	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1010	San Antonio	TX	San Antonio, TX 78223
462 Utopia #A-202	San Antonio	TX	San Antonio, TX 78223
310 Monticello	San Antonio	TX	San Antonio, TX 78223
803 Koehler	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #48104	San Antonio	TX	San Antonio, TX 78223
3707 Portsmouth Dr	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #4101	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2108	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8102	San Antonio	TX	San Antonio, TX 78223
506 Pennystone	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1403	San Antonio	TX	San Antonio, TX 78223
517 McDougal	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #42103	San Antonio	TX	San Antonio, TX 78223
424 Utopia #151	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #1403	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2202	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2203	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #28104	San Antonio	TX	San Antonio, TX 78223
7304 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #1002	San Antonio	TX	San Antonio, TX 78223
210 Hot Wells #2	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8111	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #7102	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #S6	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2407	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4201	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #1108	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F5	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3102	San Antonio	TX	San Antonio, TX 78223
105 Menlo	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #240	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #29106	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2402	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #904	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #18a	San Antonio	TX	San Antonio, TX 78223
7306 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #j6	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #2006	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #113	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #24	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #2003	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2111	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #24a	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #2203	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #n8	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2401	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #15d	San Antonio	TX	San Antonio, TX 78223

554 E. Palfrey	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1306	San Antonio	TX	San Antonio, TX 78223
427 Montrose #214	San Antonio	TX	San Antonio, TX 78223
4407 Meeks	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #R2	San Antonio	TX	San Antonio, TX 78223
471 Avondale #w-3	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1001	San Antonio	TX	San Antonio, TX 78223
224 Betty Jean	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #29209	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3210	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #3b	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #5203	San Antonio	TX	San Antonio, TX 78223
103 Bonnell	San Antonio	TX	San Antonio, TX 78223
3338 Bob Billa	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1104	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5602	San Antonio	TX	San Antonio, TX 78223
926 Fair	San Antonio	TX	San Antonio, TX 78223
7301 Hanzi Apt E	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2602	San Antonio	TX	San Antonio, TX 78223
9106 Mission Brook	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #3201	San Antonio	TX	San Antonio, TX 78223
4700 Stringfellow #1307	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3110	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5102	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #203-3	San Antonio	TX	San Antonio, TX 78223
7401 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
3011 S New Braunfels	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1210	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #F8	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #135	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #K1	San Antonio	TX	San Antonio, TX 78223
7206 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
201 Montrose	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1501	San Antonio	TX	San Antonio, TX 78223
417 Hot Wells	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1030	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1030	San Antonio	TX	San Antonio, TX 78223
247 Glad Dr	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5804	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #310	San Antonio	TX	San Antonio, TX 78223
3910 E Palfrey	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #15c	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1811	San Antonio	TX	San Antonio, TX 78223
7201 Hanzi #b	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #703	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4003	San Antonio	TX	San Antonio, TX 78223
107 Menlo	San Antonio	TX	San Antonio, TX 78223
2111 E. Southcross	San Antonio	TX	San Antonio, TX 78223

5500 S New Braunfels #A3	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #247	San Antonio	TX	San Antonio, TX 78223
6222 S. New Braunfels #2104	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #10308	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4308	San Antonio	TX	San Antonio, TX 78223
7406 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9208	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2306	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2204	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #6004	San Antonio	TX	San Antonio, TX 78223
7202 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
300 Avondale	San Antonio	TX	San Antonio, TX 78223
7307 Hanzi #D	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2504	San Antonio	TX	San Antonio, TX 78223
564 Avondale	San Antonio	TX	San Antonio, TX 78223
111 Kipling	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2508	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2010	San Antonio	TX	San Antonio, TX 78223
410 Fair	San Antonio	TX	San Antonio, TX 78223
7307 Hanzi #A	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #G2	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #G8	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4601	San Antonio	TX	San Antonio, TX 78223
462 Utopia #D-211	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #16d	San Antonio	TX	San Antonio, TX 78223
232 E. Dullnig	San Antonio	TX	San Antonio, TX 78223
9234 Mission Brook	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #501	San Antonio	TX	San Antonio, TX 78223
230 Hatcher	San Antonio	TX	San Antonio, TX 78223
355 Kipling Street	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5207	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #2206	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #234	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #309	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4703	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #K3	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5201	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #535	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1401	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct # L 16	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #103	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #T1	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4002	San Antonio	TX	San Antonio, TX 78223
7206 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #5106	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #1202	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2902	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1304	San Antonio	TX	San Antonio, TX 78223

927 VFW Blvd #4302	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #420	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #145	San Antonio	TX	San Antonio, TX 78223
255 ANTON DR	San Antonio	TX	San Antonio, TX 78223
3919 Bremen	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #1303	San Antonio	TX	San Antonio, TX 78223
819 Glamis	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #32	San Antonio	TX	San Antonio, TX 78223
362 W Palfrey	San Antonio	TX	San Antonio, TX 78223
242 Kate Schenck	San Antonio	TX	San Antonio, TX 78223
768 Avondale #402	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1820	San Antonio	TX	San Antonio, TX 78223
238 Pollydale	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8105	San Antonio	TX	San Antonio, TX 78223
505 Koehler Ct #K1	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #1305	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8307	San Antonio	TX	San Antonio, TX 78223
444 Utopia #104	San Antonio	TX	San Antonio, TX 78223
427 Montrose #204	San Antonio	TX	San Antonio, TX 78223
471 Avondale #x-4	San Antonio	TX	San Antonio, TX 78223
6022 State Street #104	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7102	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #323	San Antonio	TX	San Antonio, TX 78223
444 Utopia #205	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #244	San Antonio	TX	San Antonio, TX 78223
204 Montrose	San Antonio	TX	San Antonio, TX 78223
761 Cravens	San Antonio	TX	San Antonio, TX 78223
462 Utopia #F-221	San Antonio	TX	San Antonio, TX 78223
328 Sligo St	San Antonio	TX	San Antonio, TX 78223
110 Idell	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2707	San Antonio	TX	San Antonio, TX 78223
471 Avondale #v-7	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3803	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2501	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1801	San Antonio	TX	San Antonio, TX 78223
444 Utopia #113	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #15a	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1606	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1801	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #407	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #6001	San Antonio	TX	San Antonio, TX 78223
7403 Hanzi Apt A	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #44	San Antonio	TX	San Antonio, TX 78223
2802 Lasses #36	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #S3	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #321	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2501	San Antonio	TX	San Antonio, TX 78223
3914 Portsmouth Dr	San Antonio	TX	San Antonio, TX 78223

6835 Pecan Valley #901	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #803-3	San Antonio	TX	San Antonio, TX 78223
2111 S Dollard #315	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #2107	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5801	San Antonio	TX	San Antonio, TX 78223
313 Avondale	San Antonio	TX	San Antonio, TX 78223
3035 E Southcross	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2605	San Antonio	TX	San Antonio, TX 78223
785 1/2 Avondale	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #4810	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #101	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #2201	San Antonio	TX	San Antonio, TX 78223
471 Avondale #x-2	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #E1	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #5104	San Antonio	TX	San Antonio, TX 78223
826 Junior	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2303	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4101	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4304	San Antonio	TX	San Antonio, TX 78223
3062 E Southcross	San Antonio	TX	San Antonio, TX 78223
323 Sublett Dr	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #U5	San Antonio	TX	San Antonio, TX 78223
444 Utopia #208	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #137	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #2003	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #243	San Antonio	TX	San Antonio, TX 78223
134 Grecian	San Antonio	TX	San Antonio, TX 78223
7204 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #3103	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #G2	San Antonio	TX	San Antonio, TX 78223
471 Avondale #w-6	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #207	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7301	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2304	San Antonio	TX	San Antonio, TX 78223
125 Menlo	San Antonio	TX	San Antonio, TX 78223
7301 Hanzi #a	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #804	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #3307	San Antonio	TX	San Antonio, TX 78223
7403 Hanzi Apt B	San Antonio	TX	San Antonio, TX 78223
1803 Marshall Cross #218	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #6104	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #A4	San Antonio	TX	San Antonio, TX 78223
7305 Hanzi #a	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4201	San Antonio	TX	San Antonio, TX 78223
223 Edge	San Antonio	TX	San Antonio, TX 78223
114 Montrose	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3104	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2003	San Antonio	TX	San Antonio, TX 78223

471 Avondale #w-8	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #9104	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1105	San Antonio	TX	San Antonio, TX 78223
424 Utopia #239	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #505	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #408	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #D6	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #1105	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #K8	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #3102	San Antonio	TX	San Antonio, TX 78223
535 Kathy	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #102	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #3c	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #1010	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #4801	San Antonio	TX	San Antonio, TX 78223
535 Pennystone	San Antonio	TX	San Antonio, TX 78223
2011 Dollarhide #623	San Antonio	TX	San Antonio, TX 78223
7303 Hanzi #e	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8207	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7302	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #M1	San Antonio	TX	San Antonio, TX 78223
838 Utopia	San Antonio	TX	San Antonio, TX 78223
2802 Lassess #31	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #7203	San Antonio	TX	San Antonio, TX 78223
207 Prestwick	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #2103	San Antonio	TX	San Antonio, TX 78223
7200 S Presa #2002	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #606	San Antonio	TX	San Antonio, TX 78223
124 Menlo Blvd	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #804	San Antonio	TX	San Antonio, TX 78223
239 Hermitage	San Antonio	TX	San Antonio, TX 78223
501 Koehler Ct #E2	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1401	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2703	San Antonio	TX	San Antonio, TX 78223
7201 Hanzi #D	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9203	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #4202	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #3501	San Antonio	TX	San Antonio, TX 78223
6840 Pecan Valley #2701	San Antonio	TX	San Antonio, TX 78223
462 Utopia #C-205	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #7103	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #H8	San Antonio	TX	San Antonio, TX 78223
3314 Ryan	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9302	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #C4	San Antonio	TX	San Antonio, TX 78223
7301 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
370 Anton	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #902	San Antonio	TX	San Antonio, TX 78223

444 Utopia #213	San Antonio	TX	San Antonio, TX 78223
208 Pamela Dr	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #1202	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8106	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #2901	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1205	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3603	San Antonio	TX	San Antonio, TX 78223
2303 Goliad #1102	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9201	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #9301	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4305	San Antonio	TX	San Antonio, TX 78223
922 Fair	San Antonio	TX	San Antonio, TX 78223
915 Fair Ave.	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #5503	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #N7	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #G5	San Antonio	TX	San Antonio, TX 78223
209 Stratford #6	San Antonio	TX	San Antonio, TX 78223
427 Montrose #305	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #7204	San Antonio	TX	San Antonio, TX 78223
129 Avondale	San Antonio	TX	San Antonio, TX 78223
302 Avondale	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4202	San Antonio	TX	San Antonio, TX 78223
926 Dullnig Ct	San Antonio	TX	San Antonio, TX 78223
5015 Ferrington	San Antonio	TX	San Antonio, TX 78223
2111 S Dollarhide #402	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #1802	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #C2	San Antonio	TX	San Antonio, TX 78223
527 Koehler Ct #m8	San Antonio	TX	San Antonio, TX 78223
3271 Bob Billa	San Antonio	TX	San Antonio, TX 78223
905 E Dullnig Ct.	San Antonio	TX	San Antonio, TX 78223
412 Margo	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #25103	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8201	San Antonio	TX	San Antonio, TX 78223
7406 Hanzi #b	San Antonio	TX	San Antonio, TX 78223
2566 Goliad Rd #707	San Antonio	TX	San Antonio, TX 78223
8914 Mission Meadow	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #401	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #8104	San Antonio	TX	San Antonio, TX 78223
7404 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
209 Stratford #1	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #14d	San Antonio	TX	San Antonio, TX 78223
7607 Glasgow Dr	San Antonio	TX	San Antonio, TX 78223
319 Metz Ave	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #J3	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #8303	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #28103	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #L1	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #114	San Antonio	TX	San Antonio, TX 78223

3007 Se Military #6002	San Antonio	TX	San Antonio, TX 78223
5500 S New Braunfels #R6	San Antonio	TX	San Antonio, TX 78223
7303 Hanzi #c	San Antonio	TX	San Antonio, TX 78223
3007 Se Military #3202	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1301	San Antonio	TX	San Antonio, TX 78223
2710 Goliad Rd #207-2	San Antonio	TX	San Antonio, TX 78223
6639 S New Braunfels #16103	San Antonio	TX	San Antonio, TX 78223
6218 S New Braunfels #11d	San Antonio	TX	San Antonio, TX 78223
424 Utopia #141	San Antonio	TX	San Antonio, TX 78223
471 Avondale #w-1	San Antonio	TX	San Antonio, TX 78223
6222 S New Braunfels #1302	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8102	San Antonio	TX	San Antonio, TX 78223
7305 Hanzi #d	San Antonio	TX	San Antonio, TX 78223
3203 Bolmore #144	San Antonio	TX	San Antonio, TX 78223
301 Avondale	San Antonio	TX	San Antonio, TX 78223
515 E Palfrey	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #4106	San Antonio	TX	San Antonio, TX 78223
927 VFW Blvd #8211	San Antonio	TX	San Antonio, TX 78223
518 Stratford	San Antonio	TX	San Antonio, TX 78223
2910 Lasses Blvd.	San Antonio	TX	San Antonio, TX 78223
3007 SE Military #3001	San Antonio	TX	San Antonio, TX 78223
6835 Pecan Valley #1003	San Antonio	TX	San Antonio, TX 78223
648 Monticello Court	San Antonio	TX	San Antonio, TX 78223
129 E Dullnig Ct	San Antonio	TX	San Antonio, TX 78223

HOUSING AUTHORITY OF BEXAR COUNTY		
CURRENT TENANTS RESIDING IN THE 78223 ZIP CODE AREA		8.2013
118 E. Dullnig	San Antonio	78223-
3007 SE Military Apt# 5301	San Antonio	78223-
505 Koehler Ct. Apt# H-1	San Antonio	78223-
2233 SE Military Apt# 211	San Antonio	78223-
6639 S. New Braunfels #17103 Apt# 17103	San Antonio	78223-
419 HOT WELLS	San Antonio	78223-
3134 Cato	San Antonio	78223-
426 Ada	San Antonio	78223-
323 Montrose	San Antonio	78223-
927 VFW Blvd. Apt# 7301	San Antonio	78223-
501 KOEHLER CT. Apt# A1	SAN ANTONIO	78223-
312 MONTICELLO	SAN ANTONIO	78223-
408 Regina Apt# 1	San Antonio	78223-
6639 S. New Braunfels #47102	San Antonio	78223-
7302 Hanzi Dr. Apt# C	San Antonio	78223-
6639 S NEW BRAUNFELS #38102	SAN ANTONIO	78223-
310 Kipling	San Antonio	78223-
155 Menlo	San Antonio	78223-
444 Utopia Ln. Apt# 213	San Antonio	78223-
6222 S. New Braunfels #8201	San Antonio	78223-
5500 S. New Braunfels Apt# A-2	San Antonio	78223-
927 VFW Blvd. Apt# 8306	San Antonio	78223-
927 VFW Blvd. Apt# 2304	San Antonio	78223-
2303 Goliad Rd. Apt# 1201	San Antonio	78223-
927 VFW Apt# 4206	San Antonio	78223-
3203 BOLMORE Apt# 112	SAN ANTONIO	78223-
2011 Dollarhide Apt# 620	San Antonio	78223-
2233 SE Military Apt# 1701	San Antonio	78223-
6222 S. New Braunfels #8204	San Antonio	78223-
6222 S. New Braunfels #9105	San Antonio	78223-
6222 S. New Braunfels #2104 Apt# 2104	San Antonio	78223-
501 Koehler Court Apt# E3	San Antonio	78223-
670 Mc Dougal	San Antonio	78223-
3036 E SOUTHCROSS	SAN ANTONIO	78223-

3007 SE MILITARY Apt# 101	SAN ANTONIO	78223-
9207 Mission Stream	San Antonio	78223-
6835 Pecan Valley Apt# 207	San Antonio	78223-
6222 S. New Braunfels #10201	San Antonio	78223-
650 Glamis	San Antonio	78223-
6840 Pecan Valley Apt# 2805	San Antonio	78223-
6840 Pecan Valley Apt# 2201	San Antonio	78223-
6222 S. New Braunfels #10302	San Antonio	78223-
6639 S. New Braunfels #37104	San Antonio	78223-
927 VFW Blvd. Apt# 5303	San Antonio	78223-
6639 S. New Braunfels #47101	San Antonio	78223-
6639 S. New Braunfels #48102	San Antonio	78223-
455 E. Palfrey	San Antonio	78223-
927 VFW Blvd. Apt# 2102	San Antonio	78223-
6222 S. New Braunfels #5102	San Antonio	78223-
6835 Pecan Valley Dr Apt# 2001	San Antonio	78223-
240 PRESTWICK	SAN ANTONIO	78223-
6835 Pecan Valley Apt# 1107	San Antonio	78223-
6018 STATE ST Apt# 103	SAN ANTONIO	78223-
927 VFW BLVD Apt# 7205	SAN ANTONIO	78223-
6639 S. New Braunfels #1101	San Antonio	78223-
3007 SE MILITARY Apt# 2802	SAN ANTONIO	78223-
230 CHAUCER Apt# 353 Apt# 353	SAN ANTONIO	78223-
6639 S. New Braunfels #43101	San Antonio	78223-
6639 S. New Braunfels #9101	San Antonio	78223-
4323 Clark	San Antonio	78223-
5500 S. New Braunfels Apt# B-5	San Antonio	78223-
462 UTOPIA LANE Apt# A102	SAN ANTONIO	78223-
6639 S. New Braunfels #33103 Apt# 33103	San Antonio	78223-
8110 Shumard Oak Dr.	San Antonio	78223-
462 Utopia Lane Apt# C 106	San Antonio	78223-

6639S NEW BRAUNFELS Apt# 6101	SAN ANTONIO	78223-
6639 S. New Braunfels #27101	San Antonio	78223-
6639 S. New Braunfels #4103	San Antonio	78223-
6639 S NEW BRAUNFELS #18209	SAN ANTONIO	78223-
6835 Pecan Valley Apt# 1903	San Antonio	78223-
6639 S. New Braunfels #33102	San Antonio	78223-
107 PRESTWICK	SAN ANTONIO	78223-
6218 S NEW BRAUNFELS Apt# 28C	SAN ANTONIO	78223-
501 KOEHLER COURT Apt# D8	SAN ANTONIO	78223-
927 VFW Apt# 3208	San Antonio	78223-
424 Utopia Lane Apt# 248	SAN ANTONIO	78223-
6639 S. New Braunfels #34101	San Antonio	78223-
2111 Dollarhide Apt# 408	San Antonio	78223-
6639 S. NEW BRAUNFELS #25104	SAN ANTONIO	78223-
6639S S NEW BRAUNFELS #17102	SAN ANTONIO	78223-
6639S NEW BRAUNFELS Apt# 31104	SAN ANTONIO	78223-
6639 New Braunfels Apt# 2104	San Antonio	78223-
6639S NEW BRAUNFELS Apt# 22102	SAN ANTONIO	78223-
6639 S. New Braunfels #2210	San Antonio	78223-
6639 S. NEW BRAUNFELS #43102	SAN ANTONIO	78223-
6639 S NEW BRAUNFELS #28101	SAN ANTONIO	78223-
522 PENNYSTONE	SAN ANTONIO	78223-
139 JOHNATHAN AVE	SAN ANTONIO	78223-
518 STRATFORD CT	SAN ANTONIO	78223-
2931 ANZA	SAN ANTONIO	78223-
501 KOEHLER CT Apt# P3	SAN ANTONIO	78223-
147 KASHMUIR PL	SAN ANTONIO	78223-
427 Montrose Apt# 104	San Antonio	78223-
7200 S. Presa Apt# 1005	San Antonio	78223-
3203 Bolmore Apt# 107	San Antonio	78223-
536 PENNYSTONE	SAN ANTONIO	78223-
2011 S. Dollarhide Apt# 322	San Antonio	78223-

6835 Pecan Valley Apt# 1406	San Antonio	78223-
104 LA GARDE ST	SAN ANTONIO	78223-
505 KOEHLER CT Apt# H5	SAN ANTONIO	78223-
121 MENO	SAN ANTONIO	78223-
2233 SE MILITARY Apt# 103	SAN ANTONIO	78223-
6639 S NEW BRAUNFELS AVE Apt# 14104	SAN ANTONIO	78223-
6835 Pecan Valley Apt# 1907	San Antonio	78223-
5500 S NEW BRAUNFELS AVE #E8	SAN ANTONIO	78223-
2802 LASSES BLVD Apt# 14	SAN ANTONIO	78223-
2303 Goliad Apt# 201 Apt# 201	San Antonio	78223-
7200 S. Presa Apt# 2004	San Antonio	78223-
6639 S. New Braunfels #2112	San Antonio	78223-
501 KOEHLER COURT Apt# F7	SAN ANTONIO	78223-
927 VFW Blvd. Apt# 3204	San Antonio	78223-

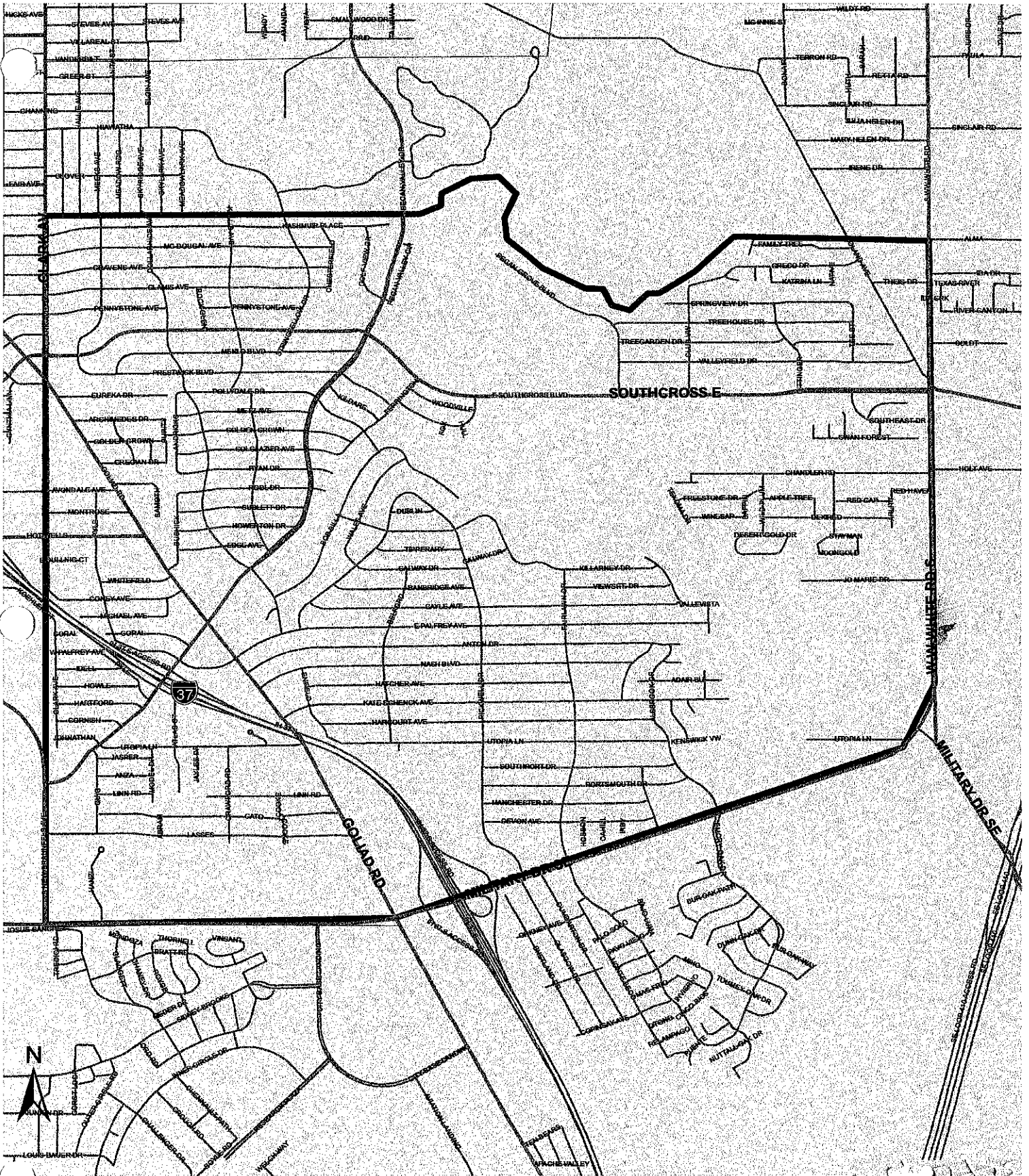
**SAPD Reported Crimes Within Select Highland Hills Area
2012 and 2012 YTD v 2013 YTD**

Crimes	2012	2012 YTD	2013 YTD
Aggravated Assault	29	17	18
Aggravated Family Violence	19	8	10
Aggravated Robbery Business	5	3	1
Aggravated Robbery Individual	13	5	13
Aggravated Sexual Assault	5	4	5
Arson	2	2	2
Assault	129	77	64
Burglary Building	82	45	39
Burglary Habitation	212	110	110
Burglary Vehicle	369	209	157
Capital Murder / Murder	3	3	0
Deadly Conduct	28	14	11
Drug Arrest	136	79	80
Family Violence	183	104	105
Fraud	98	53	50
Graffiti	15	7	11
Indecency with a Child	11	9	8
Indecency/Obscenity	1	1	0
Injury to a Child	14	9	12
Injury to Elderly Person	2	1	0
Kidnapping	1	1	0
Larceny	711	397	403
Obstruction of Justice	63	34	42
Protective Order Violation	20	7	12
Robbery Business	6	2	0
Robbery Individual	17	8	9
Sexual Assault	12	6	9
Stalking	1	1	0
TABC-Liquor Law Violation	35	18	23
Theft of Vehicle	122	66	88
Threats	52	40	26
Traffic Violation	35	25	14
Trespassing	15	11	7
Unauthorized Use of Motor Vehicle	3	1	3
Vandalism	352	207	190
Weapon Violation	19	12	11
Comparative Totals	2,820	1,596	1,533

Developed by SAPD Strategic Intelligence & Analytics, August 2013

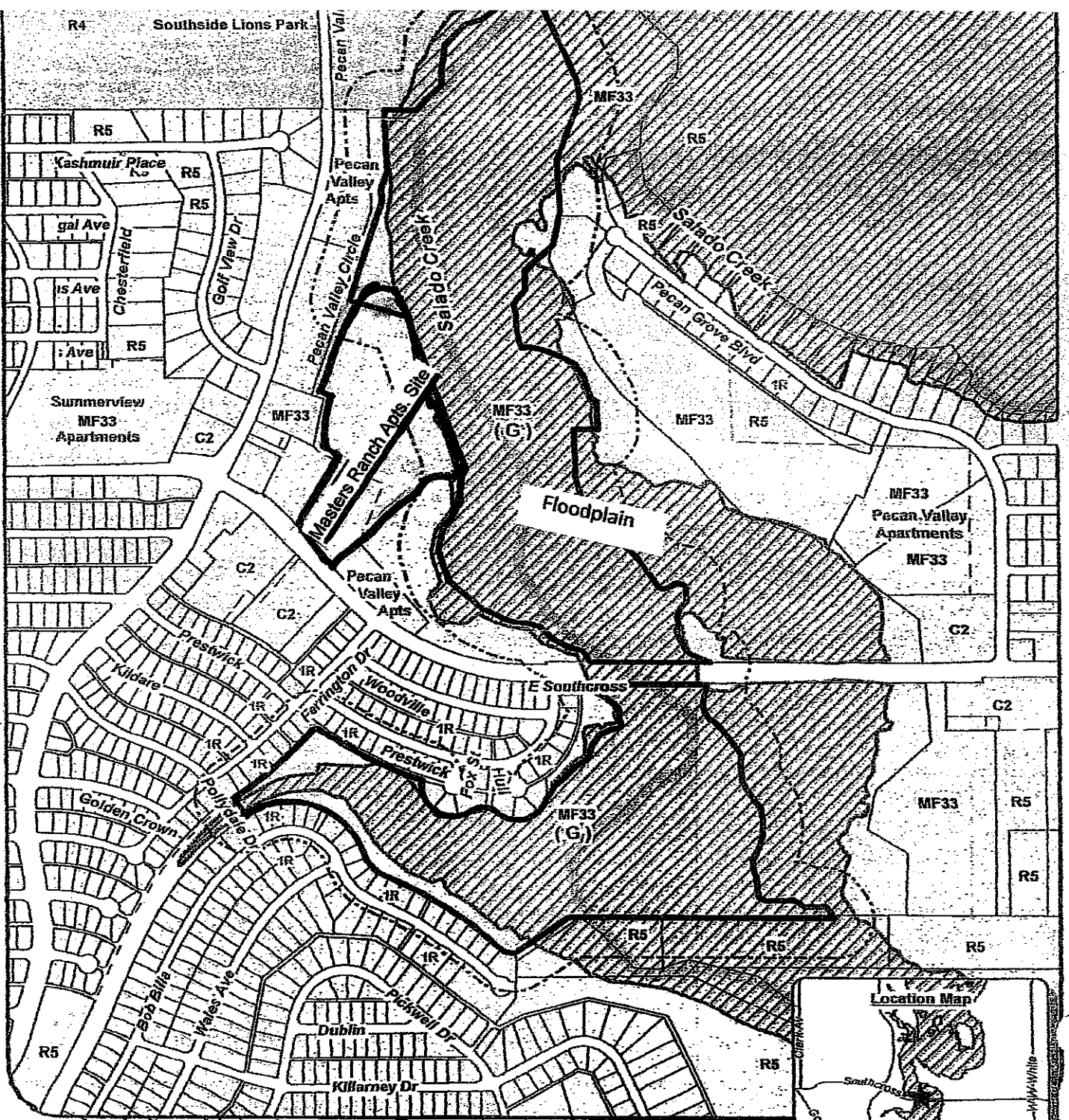


Highland Hills Crime Survey Area - Reference Map



Developed by SAPD Strategic Intelligence & Analytics, August 2013





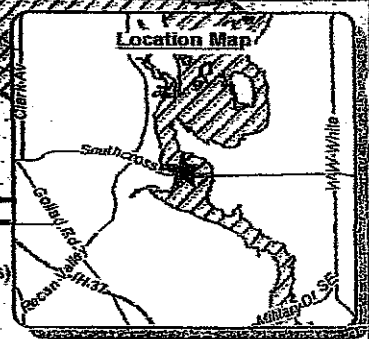
Zoning Case Notification Plan
Case Z2012081

Council District 3
 Scale: 1" approx. = 700 Feet

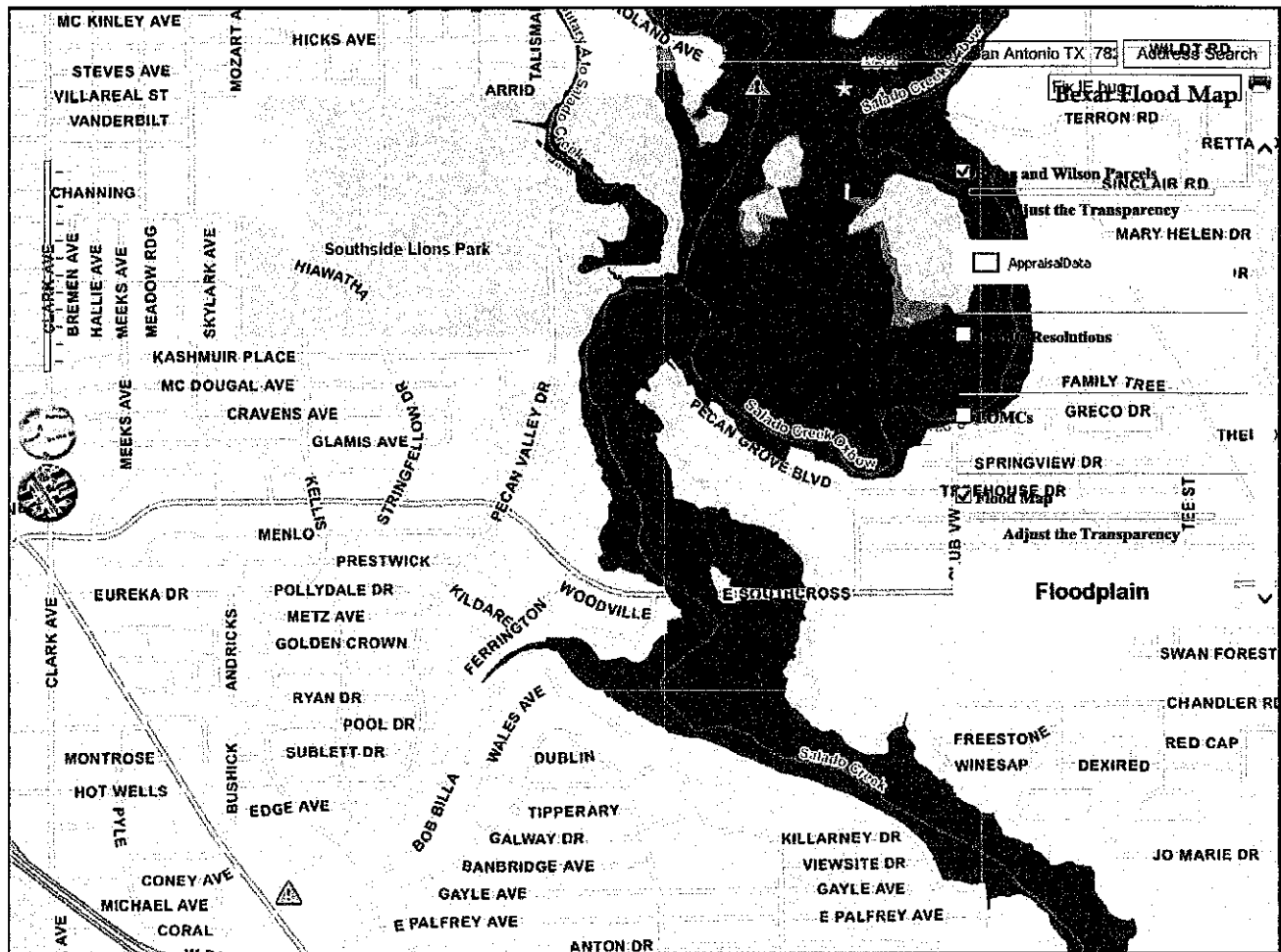
Subject Property Legal Description(s): NCB 13486 - Block 002 - 42.011 acres out of Tract I and
 NCB 13485 - Block 001 - 59.216 acres out of Tract I

Legend

- Subject Properties (101,227 Acres)
- 200' Notification Area
- Current Zoning **TEXT**
- Requested Zoning Change **(TEXT)**
- 100-Year DFIRM Floodplain
- Single Family Residential 1R



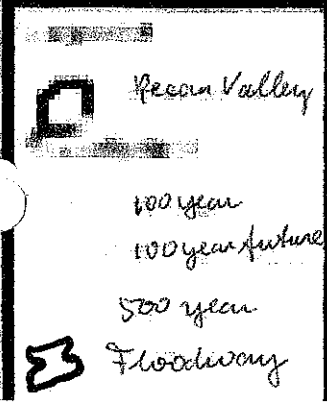

Development Services Dept
 City of San Antonio
 (05/17/2012 - R Martinez)



Attachment 9

Pecan Valley Dr.

E. Southcross Dr.


Pecan Valley
100 year
100 year future
500 year
 Floodway

Attachment 10



Texas Department of Housing and Community Affairs
 Multifamily Finance Division
 Notification of Submission of Affordable Housing Applications

13417

July 12, 2013

Pecan Valley Neighborhood Association
 4126 Valleyfield
 San Antonio, TX 78222

Re: Notification of Affordable Rental Housing Application(s) Proposed in Your Area

Dear Neighborhood Organization:

The Texas Department of Housing and Community Affairs (the "Department") has received one or more application(s), for the Housing Tax Credit Program, for the development of affordable rental housing in the community you represent. A development summary for each application submitted, as well as relevant dates relating to the application(s) is included with this correspondence.

This notification is made in accordance with §2306.1114, Texas Government Code, to ensure that you are informed of the housing activity in your district and so that you may provide your input on the proposed application(s). The Department greatly appreciates receiving views concerning the need for affordable housing within the local districts and how the proposed development(s) address that need. Your comments will be considered by the Department's Governing Board when making a decision to award Housing Tax Credit funds to an application.

The Department's mission is to help Texans achieve a higher quality of life by building better communities. Through the Department's rental housing finance programs, we encourage the new construction, reconstruction or rehabilitation of high quality multifamily rental housing, primarily through partnerships between public-private developers and owners. These developments benefit Texans in your district by providing qualified individuals and families with safe, decent and affordable quality housing.

Please mail any comments you may have to TDHCA, Multifamily Finance Division, Attention: Teresa Morales, Multifamily Division Manager, P.O. Box 13941, Austin, Texas 78711-3941 or submit by facsimile at (512) 475-0764. If you have any questions or need additional information, please contact Teresa at (512) 475-3344 or by email at teresa.morales@tdhca.state.tx.us.

Sincerely,

Cameron Dorsey
 Cameron Dorsey
 Director of Multifamily Finance

There are close to 3000 who have signed in opposition to the development of the property. Many of the neighboring N.A.'s have been with. We and the spoken and given testimony more than once!
~~Antonio Morales~~
 8/07/13

08-12-13 A11:12 OUT

Relevant Development Information as Presented by the Applicant:

13417

Programs Applied For:

- Housing Tax Credits-Competitive 9% (HTC)
- HOME Program (HOME)
- Housing Tax Credits-Non Competitive 4% (HTC)
- TDHCA Tax Exempt Bond

Development Information:

Development Number:

Development Name:

Development Address:

Development City: Development Zip: Region:

Regional Allocation:

HTC Set Aside: Nonprofit USDA At-Risk

Construction Type:

Building/Unit Configuration:

4 units or more Duplex Fourplex

Townhome Single Room Occupancy

Maximum # of Floors: Total Site Acreage:

Residential Buildings: # Non Residential Buildings: # Units per Acre:

Total Low Income Units: Total Market Rate Units: Total Units:

Applicant Information:

Owner Entity Name: Owner City:

Owner Contact: Owner State:

Owner Address: Owner Zip:

Owner Phone:

Owner Email:

This Development may include other public benefits such as financing, rental subsidies and tenant supportive services.

Relevant Development Information as Presented by the Applicant Continued:

13417

Relevant Dates Specific to Programs Applied:

HTC Non Competitive 4%:

Anticipated Date of TDHCA Board meeting: 9/12/2013

Date HTC 4% Full App Received: 7/1/2013

HTC 4% Public Comment Deadline: 9/3/2013

Bond Issuer: San Antonio Housing Trust Public Finance Corp.

Bond Issuer contact:: John Kenny

Bond Issuer phone#: (210) 735-2772

TDHCA Tax Exempt Bond:

TDHCA Bond Pre-App Date of Public Comment Deadline:

Date TDHCA Bond Pre-App Received:

TEFRA Hearing Date:

TEFRA Location: TBD by Issuer

TEFRA Address: TBD by Issuer

TEFRA City, ST, Zip: TBD by Issuer

VNA-4126 Valleyfield
SAT 78222



UNITED STATES
POSTAL SERVICE

1000



78711

AUG 07 13

AMOUNT

\$6.11

00056401-04

7011 1570 0000 6632 9769

RECEIVED

AUG 09 2013

Texas Department of Housing
and Community Affairs

RETURN RECEIPT
REQUESTED

TDNCA, Multifamily Finance Div.
Attn: Teresa Morales
Multifamily Div. Mgr.
P.O. Box 13941
Austin, Tx, 78711-3941

71133541

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for Hunter Plaza was submitted to the Department on August 26, 2013;

WHEREAS, the proposed issuer of the bonds is the Trinity River Public Facility Corporation;

WHEREAS, the Certification of Reservation from the Texas Bond Review Board expires on April 13, 2014; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby

RESOLVED, that the issuance of a Determination Notice of \$517,869 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for Hunter Plaza is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: Hunter Plaza, located in Fort Worth, Tarrant County, involves the acquisition and rehabilitation of an existing building which was originally constructed in the early 1950s as an 11-story hotel and was later renovated in 1972 converting the structure into a multifamily development with residential units on the second through tenth floors. The first and eleventh floors were comprised of common areas and office space, most of which at this time are uninhabitable. The property as a whole has been vacant since 2010. Moreover, based on the age and historic nature of the building, the Applicant is pursuing Historic Tax Credits through the Texas Historic Commission ("THC"); however, at this time no award has been made. Based on information provided by the applicant, if a favorable response is received after submission to THC, then additional information will be submitted, including a rehabilitation plan, to the National Park Service as well as the THC. Furthermore, if both entities approve the plan, construction will begin and a preservation architect will be required to inspect and provide an approval. At the completion of construction, application will be made to the National Register. Due to the lengthy application process, evidence of final award of the Historic Tax Credits

may not be available until the time of Cost Certification and providing such evidence is a condition of this award.

The Certificate of Reservation from the Bond Review Board was issued under the Priority 3 designation which does not have a prescribed restriction on the percentage of Area Median Family Income (“AMFI”) that must be served. The proposed rehabilitation will include creating a mixed use development of residential units, new common areas and first floor commercial space to be leased. Of the 164 total residential units, 3 units will be rent and income restricted at 50% of AMFI, 112 units will be rent and income restricted at 60% AMFI and the remaining 49 units will be market rate with no rent or income restrictions. The development will serve the general population and is currently zoned appropriately.

Organizational Structure and Compliance: The Borrower is FW Hunter Plaza, LP, and the General Partner is FW Hunter Plaza GP, LLC, of which the sole member is Fort Worth Affordability, Inc. and is comprised of the following individuals: Barbara Holston, Terri Attaway, Mark Presswood, Michael Ramirez, and Richard Stinson. The Compliance Status Summary completed on October 8, 2013, reveals that the principals of the general partner have received 34 multifamily awards. There were no identified issues relating to material noncompliance.

Census Demographics: The development is to be located at 605 West 1st Street in Fort Worth. Demographics for the census tract (1233.00) include AMFI of \$90,014; the total population is 4,539; the percent of population that is minority is 29.90%; the percent of the population that is below the poverty line is 20.97%; the number of owner occupied units is 298 and the number of renter units 1,504. (Census information from FFIEC Geocoding for 2013).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID # **13419**Name **Hunter Plaza**City: **Fort Worth**HTC 9% HTC 4% HOME BOND HTF NSP ESG Other No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	33	<table border="1" style="margin: auto;"><tr><td colspan="2" style="text-align: center;">Projects in Material Noncompliance</td></tr><tr><td style="text-align: center;">Yes <input type="checkbox"/></td><td style="text-align: center;">No <input checked="" type="checkbox"/></td></tr></table>	Projects in Material Noncompliance		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Projects grouped by score	0-9:	33
Projects in Material Noncompliance									
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>								
Total # of MF awards not yet monitored or pending review:	1	Unresolved Audit Findings Identified w/ Contract(s) <input type="checkbox"/>	10-19:	0					
SF Contract Experience <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Total # of MF Projects in Material Noncompliance: <u>0</u>	20-29:	0					
Total # of SF Contracts:	1		Total monitored with a score 0-29:	33					

Completed by: James Roper Reviewer: Patricia MurphyDate 10/2/2013 Date 10/8/2013

Comments (if applicable):

Single Audit

<input type="checkbox"/> Single audit review not applicable	<input type="checkbox"/> Late single audit certification form (see comments)
<input checked="" type="checkbox"/> Single audit requirements current	<input type="checkbox"/> Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date 10/10/2013

Comments (if applicable):

Loan Servicing

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (see comments)
--	---

Reviewer Sandra Molina Date 10/11/2013

Comments (if applicable):

Financial Services

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (See Comments)
--	---

Reviewer Monica Guerra Date 10/10/2013

Comments (if applicable):

Community Affairs

<input checked="" type="checkbox"/> No identified issues	<input type="checkbox"/> Identified Issues (see comments)
--	---

Reviewer Cathy Collingsworth Date 10/10/2013

Comments (if applicable):

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for Sikes Road was submitted to the Department on September 30, 2013;

WHEREAS, the proposed issuer of the bonds is the Orange Public Facility Corporation;

WHEREAS, the Certification of Reservation from the Texas Bond Review Board expires on April 12, 2014;

WHEREAS, the applicant requested pre-clearance pursuant to §10.101(a)(4)(A) of the Uniform Multifamily Rules regarding the location of the proposed site in an area that has a history of significant or recurring flooding;

WHEREAS, the applicant requested a waiver pursuant to §10.101(a)(3) of the Uniform Multifamily Rules regarding the presence of an ethylene pipeline located on the proposed site;

WHEREAS, staff determined that based on information provided by the applicant the location of the site in an area that has a history of significant or recurring flooding does not specifically require pre-clearance pursuant to §10.101(a)(4) of the Uniform Multifamily Rules; however, staff recommends the award be conditioned upon the completion of the HUD Environmental Clearance Process in accordance with 24 CFR Part 50 and/or 58 prior to bond closing with documentation of such submitted at the time of cost certification;

WHEREAS, staff has determined that the presence of the ethylene pipeline does not specifically require a waiver pursuant to §10.101(a)(3) of the Uniform Multifamily Rules; however, staff recommends the award be conditioned upon development of the property in accordance with the Pipelines and Informed Planning Alliance (“PIPA”) Best Practices;

WHEREAS, due to the location of the pipeline staff recommends the award be conditioned upon evidence of an easement or other permanent agreement(s) needed for secondary ingress/egress that does not cross the pipeline; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby

RESOLVED, that the issuance of a Determination Notice of \$297,384 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for Sikes Road is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: The Certificate of Reservation from the Bond Review Board was issued under the Priority 3 designation which does not have a prescribed restriction on the percentage of Area Median Family Income ("AMFI") that must be served. Sikes Road, located in Orange, Orange County includes the relocation of an existing 70 unit public housing complex from an area of relatively high poverty and minority concentration to the proposed location on Sikes Road, an area with a relatively low poverty rate and low minority concentration, as indicated by the applicant. Residents will remain in their current units until completion of the development and then relocate since the existing complex will be demolished. All of the 70 units will be rent and income restricted at 60% AMFI and have project based vouchers through HUD's Rental Assistance Demonstration (RAD) program. The development will serve the general population and is currently zoned appropriately.

Pre-clearance for Flooding: The applicant submitted a Waivers, Pre-clearance, Determination and Disclosure Packet requesting pre-clearance to build in an area that has a history of significant or recurring flooding which is considered to be an undesirable area feature pursuant to §10.101(a)(4) of the Uniform Multifamily Rules. Information provided by the applicant indicates the northern portion of the site is located within the 100- and 500-year floodplains; however, the site plan reflects the entire development is proposed to be built outside of both of the aforementioned floodplains. The applicant indicated they are unaware of any specific flooding concerns with this particular site.

Moreover, the applicant disclosed the presence of three potential wetland areas on the site totaling 1.88 acres of the 14.77 acre site. The presence of such wetlands is substantiated by the environmental site assessment, performed by Medina Consulting Company, Inc that was submitted with the application. A permit application has been submitted to the United States Army Corps of Engineers and staff notes that no improvements are proposed to be built in any of the wetland areas.

Staff does not believe the floodplain and wetland issues noted above specifically constitute a requirement to obtain preclearance or a waiver; however, staff recommends the award be conditioned upon the completion of the HUD Environmental Clearance Process in accordance with 24 CFR Part 50 and/or 58 prior to bond closing with documentation of such submitted at the time of cost certification.

Waiver for Pipeline: The site plan and survey submitted with the application identified the presence of a 10-foot pipeline easement with an underground ethylene pipeline, owned by Dow Pipeline Company that runs parallel to Sikes Road at the entrance of the property. Information provided by the Applicant confirms that no structures will be built within the pipeline easement and that there are no storage tanks nearby. Moreover, once architectural plans are final, they will be provided to Dow Pipeline Company

for review. Upon their review, additional measures or requirements may be imposed by Dow in a Letter of No Objection and the acceptance and agreement of any terms and conditions imposed by Dow will be required by the applicant prior to any commencement of construction on or near the easement. Staff notes that the presence of a pipeline is not specifically stated in the rule as an undesirable site or area feature that would necessitate approval of a waiver. However, based upon staff's research regarding pipelines, the award is conditioned upon Department receipt of a report from a qualified pipeline compliance consultant evaluating the existing pipeline conditions and the development of the proposed project pursuant to guidance and best practices recommended by the Pipelines and Informed Planning Alliance ("PIPA") as further indicated in the Real Estate Analysis Report. A final report stating the property was constructed in accordance with such Best Practices must be submitted at the time of cost certification.

Moreover, given the location of the pipeline and the fact that the only ingress/egress from the property is to cross over the pipeline, staff recommends the award be conditioned upon documentation of an easement or other permanent agreement(s) demonstrating secondary ingress/egress that does not cross over the pipeline. Staff believes given the nature and location of the pipeline that secondary access is warranted and documentation to that effect must be submitted prior to bond closing as further indicated in the Real Estate Analysis Report.

Organizational Structure and Compliance: The Borrower is Orange Redevelopment AR II, LP, and the General Partner is Orange Redevelopment AR II GP, LLC, which includes the Housing Authority of the City of Orange and is comprised of the following individuals: LaNita Brown, Michael Combs, Patricia Coppage, Ruth Griffin and Josie Lindsey. The Compliance Status Summary completed on November 7, 2013, reveals that the principals of the general partner have received 16 multifamily awards. There were no identified issues relating to material noncompliance.

Census Demographics: The development is to be located at 4030 Sikes Road in Orange. Demographics for the census tract (0213.00) include AMFI of \$85,518; the total population is 5,736; the percent of population that is minority is 21.16%; the percent of the population that is below the poverty line is 12.08%; the number of owner occupied units is 1,730 and the number of renter units 614. (Census information from FFIEC Geocoding for 2013).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID # **13424**

Name **Sikes Road**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	16	Projects in Material Noncompliance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Projects grouped by score	0-9: 14	10-19: 2
Total # of MF awards not yet monitored or pending review:	7	Unresolved Audit Findings Identified w/ Contract(s) <input type="checkbox"/>		20-29: 0	
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance: <u>0</u>	Total monitored with a score 0-29:	<u>16</u>	
Total # of SF Contracts:	<u>0</u>				

Completed by: J. Taylor Reviewer: Patricia Murphy

Date: 11/4/2013 Date: 11/7/2013

Comments (if applicable):

Single Audit

Single audit review not applicable Late single audit certification form (see comments)
 Single audit requirements current Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date: 11/12/2013

Comments (if applicable):

Loan Servicing

No delinquencies found Delinquencies found (see comments)

Reviewer: Sandra Molina Date: 11/7/2013

Comments (if applicable):

Financial Services

No delinquencies found Delinquencies found (See Comments)

Reviewer: Monica Guerra Date: 11/12/2013

Comments (if applicable):

Community Affairs

No identified issues Identified Issues (see comments)

Reviewer: Cathy Collingsworth Date: 11/13/2013

Comments (if applicable):

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for Pine Grove was submitted to the Department on September 30, 2013;

WHEREAS, the proposed issuer of the bonds is the Orange Public Facility Corporation;

WHEREAS, the Certification of Reservation from the Texas Bond Review Board expires on April 12, 2014; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby

RESOLVED, that the issuance of a Determination Notice of \$284,800 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department's website for Pine Grove is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: The Certificate of Reservation from the Bond Review Board was issued under the Priority 3 designation which does not have a prescribed restriction on the percentage of Area Median Family Income ("AMFI") that must be served. Pine Grove, located in Orange, Orange County, includes the demolition of an existing 100-unit public housing complex; which has been vacant since 2009 and the new construction of 66 total units; all of which will be rent and income restricted at 60% AMFI and have project based vouchers through HUD's Rental Assistance Demonstration (RAD) program. The development will serve the general population and is currently zoned appropriately.

Organizational Structure and Compliance: The Borrower is Orange Redevelopment PG, LP, and the General Partner is Orange Redevelopment PG GP, LLC, which includes the Housing Authority of the City of Orange and is comprised of the following individuals: LaNita Brown, Michael Combs, Patricia Coppage, Ruth Griffin and Josie Lindsey. The Compliance Status Summary completed on November 7, 2013, reveals that the principals of the general partner have received 16 multifamily awards. There were no identified issues relating to material noncompliance.

Census Demographics: The development is to be located at 101 Pine Grove Drive in Orange. Demographics for the census tract (0209.00) include AMFI of \$48,443; the total population is 3,362; the percent of population that is minority is 57.38%; the percent of the population that is below the poverty line is 30.42%; the number of owner occupied units is 561 and the number of renter units 1,046. (Census information from FFIEC Geocoding for 2013).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID # **13425**Name **Pine Grove Redevelopment**City: **Orange**HTC 9% HTC 4% HOME BOND HTF NSP ESG Other No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	16	Projects in Material Noncompliance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Total # of MF awards not yet monitored or pending review:	7	Unresolved Audit Findings Identified w/ Contract(s)	<input type="checkbox"/>	Projects grouped by score	0-9: 14 10-19: 2 20-29: 0
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance:	0	Total monitored with a score 0-29:	16
Total # of SF Contracts:	0				

Completed by: James Roper Reviewer: Patricia MurphyDate: 11/1/2013 Date: 11/7/2013

Comments (if applicable):

Single Audit

<input type="checkbox"/> Single audit review not applicable	<input type="checkbox"/> Late single audit certification form (see comments)
<input checked="" type="checkbox"/> Single audit requirements current	<input type="checkbox"/> Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date: 11/12/2013

Comments (if applicable):

Loan Servicing

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (see comments)
--	---

Reviewer: Sandra Molina Date: 11/7/2013

Comments (if applicable):

Financial Services

<input checked="" type="checkbox"/> No delinquencies found	<input type="checkbox"/> Delinquencies found (See Comments)
--	---

Reviewer: Monica Guerra Date: 11/12/2013

Comments (if applicable):

Community Affairs

<input checked="" type="checkbox"/> No identified issues	<input type="checkbox"/> Identified Issues (see comments)
--	---

Reviewer: Cathy Collingsworth Date: 11/13/2013

Comments (if applicable):

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action on Determination Notices for Housing Tax Credits with another Issuer

RECOMMENDED ACTION

WHEREAS, a Housing Tax Credit application for Velma Jeter was submitted to the Department on September 30, 2013;

WHEREAS, the proposed issuer of the bonds is the Orange Public Facility Corporation;

WHEREAS, the Certification of Reservation from the Texas Bond Review Board expires on April 13, 2014;

WHEREAS, the applicant requested two waivers pursuant to §10.101(a)(3)(C) and §10.101(a)(3)(E) of the Uniform Multifamily Rules relating to the presence of an easement containing an underground pipeline located in the northwest corner of the site and relating to the presence of high-voltage power lines running parallel to the site, respectively;

WHEREAS, staff has determined that the presence of the ethylene pipeline does not specifically require a waiver pursuant to §10.101(a)(3) of the Uniform Multifamily Rules; however, staff recommends the award be conditioned upon development of the property in accordance with the Pipelines and Informed Planning Alliance (“PIPA”) Best Practices;

WHEREAS, the applicant provided a certification from an engineer stating the buildings are not located within the easement of any overhead high voltage transmission line or inside the engineered fall distance, as calculated by the radial projection of the height of the pole, or of any support structure for high voltage transmission lines, radio antennae or satellite towers; and

WHEREAS, the Executive Award and Review Advisory Committee recommends the issuance of the Determination Notice;

NOW, therefore, it is hereby

RESOLVED, that the issuance of a Determination Notice of \$335,521 in 4% Housing Tax Credits, subject to underwriting conditions that may be applicable as found in the Real Estate Analysis report posted to the Department’s website for Velma Jeter is hereby approved in the form presented to this meeting.

BACKGROUND

General Information: The Certificate of Reservation from the Bond Review Board was issued under the Priority 3 designation which does not have a prescribed restriction on the percentage of Area Median Family Income (“AMFI”) that must be served. Velma Jeter, located in Orange, Orange County includes the demolition of an existing 46 unit public housing complex and the new construction of 80 total units. Current residents will be relocated, based on individual preference and availability, to other public housing developments or given a voucher until completion of the new development. All of the 80 units will be rent and income restricted at 60% AMFI. The development will serve the general population and is currently zoned appropriately.

The applicant submitted a Waivers, Pre-clearance, Determination and Disclosure Packet requesting waivers relating to two separate undesirable site features pursuant to §10.101(a)(3) of the Uniform Multifamily Rules. Information provided by the applicant indicate the presence of an underground pipeline and associated easement along the northwest portion of the site as well as the presence of high-voltage power lines running parallel to the development site and perpendicular to Allie Payne Road.

The first waiver request pertains to the presence of a 10-foot pipeline easement with an underground ethylene pipeline which is owned by Dow Pipeline Company. Information provided by the Applicant confirms that no structures will be built within the pipeline easement and that there are no storage tanks nearby. Moreover, once architectural plans are final, they will be provided to Dow Pipeline Company for review. Upon their review, additional measures or requirements may be imposed by Dow in a Letter of No Objection and the acceptance and agreement of any terms and conditions imposed by Dow will be required by the applicant prior to any commencement of construction on or near the easement. Staff notes that the presence of a pipeline is not specifically stated in the rule as an undesirable site or area feature that would necessitate approval of a waiver. However, based upon staff’s research regarding pipelines, the award is conditioned upon Department receipt of a report from a qualified pipeline compliance consultant evaluating the existing pipeline conditions and the development of the proposed project pursuant to guidance and best practices recommended by the Pipelines and Informed Planning Alliance (“PIPA”) as further indicated in the Real Estate Analysis Report. A final report stating the property was constructed in accordance with such Best Practices must be submitted at the time of cost certification.

The second waiver request pertains to the presence of high-voltage power lines. A determination made by Fittz & Shipman, Inc., a third party engineer and land surveyor firm, indicates the location of the proposed residential buildings of the development will not be located in the easement of any overhead high-voltage transmission lines or inside the engineered fall distance, as calculated by the radial projection of the height of the pole, of any support structure for high voltage transmission lines, radio antennae, etc. Such certification by the engineer satisfies staff’s concern relating to the undesirable site feature pursuant to §10.101(a)(3) of the Uniform Multifamily Rules and is consistent with prior determinations made by staff.

Organizational Structure and Compliance: The Borrower is Orange Redevelopment J, LP, and the General Partner is Orange Redevelopment VJ GP, LLC, which includes the Housing Authority of the City of Orange and is comprised of the following individuals: LaNita Brown, Michael Combs, Patricia

Coppage, Ruth Griffin and Josie Lindsey. The Compliance Status Summary completed on October 24, 2013, reveals that the principals of the general partner have received 18 multifamily awards. There were no identified issues relating to material noncompliance.

Census Demographics: The development is to be located at 5700 Velma Jeter Drive in Orange. Demographics for the census tract (0213.00) include AMFI of \$85,518; the total population is 5,736; the percent of population that is minority is 21.16%; the percent of the population that is below the poverty line is 12.08%; the number of owner occupied units is 1,730 and the number of renter units 614. (Census information from FFIEC Geocoding for 2013).

Public Comment: The Department has not received any letters of support or opposition for this Development.

Applicant Evaluation

Project ID # **13426**

Name **Velma Jeter Redevelopment**

City:

HTC 9% HTC 4% HOME BOND HTF NSP ESG Other

No Previous Participation in Texas Members of the development team have been disbarred by HUD

Compliance

Total # of MF awards monitored:	18	Projects in Material Noncompliance Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Projects grouped by score	
Total # of MF awards not yet monitored or pending review:	9	Unresolved Audit Findings Identified w/ Contract(s)	<input type="checkbox"/>	0-9:	15
SF Contract Experience <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Total # of MF Projects in Material Noncompliance:	0	10-19:	3
Total # of SF Contracts:	0			20-29:	0
				Total monitored with a score 0-29:	18

Completed by: James Roper Reviewer: Patricia Murphy

Date: 10/24/2013 Date: 10/24/2013

Comments (if applicable):

Single Audit

Single audit review not applicable Late single audit certification form (see comments)
 Single audit requirements current Past due single audit or unresolved single audit issue (see comments)

Reviewer: Rosy Falcon Date: 10/29/2013

Comments (if applicable):

Loan Servicing

No delinquencies found Delinquencies found (see comments)

Reviewer: Sandra Molina Date: 10/29/2013

Comments (if applicable):

Financial Services

No delinquencies found Delinquencies found (See Comments)

Reviewer: Monica Guerra Date: 10/29/2013

Comments (if applicable):

Community Affairs

No identified issues Identified Issues (see comments)

Reviewer: Cathy Collingsworth Date: 10/25/2013

Comments (if applicable):

3b

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action regarding Awards of HOME funds from the 2013-1 HOME Multifamily Development Program Notice of Funding Availability

RECOMMENDED ACTION

WHEREAS, the Department has received twenty-eight (28) applications for HOME awards under the 2013-1 HOME Multifamily Development Program Notice of Funding Availability (NOFA);

WHEREAS, \$7,090,000 in HOME funds under the General Set Aside have been awarded under the NOFA to date and \$8,602,455 remains available under the General Set Aside to award to eligible applications;

WHEREAS, two (2) applications, La Esperanza Del Rio (13046) and Royal Gardens (13051) have received complete reviews for compliance with program and underwriting requirements; and

WHEREAS, La Esperanza Del Rio and Royal Gardens were recently awarded Competitive (9%) Housing Tax Credits from the 2013 tax credit ceiling as a result of a previously-awarded application – Villas del Rio – having returned credits;

NOW, therefore, it is hereby

RESOLVED, that commitments of HOME funding from the 2013-1 HOME Multifamily Development Program Notice of Funding Availability for La Esperanza Del Rio and Royal Gardens are hereby approved in the form presented at this meeting, and as amended by the Board for any appeals or tax credit allocation decisions previously heard and determined; and

FURTHER RESOLVED, that the Board's approval is conditioned upon satisfaction of all conditions of underwriting and completion of any other reviews required to ensure compliance with the applicable rules and requirements for HOME Multifamily Development Program funds.

BACKGROUND

On September 12, 2013, the Board approved the 2013-1 HOME Multifamily Development (MFD) Program Notice of Funding Availability (NOFA) with \$21,692,455 in funds (\$15,692,455 under the General Set Aside and \$6,000,000 under the Community Housing Development Organization (CHDO) Set Aside). Due to the timing of the 9% tax credit cycle, 9%

Housing Tax Credit applicants were allowed to request HOME funds in accordance with the December 2012 Board approved policy prior to the publication of the NOFA. These applications were accepted as submissions under the 2013-1 HOME MFD NOFA in accordance with the same policy and the Board action at the September Board meeting to approve the release of the NOFA. At the November 7, 2013, Board Meeting, \$7,090,000 in HOME funds under the General Set Aside were awarded under the NOFA.

Staff is recommending the Board's approval of two (2) applications for HOME awards, totaling \$2,000,000 under the General Set Aside. The recommended applications and award amounts are outlined in the attached award recommendations log. Both applications propose new construction and are located in Rio Grande City. In total, these two (2) applications will result in 21 HOME-assisted units. Each of the applications has been underwritten and determined to meet the Real Estate Analysis rules and requirements and has received a previous participation review.

Should the recommended awards be approved, \$12,602,455 will remain available under the NOFA with \$6,602,455 under the General Set Aside and \$6,000,000 under the CHDO Set-Aside, of which, applications requesting \$3,850,000 and \$2,000,000 respectively, are still under review. Subsequent award recommendations for applications undergoing staff reviews may appear on future Board agendas.

The Application and Award Recommendations Log is attached.



2013-1 HOME Multifamily Development (MFD) Program NOFA - Application Log

Total of \$21,692,455 Available

Application Acceptance Period Ends 12/30/13

Total Set Aside Funding Level: \$ 15,692,455

Available Balance (after awarded/recommended): \$ 6,602,455

General Set-Aside

File #	Reg.	Date Received (1)	Development Name	City	Housing Activity (2)	Reqstd HOME Units	Total units	Target Population	Layering (3)	Requested Project Funds	As Underwritten	Recommended Project Funds	Status
13046	11	2/11/2013	La Esperanza Del Rio	Rio Grande City ETJ	NC	10	60	General	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	To be recommended for Award
13003	3	2/25/2013	Crossing at Oak Grove	Kerens	R	26	32	General	9%	\$370,000	\$ 370,000	\$ 370,000	Approved 11/7/13
13004	4	2/25/2013	Stone Creek Apartments	Kilgore	R	17	56	General	9%	\$540,000	\$ 540,000	\$ 540,000	Approved 11/7/13
13001	4	2/27/2013	Sunset Place Apartments	Malakoff	R	11	36	General	9%	\$430,000	\$ 430,000	\$ 430,000	Approved 11/7/13
13201	7	2/27/2013	The Trails at Carmel Creek	Hutto	NC	9	61	Elderly	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	Approved 11/7/13
13213	10	2/28/2013	Bailey Square	Cuero	NC	9	56	General	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	Approved 11/7/13
13000	11	3/1/2013	Delta Estates Apartments	Edcouch	R	64	64	General	9%	\$375,000			Terminated
13087	11	3/1/2013	Villas del Rio	Rio Grande City	NC	10	80	General	9%	\$1,000,000	\$ 500,000		Returned 9% HTC award
13211	12	3/1/2013	Mustang Springs Apartments	Andrews	NC	9	60	General	9%	\$1,000,000			Not recommended for 9% HTC
13140	3	3/1/2013	Villas at Justin	Justin	NC	9	158	General	9%	\$1,000,000			Not recommended for 9% HTC
13184	3	3/1/2013	The Village at Forney Crossing	Forney	NC	29	66	General	9%	\$1,000,000			Not recommended for 9% HTC
13232	5	3/1/2013	Pine Lake Estates	Nacogdoches	R	12	100	Elderly	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	Approved 11/7/13
13245	1	3/1/2013	The Reserves at Sawgrass	Pampa	NC	13	48	General	9%	\$750,000			9% HTC rescinded
13180	12	3/13/2013	Mission Village of Pecos	Pecos	NC	12	60	General	9%	\$750,000	\$ 750,000	\$ 750,000	Approved 11/7/13

13058	3	3/28/2013	Evergreen at Hebron Senior Community	Hebron	NC	8	136	Elderly	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	Approved 11/7/13	
13145	3	3/28/2013	Mariposa at Elk Drive	Burleson	NC	14	180	Elderly	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	Approved 11/7/13	
13045	3	3/29/2013	Evergreen at Murphy Senior Community	Murphy	NC	8	132	Elderly	9%	\$1,000,000			Not recommended for 9% HTC	
13137	7	4/1/2013	Mariposa at Ranch Road 12	Wimberley	NC	6	80	Elderly	9%	\$1,000,000			Not recommended for 9% HTC	
13138	3	4/1/2013	Mariposa at Woodbridge	Wylie	NC	14	180	Elderly	9%	\$1,000,000			Not recommended for 9% HTC	
13051	11	5/8/2013	Royal Gardens	Rio Grande City	NC	11	80	General	9%	\$1,000,000	\$ 1,000,000	\$ 1,000,000	To be recommended for Award	
13032	4	5/9/2013	StoneLeaf at Eustace	Eustace	NC	2	49	General	9%	\$425,000			Recommended for 9% HTC without HOME funds	
13033	8	5/9/2013	StoneLeaf at Fairfield	Fairfield	NC	4	49	General	9%	\$740,000			Recommended for 9% HTC without HOME funds	
13118	8	10/11/2013	Oak Ridge Apartments	Nolanville	NC	8	48	General	9%	\$1,000,000			Under review	
13500	9	10/11/2013	Sunrise Townhomes	Fredericksburg	NC	11	36	General	HOME only	\$1,850,000			Under review	
13119	10	11/19/2013	Emma Finke Villas	Beeville	R	19	76	General	9%	\$1,000,000			Under review	
Total General Applications						25	Unit Totals:	345	1983	Total:	\$ 22,230,000	\$ 9,590,000	\$ 9,090,000	

CHDO Set-Aside

Total Set Aside Funding Level: \$ 6,000,000
Available Balance (after recommended/awarded): \$ 6,000,000

File #	Reg.	Date Received	Development Name	City	Housing Activity (1)	Reqstd HOME Units	Total units	Target Population (2)	Layering (3)	Requested Project Funds	As Underwritten	Recommended Project Funds	Status	
13235	4	3/27/2013	Pinecrest Park	Kilgore	NC	12	56	Elderly	9%	\$819,000			Not recommend for 9% HTC	
13254	6	3/27/2013	Rice Senior Housing	El Campo	NC	14	56	Elderly	9%	\$834,000			Not recommend for 9% HTC	
13423	7	10/11/2013	Waters at Sunrise	Round Rock	NC	20	300	General	4%	\$2,000,000			Under review	
Total CHDO Applications						3	Unit Totals:	46	412	Total:	\$ 3,653,000	\$ -	\$ -	

Sorted by Date Received

1 = Date Received: The date that the application, all required 3rd Party Reports, and Application Fees were received. Time received is currently not reflected.

2 = Housing Activity: New Construction=NC, Rehabilitation=R

3 = Layering of Other Department Active Applications: 9%=9% Competitive Tax Credits, 4%=4% Tax Credit Program

3c

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action to Ratify Awards of Competitive 9% Low Income Housing Tax Credits from the Waiting List for the 2013 Housing Tax Credit Application Round

RECOMMENDED ACTION

WHEREAS, the Board approved 66 final commitments for allocations of Competitive (9%) Housing Tax Credits in accordance with the qualified allocation plan on July 25, 2013, September 12, 2013, and October 10, 2013;

WHEREAS, the Board further directed that, should sufficient credits become available to award any other applications from the Waiting List, an award or awards to additional application(s) from the Waiting List in accordance with the ranking, methodology, and other requirements set forth in Department rules be made;

WHEREAS, the Board further authorized the Executive Director to implement and carry out the award of such credits in full compliance with the requirements of the Department's rules and requirements to fully utilize all available tax credits prior to January 1, 2014, and report such awards to the Board at the next available meeting subsequent to such awards;

WHEREAS, on November 1, 2013, the total balance of credits available to award reached \$1,169,929, and Royal Gardens (#13051) and La Esperanza Del Rio (#13046), both located in Rural Region 11 were the next applications on the Waiting List as of that date with requests of \$586,271 and \$500,000, respectively; and

WHEREAS, staff issued Commitment Notices to Royal Gardens (#13051) and La Esperanza Del Rio (#13051) on November 14, 2013, in order to fully utilize all available tax credits prior to January 1, 2014;

NOW, therefore, it is hereby

RESOLVED, the Awards for Royal Gardens (#13051) and La Esperanza Del Rio (#13046) are ratified in the amounts shown in the list of recommended Applications for Final Commitments of Housing Tax Credits from the 2013 State

Housing Credit Ceiling and conditioned upon completion of the conditions of the underwriting report, any necessary program and underwriting reviews, and any other special conditions that the Board may consider appropriate.

BACKGROUND

The initial issuance of commitments of Competitive Housing Tax Credits was approved at the July 25, 2013, meeting, and at that meeting the board also approved the Waiting List, which is composed of all Applications that were not approved by the Board for a commitment of 2013 Housing Tax Credits and that have not been terminated by the Department or withdrawn by the Applicant. The Board further approved that the list of Applications accepted as the Waiting List be “ranked by score in descending order of priority” and subject to the same allocation process as set out in §11.6 of the Qualified Allocation Plan (QAP).

Applications were approved to be awarded from the waiting list using the following methodology, which is also set out in §11.6 of the QAP:

- If tax credits are returned from the Nonprofit Set Aside, and the return of tax credits causes the Department to achieve less than the required 10% Set Aside, the next highest scoring Qualified Nonprofit Development will be recommended for a commitment to the Board, regardless of the region in which it is located. If tax credits are returned from the Nonprofit Set Aside, and the return of tax credits does not cause the Department to go below the required 10% Set Aside, then the next highest scoring Application in the sub-region of the returned tax credits will be recommended for a commitment to the Board, regardless of Set Aside. If no other Application exists in the sub-region or if the amount of the credit return is not sufficient to fund the next highest scoring Application in the sub-region of the returned credits, then the credits will go to the statewide collapse and fund the next eligible Application from the Waiting List.
- If tax credits are returned from the USDA Set Aside, the next highest scoring USDA Application from the Waiting List will be recommended to the Board for a commitment. If there are no eligible USDA Applications available, then the next highest scoring At-Risk Application will be recommended for a commitment to the Board. If there are no eligible At-Risk Applications available, then the remaining ceiling will be added to the statewide collapse pool. Staff’s recommendations provide for all eligible and active USDA and At-Risk Applications receiving awards, therefore any amounts returned from the USDA Set Aside will go to the statewide collapse and fund the next eligible Application from the Waiting List.
- If tax credits are returned from the At-Risk Set Aside and the return of tax credits causes the Department to achieve less than the required 15 percent At-Risk Set Aside, the next highest scoring At-Risk Application from the Waiting List will be recommended for a commitment to the Board. If there are no eligible applications available in the At-Risk Set Aside, then the remaining ceiling will be added to the statewide collapse pool. Staff’s recommendations provide for all eligible and active At-Risk Applications receiving awards, therefore any amounts returned from the At-Risk Set Aside will go to the statewide collapse and fund the next eligible Application from the Waiting List.

- For all other Applications, if tax credits are returned from an Application not associated with any set aside, the next highest scoring Application from that sub-region's waiting list will be recommended for a commitment to the Board. If no other Application exists in the sub-region or if the amount of the credit return is not sufficient to fund the next highest scoring Application in the sub-region of the returned credits, then the credits will go to the statewide collapse and fund the next eligible Application from the Waiting List.

At the July 2013 meeting, the Board approved awards for 64 applications and a total of \$57,863,635 in tax credits. This left approximately \$1,241,163 in remaining credits available from the 2013 ceiling total of \$59,104,798. Between the time of the initial awards and November 1, 2013, several events transpired affecting the awards previously made and the amount of credit available. These were explained in detail at the October 2013 board meeting, and as of the action taken at that meeting, there were a total of 66 applications awarded a total of \$60,353,400 in credits and a balance of \$309,929 in credit available.

On November 1, 2013, the Applicant for Villas Del Rio (#13087) returned credit in the amount of \$860,000. These credits, pursuant to the rule, were awarded to the next highest application in the sub-region (Rural Region 11), Royal Gardens (#13051) because there was sufficient credit available for this \$586,271 award. After this award, the balance of credit remaining was \$583,658, all in statewide collapse. Staff then determined that La Esperanza Del Rio (#13046) was the next eligible Application on the Waiting List because Rural Region 11 was then the most underserved sub-region at approximately 44% underfunded. With a request of only \$500,000 in credit, staff was able to award this application, leaving \$83,658 in credit available.

An updated list of previously awarded applications and the amounts of those awards as well as the recommended award from the Waiting List is included here along with a list of Applications remaining on the Waiting List. All applications on the Waiting List not yet reviewed by the Multifamily Finance or Real Estate Analysis Divisions must still be found to meet the applicable rules and requirements. Credit amounts and conditions are subject to change based on underwriting and underwriting appeals. Awards from the Waiting List remain subject to a previous participation review by the Compliance Division to ensure no issues of Material Noncompliance or delinquencies exist. In the event that the credit amount returned is insufficient to fund the next appropriate application, staff may wait to determine if other return credits would make the application whole or offer the applicant an opportunity to adjust the size of their development. If the applicant declines the offer, staff will contact the next appropriate applicant on the Waiting List, continuing in this manner until the Waiting List is exhausted. Staff will also review to ensure that no awards from the Waiting List would cause a violation of any sections of the 2013 QAP (for example, the \$3 million credit limitation, the concentration rules, etc.).



Texas Department of Housing and Community Affairs
2013 Competitive (9%) Housing Tax Credit (HTC) Program
Award Recommendations

The Application log is organized by region and subregion. Applicants selecting the At-Risk/USDA Set-Asides are listed first and are organized by score rather than by region. Detailed instructions regarding how to interpret the information presented here is included in previously posted logs on the Department's website.

Version date: December 2, 2013

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	Review Status: C = complete; UR = under review; N = not reviewed										Basic Demographic Information for Census Tract		
																				(1) Points Requested / Awarded	(2) Adjustments (CRP / deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Commitment	Census Tract	Quartile of Median HH Income	Poverty Rate	
At-Risk Set-Aside																																
13004	Stone Creek Apartments	400 Pine Burr	Kilgore	75662	Gregg	4	Rural	X	X		Acq/Rhb	56	0	56	General	\$290,711	X	James W. Fieser	Melissa Baughman	107	10	12	10	4	143	C	Commitment Issued	48183010600	1st Q	10.0%		
13207	Pecan Creek Village	205 Riverview Dr	Lampasas	76550	Lampasas	8	Rural	X	X		Acq/Rhb	40	0	40	Elderly	\$327,223	X	Dennis Hoover	Kim Youngquist	101	10	12	10	4	137	C	Commitment Issued	48281950400	4th Q	23.4%		
13212	Prairie Village	1915 N Wharton St	El Campo	77437	Wharton	6	Rural	X			Acq/Rhb	37	1	38	Elderly	\$332,500	X	Matt Rule	Suzann Cunningham	101	8	12	14	0	135	C	Commitment Issued	48481740800	2nd Q	19.0%		
13252	Oak Creek Village	2324 Wilson St	Austin	78704	Travis	7	Urban	X			NC	173	0	173	General	\$2,000,000	X	Rene Campos	Mark Rogers	98	10	12	14	0	134	C	Commitment Issued	48453001305	3rd Q	26.7%		
13119	Emma Finke Villas	1101 E Kennedy St	Beeville	78102	Bee	10	Rural	X	X	X	Rehab	76	0	76	General	\$391,709	X	Adrian Iglesias	Viola Salazar	100	8	12	10	4	134	C	Commitment Issued	48025950300	3rd Q	15.6%		
13003	Crossing at Oak Grove	200 Daniels Dr	Kerens	75144	Navarro	3	Rural	X	X		Acq/Rhb	32	0	32	General	\$226,432	X	James W. Fieser	Melissa Baughman	99	8	12	10	4	133	C	Commitment Issued	48349970600	4th Q	17.4%		
13048	Shepherd Seniors Apartments	1791 S Byrd Ave	Shepherd	77371	San Jacinto	5	Rural	X	X		Acq/Rhb	32	0	32	Elderly	\$186,676	X	Shepherd Seniors Housing, Ltd.	James E. Washburn	99	-1	8	12	10	4	132	C	Commitment Issued	48407200101	3rd Q	22.5%	
13234	Wynnewood Family Housing	Appr 2048 S Zang Boulevard	Dallas	75224	Dallas	3	Urban	X		X	NC	160	0	160	General	\$1,928,670	X	Brian L. Roop	Tamea A. Dula	96	8	12	10	4	130	C	Commitment Issued	48113006200	3rd Q	24.1%		
13047	GardenWalk of La Grange, Schulenburg, and Weimar	1018 N Madison, 104 Simpson, 303 N Smith	La Grange, Schulenburg, Weimar	78945, 78956, 78962	Fayette, Fayette, Colorado		Rural	X	X		Acq/Rhb	40	0	40	General	\$297,029	X	Shawn Smith	Corey Farmer	92	10	12	10	4	128	C	Commitment Issued					
13006	Country Place Apartments	1300 Courtland Road	Atlanta	75551	Cass	4	Rural	X	X		Acq/Rhb	72	0	72	General	\$456,288	X	Marlon Sullivan	Winston Sullivan	94	-3	10	12	10	4	127	C	Commitment Issued	48067950400	4th Q	26.6%	
13089	Pinewood Park	120 Kirksey Dr	Lufkin	75904	Angelina	5	Rural	X		X	Acq/Rhb	94	0	94	General	\$860,855	X	Tracy Ambridge	Tamea Dula	89	8	12	14	0	123	C	Commitment Issued	48005000500	4th Q	36.7%		
13007	Spring Creek Apartments	305 Hwy 8 N	Linden	75563	Cass	4	Rural	X	X		Acq/Rhb	24	0	24	General	\$190,179	X	Marlon Sullivan	Winston Sullivan	93	-8	10	12	10	4	121	C	Commitment Issued	48067950600	3rd Q	18.4%	
13001	Sunset Place Apartments	100 Sunset	Malakoff	75148	Henderson	4	Rural	X	X		Acq/Rhb	36	0	36	General	\$240,606	X	James W. Fieser	Melissa Baughman	87	-1	8	12	10	4	120	C	Commitment Issued	48213951000	4th Q	18.2%	
13232	Pine Lake Estates	2012 Durst St	Nacogdoches	75964	Nacogdoches	5	Rural	X			Acq/Rhb	100	0	100	Elderly	\$714,418	X	Rick J. Deyoe	Juli Gonzalez	85	8	12	10	4	119	C	Commitment Issued	48347950700	4th Q	50.7%		
13069	Grand Manor Apartments	2700 N Grand Ave	Tyler	75702	Smith	4	Urban	X			Acq/Rhb	120	0	120	General	\$1,194,270	X	Melissa Adami	Dewey Stevens	88	8	0	14	0	110	C	Commitment Issued	48423000201	4th Q	33.9%		
Estimated Amount Available to Allocate		\$8,800,591														Total HTCs Awarded		\$9,637,566														
Amount Available in USDA Set-Aside		\$2,937,270																														
Region 1 / Rural																																
13139	Stonebridge of Plainview	NEC of Mesa Dr & 16th St	Plainview	79072	Hale	1	Rural				NC	53	27	80	General	\$647,000	X	Victoria W. Spicer	Dru Childre	107	10	0	10	4	131	C	Commitment Issued	48189950300	1st Q	5.3%		
13129	Rose Meadows Apartments	SWC of Alamo Rd & Holly St	Levelland	78336	Hockley	1	Rural				NC	38	10	48	General	\$442,000	X	Justin Zimmerman	Ben Mitchell	106	10	0	10	4	130	C	Commitment Issued	48219950500	2nd Q	14.9%		
Estimated Amount Available to Allocate		\$656,943														Total HTCs Awarded		\$1,089,000														
Region 1 / Urban																																
13247	The Reserves at South Plains	SE Corner of Ave U & 98th St Lubbock	Lubbock	79423	Lubbock	1	Urban				NC	83	25	108	General	\$1,101,991	X	Brett Johnson	Matt Gillam	105	10	12	10	4	141	C	Commitment Issued	48303010511	1st Q	6.7%		
Estimated Amount Available to Allocate		\$1,149,932														Total HTCs Awarded		\$1,101,991														
Region 2 / Rural																																
13128	Winchester Arms Apartments	SWC of W Summit Ave & State Hwy 16	Comanche	79118	Comanche	2	Rural				NC	38	10	48	General	\$434,000	X	Justin Zimmerman	Ben Mitchell	112	10	12	10	4	148	C	Commitment Issued	48093950200	2nd Q	16.8%		
Estimated Amount Available to Allocate		\$511,612														Total HTCs Awarded		\$434,000														
Region 2 / Urban																																
13246	The Reserves at Maplewood	S side of N Regent Dr, E of McNiel Ave	Wichita Falls	76308	Wichita	2	Urban				NC	36	0	36	General	\$571,912	X	Brett Johnson	Matt Gillam	87	10	12	10	4	123	C	Commitment Issued	48485012600	2nd Q	8.7%		
Estimated Amount Available to Allocate		\$601,283														Total HTCs Awarded		\$571,912														
Region 3 / Rural																																
13115	Abbingdon Meadows	SWC of Hall Cemetery Rd & S Collins Freeway	Howe	75459	Grayson	3	Rural				NC	39	25	64	General	\$500,000	X	William J. Rea, Jr.	Sean Brady	118	10	12	10	4	154	C	Commitment Issued	48181001801	1st Q	11.3%		
Estimated Amount Available to Allocate		\$544,496														Total HTCs Awarded		\$500,000														
Region 3 / Urban																																

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / Deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Commitment	Census Tract	Quartile of Median HH Income	Poverty Rate
13152	KIRON at Aubrey	5700 Hwy 377 S	Aubrey	76227	Denton	3	Urban				NC	100	50	150	General	\$1,238,416	X	Thomas Huth	Dru Childre	113	10	12	10	4	149	C	Commitment Issued	48121020103	2nd Q	7.4%	
13240	Summit Place	SW Corner of Merit Dr & Hwy 635	Dallas	75251	Dallas	3	Urban				NC	75	23	98	General	\$1,487,000	X	Lisa Stephens	Mitchell Friedman	109	10	12	10	4	145	C	Commitment Issued	48113013200	1st Q	8.3%	
13214	Flora Street Lofts	2121 Flora	Dallas	75201	Dallas	3	Urban				NC	39	8	47	General	\$500,000	X	Graham Green	Ben Reavis	108	10	12	14	0	144	C	Commitment Issued	48113002100	1st Q	4.6%	
13259	The Millennium - McKinney	NEQ of McKinney Ranch Prky & Stacy Rd	McKinney	75070	Collin	3	Urban				NC	130	34	164	General	\$1,500,000	X	Brandon Bolin	Alan McDonald	108	10	12	10	4	144	C	Commitment Issued	48085030513	1st Q	12.3%	
13102	Reserve at McAlister	N of McAlister Rd & E of Hemphill St	Fort Worth	76028	Tarrant	3	Urban				NC	112	12	124	Elderly	\$1,238,974	X	Chris Applequist	Brian M. McGeady	107	10	12	10	4	143	C	Commitment Issued	48439111016	1st Q	1.9%	
13058	Evergreen at Hebron Senior Community	2200 Block of Parker Road	Hebron	75010	Denton	3	Urban		X		NC	136	0	136	Elderly	\$1,500,000	X	Brad Forslund	Becky Villanueva	106	10	12	10	4	142	C	Commitment Issued	48121021625	1st Q	0.4%	
13145	Mariposa at Elk Drive	Aprr 100 block Elk Dr, NWQ,Elk Dr & SE John Jones Dr	Burleson	78676	Johnson	3	Urban				NC	117	63	180	Elderly	\$1,395,438	X	Stuart Shaw	Casey Bump	106	10	12	10	4	142	C	Commitment Issued	48251130215	1st Q	1.1%	
13044	Villas of Vanston Park	4540 Gus Thomasson Road	Mesquite	75150	Dallas	3	Urban				NC	113	47	160	General	\$1,500,000	X	Joseph Agumadu	Vanessa Hardy	106	10	12	14	0	142	C	Commitment Issued	48113018001	3rd Q	12.3%	
Estimated Amount Available to Allocate		\$10,479,003												Total HTCs Awarded	\$10,359,828																
Region 4 / Rural																															
13173	Canton Village Homes	SW intersection of IH-20 & Edgewood Rd (aka FM 859)	Canton	75103	Van Zandt	4	Rural				NC	65	15	80	General	\$619,000	X	Doak Brown	Leslie Holleman	116	10	12	10	4	152	C	Commitment Issued	48467950600	1st Q	14.0%	
13032	StoneLeaf at Eustace	320 FM 316	Eustace	75124	Henderson	4	Rural				NC	45	4	49	General	\$626,888	X	Victoria Sugrue	Ben Dempsey	112	10	12	10	4	148	C	Commitment Issued	48213950500	1st Q	12.1%	
Estimated Amount Available to Allocate		\$1,274,924												Total HTCs Awarded	\$1,245,888																
Region 4 / Urban																															
13242	Saige Meadows	SEQ of Hwy 69 & Experimental Station Rd/James Fair Pkwy	Tyler	75706	Gregg	4	Urban				NC	82	10	92	General	\$1,163,876	X	Lisa Stephens	Michael Wohl	100	8	12	10	4	134	C	Commitment Issued	48423001601	4th Q	29.8%	
Estimated Amount Available to Allocate		\$1,182,302												Total HTCs Awarded	\$1,163,876																
Region 5 / Rural																															
13005	Tower Village	Tower Rd & Park St	Nacogdoches	75961	Nacogdoches	5	Rural				NC	36	0	36	General	\$805,000	X	Mark Musemeche	Ofelia Elizondo	100	-1	8	12	10	4	133	C	Commitment Issued	48347951000	4th Q	34.9%
Estimated Amount Available to Allocate		\$867,188												Total HTCs Awarded	\$805,000																
Region 5 / Urban																															
13203	Providence on Major	SWQ of N Major Dr & Westfield, Aprr 3900 N Major Dr	Beaumont	77713	Jefferson	5	Urban				NC	108	20	128	Elderly	\$1,245,259	X	Miranda Ashline	Tamea Dula	88	10	12	10	4	124	C	Commitment Issued	48245000307	1st Q	12.0%	
Estimated Amount Available to Allocate		\$842,972												Total HTCs Awarded	\$1,245,259																
Region 6 / Rural																															
13183	Newport Village	SWQ of S Diamondhead Blvd & N Main St (FM 2100)	Crosby	77532	Harris	6	Rural				NC	80	0	80	General	\$750,000	X	Justin Hartz	Chris Dischinger	113	10	12	10	4	149	C	Commitment Issued	48201251902	1st Q	4.9%	
Estimated Amount Available to Allocate		\$500,000												Total HTCs Awarded	\$750,000																
Region 6 / Urban																															
13062	The Retreat at Westlock	W side of 24000 block of SH 249, just S of Westlock	Houston ETJ	77377	Harris	6	Urban				NC	99	41	140	Elderly	\$1,260,904	X	Marciaalte Voller	Ann Duggin	102	10	12	10	4	138	C	Commitment Issued	48201555502	1st Q	4.7%	
13042	The Cottages at South Acres	E side of the Aprr 11300 block of Scott St	Houston	77047	Harris	6	Urban				NC	102	42	144	General	\$1,425,351	X	Marcy H. Voller	Ann Duggin	102	10	12	14	0	138	C	Commitment Issued	48201331500	4th Q	23.3%	
13026	The Huntington at Sienna Plantation	4200 block Trammel Fresno Road	Missouri City	77459	Fort Bend	6	Urban				NC	105	27	132	Elderly	\$1,300,000	X	Mark Musemeche	Ofelia Elizondo	100	10	12	10	4	136	C	Commitment Issued	48157674501	1st Q	4.2%	
13110	El Dorado Green Apartments	Aprr 240 W El Dorado Blvd	Houston	77546	Harris	6	Urban				NC	88	20	108	Elderly	\$1,364,364	X	Gary Brinkley	Donna Rickenbacker	103	10	12	10	0	135	C	Commitment Issued	48201350601	1st Q	1.6%	
13144	Mariposa at Pecan Park	Approx the 3600 block of Canada 0.2 miles N of W Fairmont Pkwy	La Porte	77571	Harris	6	Urban				NC	120	60	180	Elderly	\$1,405,352	X	Stuart Shaw	Casey Bump	101	8	12	10	4	135	C	Commitment Issued	48201343000	2nd Q	11.5%	
13151	Lafayette Plaza	Aprr NEC of Clarewood Dr & Bonhomme Rd	Houston	77036	Harris	6	Urban				NC	98	24	122	Elderly	\$1,428,022	X	William D. Henson	Cheryl L. Henson	102	8	12	10	2	134	C	Commitment Issued	48201432802	4th Q	29.6%	
13117	Red Bluff Apartment Homes	NEC of Strawberry Rd & Genoa Red Bluff Rd	Houston	77034	Harris	6	Urban				NC	50	22	72	General	\$613,361	X	Adrian Iglesias	Rick J. Deyoe	107	10	0	10	4	131	C	Commitment Issued	48201324000	1st Q	6.8%	
13223	Campanile at Jones Creek	1717 Fm 359	Richmond	77406	Fort Bend	6	Urban		X		NC	72	6	78	Elderly	\$890,000	X	Les Kilday	Phyllis Sefeldt	107	10	0	10	4	131	C	Commitment Issued	48157673400	1st Q	4.8%	
Estimated Amount Available to Allocate**		\$10,719,495												Total HTCs Awarded	\$9,687,354																
Region 7 / Rural																															
13201	The Trails at Carmel Creek	West of FM 685, S of Carl Stern Dr extension	Hutto	78634	Williamson	7	Rural				NC	50	11	61	Elderly	\$500,000	X	Janine Sisak	Teresa Bowyer	112	10	12	10	4	148	C	Commitment Issued	48491020804	1st Q	6.3%	
Estimated Amount Available to Allocate		\$500,000												Total HTCs Awarded	\$500,000																
Region 7 / Urban																															
13112	Liberty Trails Townhomes	Aprr 95 acres; NEC of Hwy 29 & Hwy 1869	Liberty Hill	78642	Williamson	7	Urban				NC	75	25	100	General	\$1,090,000	X	Jorge A. Aguirre	Donna Rickenbacker	109	10	12	10	4	145	C	Commitment Issued	48491020202	1st Q	7.6%	
13071	Windy Ridge Apartments	10910 Ranch Rd 620	Austin	78726	Travis	7	Urban				NC	120	0	120	General	\$1,080,918	X	Adrian Iglesias	Rick Deyoe	108	10	12	10	4	144	C	Commitment Issued	48453001765	1st Q	6.2%	
13109	Homestead Apartments	3226 W Slaughter Lane	Austin	78748	Travis	7	Urban		X		NC	126	14	140	General	\$1,252,000	X	Walter Moreau	Jennifer Hicks	105	10	12	10	4	141	C	Commitment Issued	48453001746	2nd Q	5.2%	
Estimated Amount Available to Allocate		\$3,362,682												Total HTCs Awarded	\$3,422,918																
Region 8 / Rural																															
13033	StoneLeaf at Fairfield	113 W Reunion St	Fairfield	75840	Freestone	8	Rural				NC	45	4	49	General	\$500,000	X	Victoria Sugrue	Ben Dempsey	116	10	12	10	4	152	C	Commitment Issued	48161000200	1st Q	8.1%	
Estimated Amount Available to Allocate		\$543,746												Total HTCs Awarded	\$500,000																

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / Deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Commitment	Census Tract	Quartile of Median HH Income	Poverty Rate		
Region 8 / Urban																																	
13118	Oak Ridge Apartments	W of 10th St & Nolan Ridge Dr	Nolanville	76559	Bell	8	Urban				NC	48	0	48	General	\$500,000	X	Chris Applequist	Brian M. McGeady	109	10	12	10	4	145	C	Commitment Issued	48027021800	1st Q	12.8%			
13187	Barron's Branch	N 9th St & Colcord Ave (Appr 1323 N 9th st)	Waco	76707	McLennan	8	Urban				NC	77	15	92	General	\$963,900	X	Lisa Stephens	David Deutch	105	8	12	14	0	139	C	Commitment Issued	48309001200	4th Q	58.1%			
Estimated Amount Available to Allocate		\$1,541,697												Total HTCs Awarded	\$1,463,900																		
Region 9 / Rural																																	
13167	Freedoms Path at Kerrville	3600 Block of Memorial Blvd	Kerrville	78028	Kerr	9	Rural		X		NC	49	0	49	Supp. Hsg.	\$717,000	X	Donald Paxton	Craig Taylor	114	10	12	10	4	150	C	Commitment Issued	48265960100	2nd Q	6.9%			
Estimated Amount Available to Allocate		\$500,000												Total HTCs Awarded	\$717,000																		
Region 9 / Urban																																	
13262	Paso Fino Apartment Homes	10729 Shaenfield Rd	San Antonio	78254	Bexar	9	Urban				NC	149	11	160	General	\$1,500,000	X	Manish Verma	Walter Martinez	108	10	12	10	4	144	C	Commitment Issued	48029181726	1st Q	5.3%			
13193	Balcones Lofts	SC of Gentleman Rd & Hillcrest Dr	Balcones Heights	78201	Bexar	9	Urban		X		NC	50	34	84	General	\$711,849	X	Balcones Lofts Ltd.	Debra Guerrero	107	10	12	10	4	143	C	Commitment Issued	48029180800	4th Q	31.1%			
13196	Emerald Village	NEC of NW Loop 1604 & Corporate Woods Dr	San Antonio	78259	Bexar	9	Urban		X		NC	134	30	144	General	\$1,500,000		Emerald Village Ltd.	Lori Hall	96	10	0	10	4	120	C	Commitment Issued	48029121906	1st Q	2.7%			
Estimated Amount Available to Allocate		\$3,992,496												Total HTCs Awarded	\$3,711,849																		
Region 10 / Rural																																	
13213	Bailey Square	SEQ of N Valley St & E Bailey St	Cuero	77954	DeWitt	10	Rural				NC	48	8	56	General	\$500,000	X	Audrey Martin	Teresa Bowyer	113	10	12	10	4	149	C	Commitment Issued	48123970300	2nd Q	12.6%			
Estimated Amount Available to Allocate		\$500,000												Total HTCs Awarded	\$500,000																		
Region 10 / Urban																																	
13082	Woodland Creek Apartments	11641 Leopard St	Corpus Christi	78410	Nueces	10	Urban		X	Recon		94	0	94	General	\$1,356,998	X	Gilbert M. Piette	Roger H. Canales	103	10	12	14	0	139	C	Commitment Issued	48355003601	1st Q	10.0%			
Estimated Amount Available to Allocate		\$1,231,390												Total HTCs Awarded	\$1,356,998																		
Region 11 / Rural																																	
13051	Royal Gardens	Eisenhower St (SW of Eisenhower St & Charco Blanco Rd)	Rio Grande City	78582	Starr	11	Rural		X		NC	80	0	80	General	\$586,271		Noorallah Jooma	Robert Wilson	117	10	12	10	4	153	C	Commitment Issued	48427950104	1st Q	17.0%			
13046	La Esperanza Del Rio	W of FM 3167 & S of Eisenhower Rd	Rio Grande City ETJ	78582	Starr	11	Rural				NC	50	10	60	General	\$500,000		Sara Reidy	Linda S. Brown	116	10	12	10	4	152	C	Commitment Issued	48427950104	1st Q	17.0%			
Estimated Amount Available to Allocate		\$1,042,926												Total HTCs Awarded	\$1,086,271																		
Region 11 / Urban																																	
13100	Villages of Penitas	10 acres out of Diamond Commercial Park Subdivision	Penitas	78576	Hidalgo	11	Urban				NC	116	12	128	General	\$1,383,000	X	Steve Lollis	Donna Rickenbacker	112	10	12	10	4	148	C	Commitment Issued	48215024203	2nd Q	17.0%			
13081	River Bank Village	202 Aquero Boulevard	Laredo	78045	Webb	11	Urban				NC	114	38	152	General	\$1,225,000	X	Apolonio ("Nono") Flores	Doak Brown	109	10	12	10	4	145	C	Commitment Issued	48479001711	1st Q	11.7%			
13068	Mayorca Villas	8.75 acres W Marcelo Blvd at Jose Marti Blvd	Brownsville	78575	Cameron	11	Urban				NC	48	72	120	General	\$500,000	X	Melissa Adami	Dewey Stevens	109	10	12	10	4	145	C	Commitment Issued	48061012613	1st Q	22.2%			
13281	Sunquest Apartments	23850 Stuart Place Road	Primera	78552	Cameron	11	Urban		X		NC	100	28	128	General	\$1,400,000	X	Mr. Sunny K. Philip	Michelle Grandt	108	10	12	10	4	144	C	Commitment Issued	48061010302	1st Q	30.5%			
Estimated Amount Available to Allocate		\$4,913,492												Total HTCs Awarded	\$4,508,000																		
Region 12 / Rural																																	
13180	Mission Village of Pecos	SEC of Texas St & W Washington St	Pecos	79772	Reeves	12	Rural				NC	49	11	60	General	\$500,000	X	Michael Ash	Marissa Downs	115	10	12	10	4	151	C	Commitment Issued	48389950400	1st Q	23.3%			
Estimated Amount Available to Allocate		\$500,000												Total HTCs Awarded	\$500,000																		
Region 12 / Urban																																	
13016	Westridge	5100 Blk of Graceland	Midland	79703	Midland	12	Urban		X		NC	84	12	96	Elderly	\$739,061	X	Granger MacDonald	Carrie Adams	94	10	12	10	4	130	C	Commitment Issued	48329001300	2nd Q	9.0%			
Estimated Amount Available to Allocate		\$750,323												Total HTCs Awarded	\$739,061																		
Region 13 / Rural																																	
13131	Montana Vista Palms	Off of Montana Ave at Peggy Hopkins & Oshea Dr	El Paso	79938	El Paso	13	Rural				NC	48	0	48	General	\$474,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	95	10	12	10	4	131	C	Commitment Issued	48141010340	1st Q	14.1%			
Estimated Amount Available to Allocate		\$500,000												Total HTCs Awarded	\$474,000																		
Region 13 / Urban																																	
13133	Verde Palms	Btwn Joe Battle & Pine Springs Dr on Loma Verde Dr	El Paso	79936	El Paso	13	Urban				NC	100	52	152	General	\$1,254,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	103	10	12	10	4	139	C	Commitment Issued	48141010338	1st Q	6.5%			
13130	North Desert Palms	11001 Dyer St	El Paso	79934	El Paso	13	Urban				NC	100	52	152	General	\$1,254,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	100	10	12	10	4	136	C	Commitment Issued	48141010207	2nd Q	10.2%			
Estimated Amount Available to Allocate		\$2,400,306												Total HTCs Awarded	\$2,508,000																		
TOTALS																																	
Total Estimated 2013 HTC Ceiling***		\$60,409,798												Total Active Applications	67													Total HTCs Awarded	\$60,579,671				

* For those Applications with a complete REA review, the HTC Request reflected on the log is the recommended credit amount from the Real Estate Analysis division. These recommendations may be subject to appeal.

** Amount adjusted for \$1,305,000 credit return from a 2012 application.

*** Total HTC ceiling does not include \$253,531 in credits from National Pool, which goes directly to statewide collapse.



Texas Department of Housing and Community Affairs
2013 Competitive (9%) Housing Tax Credit (HTC) Program
Awards and Waiting List Recommendations

The Application log is organized by region and subregion. Applicants selecting the At-Risk/USDA Set-Asides are listed first and are organized by score rather than by region. Detailed instructions regarding how to interpret the information presented here is included in previously posted logs on the Department's website.

Version date: December 2, 2013

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	Review Status: C = complete; UR = under review; N = not reviewed										Basic Demographic Information for Census Tract		
																				(1) Points Requested / Awarded	(2) Adjustments (CRP / deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Award	Census Tract	Quartile of Median HH Income	Poverty Rate	
At-Risk Set-Aside																																
13004	Stone Creek Apartments	400 Pine Burr	Kilgore	75662	Gregg	4	Rural	X	X		Acq/Rhb	56	0	56	General	\$290,711	X	James W. Fieser	Melissa Baughman	107	10	12	10	4	143	C	Commitment Issued	48183010600	1st Q	10.0%		
13207	Pecan Creek Village	205 Riverview Dr	Lampasas	76550	Lampasas	8	Rural	X	X		Acq/Rhb	40	0	40	Elderly	\$327,223	X	Dennis Hoover	Kim Youngquist	101	10	12	10	4	137	C	Commitment Issued	48281950400	4th Q	23.4%		
13212	Prairie Village	1915 N Wharton St	El Campo	77437	Wharton	6	Rural	X			Acq/Rhb	37	1	38	Elderly	\$332,500	X	Matt Rule	Suzann Cunningham	101	8	12	14	0	135	C	Commitment Issued	48481740800	2nd Q	19.0%		
13252	Oak Creek Village	2324 Wilson St	Austin	78704	Travis	7	Urban	X			NC	173	0	173	General	\$2,000,000	X	Rene Campos	Mark Rogers	98	10	12	14	0	134	C	Commitment Issued	48453001305	3rd Q	26.7%		
13119	Emma Finke Villas	1101 E Kennedy St	Beeville	78102	Bee	10	Rural	X	X	X	Rehab	76	0	76	General	\$391,709	X	Adrian Iglesias	Viola Salazar	100	8	12	10	4	134	C	Commitment Issued	48025950300	3rd Q	15.6%		
13003	Crossing at Oak Grove	200 Daniels Dr	Kerens	75144	Navarro	3	Rural	X	X		Acq/Rhb	32	0	32	General	\$226,432	X	James W. Fieser	Melissa Baughman	99	8	12	10	4	133	C	Commitment Issued	48349970600	4th Q	17.4%		
13048	Shepherd Seniors Apartments	1791 S Byrd Ave	Shepherd	77371	San Jacinto	5	Rural	X	X		Acq/Rhb	32	0	32	Elderly	\$186,676	X	Shepherd Seniors Housing, Ltd.	James E. Washburn	99	-1	8	12	10	4	132	C	Commitment Issued	48407200101	3rd Q	22.5%	
13234	Wynnewood Family Housing	Appr 2048 S Zang Boulevard	Dallas	75224	Dallas	3	Urban	X	X		NC	160	0	160	General	\$1,928,670	X	Brian L. Roop	Tamea A. Dula	96	8	12	10	4	130	C	Commitment Issued	48113006200	3rd Q	24.1%		
13047	GardenWalk of La Grange, Schulenburg, and Weimar	1018 N Madison, 104 Simpson, 303 N Smith	La Grange, Schulenburg, Weimar	78945, 78956, 78962	Fayette, Fayette, Colorado		Rural	X	X		Acq/Rhb	40	0	40	General	\$297,029	X	Shawn Smith	Corey Farmer	92	10	12	10	4	128	C	Commitment Issued					
13006	Country Place Apartments	1300 Courtland Road	Atlanta	75551	Cass	4	Rural	X	X		Acq/Rhb	72	0	72	General	\$456,288	X	Marlon Sullivan	Winston Sullivan	94	-3	10	12	10	4	127	C	Commitment Issued	48067950400	4th Q	26.6%	
13089	Pinewood Park	120 Kirksey Dr	Lufkin	75904	Angelina	5	Rural	X	X		Acq/Rhb	94	0	94	General	\$860,855	X	Tracy Ambridge	Tamea Dula	89	8	12	14	0	123	C	Commitment Issued	48005000500	4th Q	36.7%		
13007	Spring Creek Apartments	305 Hwy 8 N	Linden	75563	Cass	4	Rural	X	X		Acq/Rhb	24	0	24	General	\$190,179	X	Marlon Sullivan	Winston Sullivan	93	-8	10	12	10	4	121	C	Commitment Issued	48067950600	3rd Q	18.4%	
13001	Sunset Place Apartments	100 Sunset	Malakoff	75148	Henderson	4	Rural	X	X		Acq/Rhb	36	0	36	General	\$240,606	X	James W. Fieser	Melissa Baughman	87	-1	8	12	10	4	120	C	Commitment Issued	48213951000	4th Q	18.2%	
13232	Pine Lake Estates	2012 Durst St	Nacogdoches	75964	Nacogdoches	5	Rural	X			Acq/Rhb	100	0	100	Elderly	\$714,418	X	Rick J. Devoe	Juli Gonzalez	85	8	12	10	4	119	C	Commitment Issued	48347950700	4th Q	50.7%		
13069	Grand Manor Apartments	2700 N Grand Ave	Tyler	75702	Smith	4	Urban	X			Acq/Rhb	120	0	120	General	\$1,194,270	X	Melissa Adami	Dewey Stevens	88	8	0	14	0	110	C	Commitment Issued	48423000201	4th Q	33.9%		
Estimated Amount Available to Allocate		\$8,800,591											Total HTCs Requested/Awarded	\$9,637,566																		
Amount Available in USDA Set-Aside		\$2,937,270																														
Region 1 / Rural																																
13139	Stonebridge of Plainview	NEC of Mesa Dr & 16th St	Plainview	79072	Hale	1	Rural				NC	53	27	80	General	\$647,000	X	Victoria W. Spicer	Dru Childre	107	10	0	10	4	131	C	Commitment Issued	48189950300	1st Q	5.3%		
13129	Rose Meadows Apartments	SWC of Alamo Rd & Holly St	Levelland	78336	Hockley	1	Rural				NC	38	10	48	General	\$442,000		Justin Zimmerman	Ben Mitchell	106	10	0	10	4	130	C	Commitment Issued	48219950500	2nd Q	14.9%		
13245	The Reserves at Sawgrass	SEQ of Navajo Rd & Laguna Dr	Pampa	79065	Gray	1	Rural				NC	38	10	48	General	\$525,830	X	Brett Johnson	Matt Gillam	98	-1	10	0	10	4	121	C	Commitment Rescinded	48179950300	1st Q	5.2%	
Estimated Amount Available to Allocate		\$656,943											Total HTCs Requested/Awarded	\$1,614,830																		
Region 1 / Urban																																
13247	The Reserves at South Plains	SE Corner of Ave U & 98th St Lubbock	Lubbock	79423	Lubbock	1	Urban				NC	83	25	108	General	\$1,101,991	X	Brett Johnson	Matt Gillam	105	10	12	10	4	141	C	Commitment Issued	48303010511	1st Q	6.7%		
13106	Playa Lake Apartments	Ave U, 1 block S of 82nd St	Lubbock	79423	Lubbock	1	Urban				NC	97	23	120	General	\$1,075,000		Justin Zimmerman	Ben Mitchell	103	10	12	10	4	139	N		48303010506	2nd Q	8.5%		
13010	Plum Creek Estates	Plum Creek Dr E of Tascosa Rd	Amarillo	79124	Potter	1	Urban				NC	96	0	96	General	\$1,132,040		Tim Lang	Brenda Given	102	10	12	10	4	138	N		48375013300	1st Q	6.4%		
Estimated Amount Available to Allocate		\$1,149,932											Total HTCs Requested/Awarded	\$3,309,031																		
Region 2 / Rural																																
13128	Winchester Arms Apartments	SWC of W Summit Ave & State Hwy 16	Comanche	79118	Comanche	2	Rural				NC	38	10	48	General	\$434,000	X	Justin Zimmerman	Ben Mitchell	112	10	12	10	4	148	C	Commitment Issued	48093950200	2nd Q	16.8%		
Estimated Amount Available to Allocate		\$511,612											Total HTCs Requested/Awarded	\$434,000																		
Region 2 / Urban																																
13246	The Reserves at Maplewood	S side of N Regent Dr, E of McNiel Ave	Wichita Falls	76308	Wichita	2	Urban				NC	36	0	36	General	\$571,912	X	Brett Johnson	Matt Gillam	87	10	12	10	4	123	C	Commitment Issued	48485012600	2nd Q	8.7%		
Estimated Amount Available to Allocate		\$601,283											Total HTCs Requested/Awarded	\$571,912																		

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / Deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Award	Census Tract	Quartile of Median HH Income	Poverty Rate
Region 3 / Rural																															
13115	Abbingdon Meadows	SWC of Hall Cemetery Rd & S Collins Freeway	Howe	75459	Grayson	3	Rural				NC	39	25	64	General	\$500,000	X	William J. Rea, Jr.	Sean Brady	118	10	12	10	4	154	C	Commitment Issued	48181001801	1st Q	11.3%	
13184	The Village at Forney Crossing	E side of FM 460, N of US Hwy 80	Forney	75126	Kaufman	3	Rural				NC	57	9	66	General	\$710,000		Stacy Kaplowitz	Mike Rodriguez	115	10	0	10	4	139	N		48257050201	1st Q	3.6%	
Estimated Amount Available to Allocate		\$544,496														Total HTCs Requested/Awarded	\$1,210,000														
Region 3 / Urban																															
13152	KIRON at Aubrey	5700 Hwy 377 S	Aubrey	76227	Denton	3	Urban				NC	100	50	150	General	\$1,238,416	X	Thomas Huth	Dru Childre	113	10	12	10	4	149	C	Commitment Issued	48121020103	2nd Q	7.4%	
13240	Summit Place	SW Corner of Merit Dr & Hwy 635	Dallas	75251	Dallas	3	Urban				NC	75	23	98	General	\$1,487,000	X	Lisa Stephens	Mitchell Friedman	109	10	12	10	4	145	C	Commitment Issued	48113013200	1st Q	8.3%	
13214	Flora Street Lofts	2121 Flora	Dallas	75201	Dallas	3	Urban				NC	39	8	47	General	\$500,000		Graham Green	Ben Reavis	108	10	12	14	0	144	C	Commitment Issued	48113002100	1st Q	4.6%	
13259	The Millennium - McKinney	NEQ of McKinney Ranch Prky & Stacy Rd	McKinney	75070	Collin	3	Urban				NC	130	34	164	General	\$1,500,000	X	Brandon Bolin	Alan McDonald	108	10	12	10	4	144	C	Commitment Issued	48085030513	1st Q	12.3%	
13102	Reserve at McAlister	N of McAlister Rd & E of Hemphill St	Fort Worth	76028	Tarrant	3	Urban				NC	112	12	124	Elderly	\$1,238,974	X	Chris Applequist	Brian M. McGeady	107	10	12	10	4	143	C	Commitment Issued	48439111016	1st Q	1.9%	
13058	Evergreen at Hebron Senior Community	2200 Block of Parker Road	Hebron	75010	Denton	3	Urban		X		NC	136	0	136	Elderly	\$1,500,000	X	Brad Forslund	Becky Villanueva	106	10	12	10	4	142	C	Commitment Issued	48121021625	1st Q	0.4%	
13145	Mariposa at Elk Drive	Appr 100 block Elk Dr, NWQ Elk Dr & SE John Jones Dr	Burleson	78676	Johnson	3	Urban				NC	117	63	180	Elderly	\$1,395,438	X	Stuart Shaw	Casey Bump	106	10	12	10	4	142	C	Commitment Issued	48251130215	1st Q	1.1%	
13044	Villas of Vanston Park	4540 Gus Thomasson Road	Mesquite	75150	Dallas	3	Urban				NC	113	47	160	General	\$1,500,000	X	Joseph Agumadu	Vanessa Hardy	106	10	12	14	0	142	C	Commitment Issued	48113018001	3rd Q	12.3%	
13023	Patriot's Crossing (fka Veteran's Place)	4623 S Lancaster Road	Dallas	75216	Dallas	3	Urban		X		NC	150	0	150	General	\$1,499,292		Yigal Lelah	Claire Palmer	106	10	12	10	4	142	C		48113005700	4th Q	41.1%	
13140	Villas at Justin	18 acres off of FM 156 adjacent & S of Bishop Park	Justin	76247	Denton	3	Urban				NC	130	28	158	General	\$1,500,000		Kecia Boulware	Donna Rickenbacker	111	-6	10	12	10	4	141	N		48121020308	2nd Q	5.4%
13186	Desoto Senior Living	SW Corner of S Westmoreland Rd & W Belt Line Rd	Desoto	75115	Dallas	3	Urban				NC	120	12	132	Elderly	\$1,500,000		Deepak P. Sulakhe	Jason Lain	104	10	12	10	4	140	N		48113016612	1st Q	1.7%	
13138	Mariposa at Woodbridge	Appr S of intersection of McCreary Rd & W Kirby (aka FM 544) on McCreary Rd (East Side)	Wylie	75098	Collin	3	Urban				NC	120	60	180	Elderly	\$1,500,000		Stuart Shaw	Casey Bump	106	10	12	10	0	138	N		48085031317	1st Q	3.3%	
13091	Heritage Park Vista - Phase Two	8729 Ray White Rd	Fort Worth	76244	Tarrant	3	Urban				NC	80	5	85	Elderly	\$1,095,676		Therese Allgeier	Robert G. Hoskins	99	8	12	14	0	133	N		48439113921	1st Q	7.8%	
13064	HomeTowne on Magnolia	NWC of US 380 & FM 1385	Savannah	76227	Denton	3	Urban				NC	117	45	162	General	\$1,500,000		Kenneth W. Fambro, II	Christina Schwartz	107	10	0	10	4	131	N		48121020105	2nd Q	7.6%	
13045	Evergreen at Murphy Senior Community	401 W FM 544	Murphy	75094	Collin	3	Urban		X		NC	132	0	132	Elderly	\$1,500,000		Brad Forslund	Becky Villanueva	106	10	0	10	4	130	N		48085031313	1st Q	3.0%	
13249	Old Town Plaza Apartments	Leonard St & E Walters St	Lewisville	75057	Denton	3	Urban				NC	112	28	140	General	\$1,500,000		Deepak P. Sulakhe	Jason Lain	102	10	0	10	4	126	N		48121021618	3rd Q	13.7%	
13090	Residences at Caruth Lake	1049 Williams St	Rockwall	75087	Rockwall	3	Urban		X		NC	57	3	60	General	\$998,472		Dan Allgeier	Monique Allen	104	10	-12	10	4	116	N		48397040200	1st Q	0.6%	
Estimated Amount Available to Allocate		\$10,479,003														Total HTCs Requested/Awarded	\$22,953,267														
Region 4 / Rural																															
13173	Canton Village Homes	SW intersection of IH-20 & Edgewood Rd (aka FM 859)	Canton	75103	Van Zandt	4	Rural				NC	65	15	80	General	\$619,000	X	Doak Brown	Leslie Holleman	116	10	12	10	4	152	C	Commitment Issued	48467950600	1st Q	14.0%	
13032	StoneLeaf at Eustace	320 FM 316	Eustace	75124	Henderson	4	Rural				NC	45	4	49	General	\$626,888	X	Victoria Sugrue	Ben Dempsey	112	10	12	10	4	148	C	Commitment Issued	48213950500	1st Q	12.1%	
13011	Villas at Henderson	W Fordall St	Henderson	75652	Rusk	4	Rural				NC	80	0	80	General	\$1,254,960		Jay Collins	Brenda Given	109	10	12	10	4	145	C		48401950800	2nd Q	12.7%	
13235	Pinecrest Park	Lots 6 & 7 off Whipporwil, Pinecrest Addition #1	Kilgore	75662	Gregg	4	Rural		X		NC	52	4	56	Elderly	\$747,187		Emanuel H. Glockzin, Jr.	Pixie Stracener	108	10	12	14	0	144	N		48183010600	1st Q	10.0%	
13073	Lakeland Villas	1390 CR 4628	Athens	75751	Henderson	4	Rural				NC	49	0	49	General	\$482,650		Jay Milam	Jack Jenks	114	10	0	14	0	138	N		48213950300	1st Q	11.9%	
Estimated Amount Available to Allocate		\$1,274,924														Total HTCs Requested/Awarded	\$3,730,685														
Region 4 / Urban																															
13242	Saige Meadows	SEQ of Hwy 69 & Experimental Station Rd/James Fair Pkwy	Tyler	75706	Gregg	4	Urban				NC	82	10	92	General	\$1,163,876	X	Lisa Stephens	Michael Wohl	100	8	12	10	4	134	C	Commitment Issued	48423001601	4th Q	29.8%	
13037	The Preserve at the Crossing	SWQ of Three Lakes Pkwy & Crosswater Dr, TBD Crosswater Dr	Tyler	75703	Smith	4	Urban				NC	124	20	144	Elderly	\$1,409,847		Tracy Ambridge	Tamea Dula	88	10	0	10	4	112	N		48423001905	1st Q	6.1%	
Estimated Amount Available to Allocate		\$1,182,302														Total HTCs Requested/Awarded	\$2,573,723														
Region 5 / Rural																															
13005	Tower Village	Tower Rd & Park St	Nacogdoches	75961	Nacogdoches	5	Rural				NC	36	0	36	General	\$805,000	X	Mark Musemeche	Ofelia Elizondo	100	-1	8	12	10	4	133	C	Commitment Issued	48347951000	4th Q	34.9%
13018	Hudson Providence	NWQ of Hwy 94 W of Hudson Heights	Hudson	75904	Angelina	5	Rural				NC	80	0	80	Elderly	\$871,803		Miranda Ashline	Tamea Dula	96	-1	10	12	10	4	131	C		48005000301	1st Q	13.8%
Estimated Amount Available to Allocate		\$867,188														Total HTCs Requested/Awarded	\$1,676,803														
Region 5 / Urban																															
13203	Providence on Major	SWQ of N Major Dr & Westfield, Appr 3900 N Major Dr	Beaumont	77713	Jefferson	5	Urban				NC	108	20	128	Elderly	\$1,245,259	X	Miranda Ashline	Tamea Dula	88	10	12	10	4	124	C	Commitment Issued	48245000307	1st Q	12.0%	
Estimated Amount Available to Allocate		\$842,972														Total HTCs Requested/Awarded	\$1,245,259														
Region 6 / Rural																															
13183	Newport Village	SWQ of S Diamondhead Blvd & N Main St (FM 2100)	Crosby	77532	Harris	6	Rural				NC	80	0	80	General	\$750,000	X	Justin Hartz	Chris Dischinger	113	10	12	10	4	149	C	Commitment Issued	48201251902	1st Q	4.9%	
13059	Timberbrook Village	11899 Old Montgomery Rd	Willis	77318	Montgomery	6	Rural				NC	62	18	80	General	\$750,000		David Mark Koogler	Keith Richards	113	10	12	10	4	149	N		48339694202	1st Q	2.8%	
13254	Rice Senior Housing	862 acres Southwest from the corner of Loop 2765 & Hwy 71	El Campo	77437	Wharton	6	Rural		X		NC	52	4	56	Elderly	\$749,360		Emanuel H. Glockzin, Jr.	Pixie Stracener	102	10	12	14	0	138	N		48481740900	1st Q	13.3%	
Estimated Amount Available to Allocate		\$500,000														Total HTCs Requested/Awarded	\$2,249,360														

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / Deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Award	Census Tract	Quartile of Median HH Income	Poverty Rate	
Region 6 / Urban																																
13062	The Retreat at Westlock	W side of 24000 block of SH 249, just S of Westlock	Houston ETJ	77377	Harris	6	Urban				NC	99	41	140	Elderly	\$1,260,904	X	Marciaalte Voller	Ann Duggin	102	10	12	10	4	138	C	Commitment Issued	48201555502	1st Q	4.7%		
13042	The Cottages at South Acres	E side of the Appr 11300 block of Scott St	Houston	77047	Harris	6	Urban				NC	102	42	144	General	\$1,425,351	X	Marcy H. Voller	Ann Duggin	102	10	12	14	0	138	C	Commitment Issued	48201331500	4th Q	23.3%		
13026	The Huntington at Sienna Plantation	4200 block Trammel Fresno Road	Missouri City	77459	Fort Bend	6	Urban				NC	105	27	132	Elderly	\$1,300,000	X	Mark Musemeche	Ofelia Elizondo	100	10	12	10	4	136	C	Commitment Issued	48157674501	1st Q	4.2%		
13110	El Dorado Green Apartments	Appr 240 W El Dorado Blvd	Houston	77546	Harris	6	Urban				NC	88	20	108	Elderly	\$1,364,364	X	Gary Brinkley	Donna Rickenbacker	103	10	12	10	0	135	C	Commitment Issued	48201350601	1st Q	1.6%		
13144	Mariposa at Pecan Park	Approx the 3600 block of Canada 0.2 miles N of W Fairmont Pkwy	La Porte	77571	Harris	6	Urban				NC	120	60	180	Elderly	\$1,405,352	X	Stuart Shaw	Casey Bump	101	8	12	10	4	135	C	Commitment Issued	48201343000	2nd Q	11.5%		
13151	Lafayette Plaza	Appr NEC of Clarewood Dr & Bonhomme Rd	Houston	77036	Harris	6	Urban				NC	98	24	122	Elderly	\$1,428,022	X	William D. Henson	Cheryl L. Henson	102	8	12	10	2	134	C	Commitment Issued	48201432802	4th Q	29.6%		
13117	Red Bluff Apartment Homes	NEC of Strawberry Rd & Genoa Red Bluff Rd	Houston	77034	Harris	6	Urban				NC	50	22	72	General	\$613,361	X	Adrian Iglesias	Rick J. Deyoe	107	10	0	10	4	131	C	Commitment Issued	48201324000	1st Q	6.8%		
13223	Campanile at Jones Creek	1717 Fm 359	Richmond	77406	Fort Bend	6	Urban		X		NC	72	6	78	Elderly	\$890,000		Les Kilday	Phyllis Sefeldt	107	10	0	10	4	131	C	Commitment Issued	48157673400	1st Q	4.8%		
13143	The Hamilton	1800 St Joseph Parkway	Houston	77003	Harris	6	Urban				NC	134	14	148	General	\$1,500,000		J. Steve Ford	Carrie Ford	98	-1	8	12	14	0	131	C	Commitment Issued	48201100000	2nd Q	32.7%	
13256	4320 Lofts	4320 Old Spanish Trail	Houston	77021	Harris	6	Urban				NC	81	15	96	General	\$1,000,000		Audrey Martin	Teresa Bowyer	102	10	0	10	4	126	N	Commitment Issued	48201313200	3rd Q	20.5%		
13077	KIRON at Spring	NW quadrant of Kuykendahl Rd & Louetta Rd	Spring	77379	Harris	6	Urban				NC	108	52	160	General	\$1,328,377		Thomas Huth	Dru Childre	108	10	-12	10	4	120	N	Commitment Issued	48201553801	1st Q	3.1%		
13052	Southfork Plantation	Southfork Parkway & County Rd 59	Manvel	77578	Brazoria	6	Urban		X		NC	94	23	117	Elderly	\$1,040,709		Chris Richardson	Jessica Bailey	108	10	-12	10	0	116	N	Commitment Issued	48039660602	1st Q	7.2%		
Estimated Amount Available to Allocate		\$9,414,495										Total HTCs Requested/Awarded			\$14,556,440																	
Region 7 / Rural																																
13201	The Trails at Carmel Creek	West of FM 685, S of Carl Stern Dr extension	Hutto	78634	Williamson	7	Rural				NC	50	11	61	Elderly	\$500,000	X	Janine Sisak	Teresa Bowyer	112	10	12	10	4	148	C	Commitment Issued	48491020804	1st Q	6.3%		
13251	River Terrace	Home Depot Way & Hwy 304	Bastrop	78602	Bastrop	7	Rural				NC	35	13	48	General	\$500,000		Will Markel	Jim Markel	112	10	12	10	0	144	N	Commitment Issued	48021950300	2nd Q	9.1%		
13022	Liberty Manor	US Hwy 29 W @ Bailey Lane	Liberty Hill	78642	Williamson	7	Rural				NC	70	4	74	Elderly	\$750,000		Ken Blankenship	Breck Kean	94	10	12	10	4	130	C	Commitment Issued	48491020202	1st Q	7.6%		
13137	Mariposa at Ranch Road 12	Appr the 1440 Blk of RR 12 on E Side of Ranch Rd 12	Wimberley	78676	Hays	7	Rural				NC	40	40	80	Elderly	\$500,000		Stuart Shaw	Casey Bump	111	8	-12	10	4	121	N	Commitment Issued	48209010804	2nd Q	4.1%		
Estimated Amount Available to Allocate		\$500,000										Total HTCs Requested/Awarded			\$2,250,000																	
Region 7 / Urban																																
13112	Liberty Trails Townhomes	Appr 95 acres; NEC of Hwy 29 & Hwy 1869	Liberty Hill	78642	Williamson	7	Urban				NC	75	25	100	General	\$1,090,000	X	Jorge A. Aguirre	Donna Rickenbacker	109	10	12	10	4	145	C	Commitment Issued	48491020202	1st Q	7.6%		
13071	Windy Ridge Apartments	10910 Ranch Rd 620	Austin	78726	Travis	7	Urban				NC	120	0	120	General	\$1,080,918	X	Adrian Iglesias	Rick Deyoe	108	10	12	10	4	144	C	Commitment Issued	48453001765	1st Q	6.2%		
13108	Skyway Studios	2800 S Lamar Blvd	Austin	78704	Travis	7	Urban		X		NC	109	0	109	Supp. Hsg.	\$1,002,000		Walter Moreau	Jennifer Hicks	107	10	12	14	0	143	C	Commitment Issued	48453001901	2nd Q	4.7%		
13109	Homestead Apartments	3226 W Slaughter Lane	Austin	78748	Travis	7	Urban		X		NC	126	14	140	General	\$1,252,000	X	Walter Moreau	Jennifer Hicks	105	10	12	10	4	141	C	Commitment Issued	48453001746	2nd Q	5.2%		
13125	Songhai at West Gate	8700 Westgate Boulevard	Austin	78745	Travis	7	Urban				NC	140	6	146	General	\$1,220,000		Miguel Medellin	Cherno M. Njie	104	10	12	14	0	140	N	Commitment Issued	48453001729	2nd Q	6.3%		
13159	4800 Berkman	SWC of Berkman Dr & Barbara Jordan Blvd	Austin	78723	Travis	7	Urban				NC	140	30	170	General	\$1,500,000		Janine Sisak	Wayne Gerami	105	8	12	14	0	139	N	Commitment Issued	48453000306	4th Q	19.1%		
13142	The Hills of Pflugerville	SWS of "to-be built" Colorado Sand Dr, N side of Pflugerville Pkwy	Pflugerville	78660	Travis	7	Urban				NC	117	0	117	Elderly	\$1,500,000		J. Steve Ford	Carrie Ford	105	10	12	10	0	137	N	Commitment Issued	48453001858	1st Q	2.1%		
Estimated Amount Available to Allocate		\$3,362,682										Total HTCs Requested/Awarded			\$8,644,918																	
Region 8 / Rural																																
13033	StoneLeaf at Fairfield	113 W Reunion St	Fairfield	75840	Freestone	8	Rural				NC	45	4	49	General	\$500,000	X	Victoria Sugrue	Ben Dempsey	116	10	12	10	4	152	C	Commitment Issued	48161000200	1st Q	8.1%		
13147	Eagles Crossing Apartments	1800 Block of Old Brandon Road	Hillsboro	76645	Hill	8	Rural				NC	38	10	48	General	\$470,493		Justin Zimmerman	Ben Mitchell	115	10	12	10	4	151	C	Commitment Issued	48217961100	1st Q	12.1%		
13250	Hidden Glen	NE of intersection of Mary Ln & Vaness St	Salado	76571	Bell	8	Rural				NC	35	10	45	Elderly	\$500,000		Will Markel	Jim Markel	112	10	12	10	4	148	N	Commitment Issued	48027023403	1st Q	3.5%		
Estimated Amount Available to Allocate		\$543,746										Total HTCs Requested/Awarded			\$1,470,493																	
Region 8 / Urban																																
13118	Oak Ridge Apartments	W of 10th St & Nolan Ridge Dr	Nolanville	76559	Bell	8	Urban				NC	48	0	48	General	\$500,000	X	Chris Applequist	Brian M. McGeady	109	10	12	10	4	145	C	Commitment Issued	48027021800	1st Q	12.8%		
13187	Barron's Branch	N 9th St & Colcord Ave (Appr 1323 N 9th st)	Waco	76707	McLennan	8	Urban				NC	77	15	92	General	\$963,900	X	Lisa Stephens	David Deutch	105	8	12	14	0	139	C	Commitment Issued	48309001200	4th Q	58.1%		
13021	The Manor at Commerce Park	SWQ of Commerce St & Sparta Road	Belton	76513	Bell	8	Urban				NC	80	8	88	Elderly	\$956,000		Ken Blankenship	Breck Kean	101	10	12	10	4	137	C	Commitment Issued	48027021700	1st Q	8.2%		
Estimated Amount Available to Allocate		\$1,541,697										Total HTCs Requested/Awarded			\$2,419,900																	
Region 9 / Rural																																
13167	Freedoms Path at Kerrville	3600 Block of Memorial Blvd	Kerrville	78028	Kerr	9	Rural		X		NC	49	0	49	Supp. Hsg.	\$717,000	X	Donald Paxton	Craig Taylor	114	10	12	10	4	150	C	Commitment Issued	48265960100	2nd Q	6.9%		
13020	The Manor at Currey Creek	10 FM 474	Boerne	78006	Kendall	9	Rural				NC	70	4	74	Elderly	\$715,000		Ken Blankenship	Breck Kean	111	10	12	10	4	147	N	Commitment Issued	48259970402	1st Q	1.2%		
13013	Ana's Cove	S Uvalde St to US 281 to E side of Sierra Blvd	Pleasanton	78064	Atascosa	9	Rural				NC	36	0	36	General	\$625,288		Rene Sierra	Sylvia Romans	98	-4	10	12	10	2	128	C	Commitment Issued	48013960100	3rd Q	13.2%	
Estimated Amount Available to Allocate		\$500,000										Total HTCs Requested/Awarded			\$2,057,288																	

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / Deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Award	Census Tract	Quartile of Median HH Income	Poverty Rate	
Region 9 / Urban																																
13262	Paso Fino Apartment Homes	10729 Shaenfield Rd	San Antonio	78254	Bexar	9	Urban				NC	149	11	160	General	\$1,500,000	X	Manish Verma	Walter Martinez	108	10	12	10	4	144	C	Commitment Issued	48029181726	1st Q	5.3%		
13192	Shaenfield Apartments	10585 Shaenfield Rd	San Antonio	78254	Bexar	9	Urban			X	NC	105	39	144	General	\$1,405,470		Shaenfield Apartments Ltd.	Ben Amor	108	10	12	10	4	144	C		48029181726	1st Q	5.3%		
13193	Balcones Lofts	SC of Gentleman Rd & Hillcrest Dr	Balcones Heights	78201	Bexar	9	Urban			X	NC	50	34	84	General	\$711,849	X	Balcones Lofts Ltd.	Debra Guerrero	107	10	12	10	4	143	C	Commitment Issued	48029180800	4th Q	31.1%		
13196	Emerald Village	NEC of NW Loop 1604 & Corporate Woods Dr	San Antonio	78259	Bexar	9	Urban			X	NC	134	30	144	General	\$1,500,000		Emerald Village Ltd.	Lori Hall	96	10	0	10	4	120	C	Commitment Issued	48029121906	1st Q	2.7%		
Estimated Amount Available to Allocate		\$3,992,496											Total HTCs Requested/Awarded			\$5,117,319																
Region 10 / Rural																																
13213	Bailey Square	SEQ of N Valley St & E Bailey St	Cuero	77954	DeWitt	10	Rural				NC	48	8	56	General	\$500,000	X	Audrey Martin	Teresa Bowyer	113	10	12	10	4	149	C	Commitment Issued	48123970300	2nd Q	12.6%		
Estimated Amount Available to Allocate		\$500,000											Total HTCs Requested/Awarded			\$500,000																
Region 10 / Urban																																
13082	Woodland Creek Apartments	11641 Leopard St	Corpus Christi	78410	Nueces	10	Urban			X	Recon	94	0	94	General	\$1,356,998	X	Gilbert M. Piette	Roger H. Canales	103	10	12	14	0	139	C	Commitment Issued	48355003601	1st Q	10.0%		
Estimated Amount Available to Allocate		\$1,231,390											Total HTCs Requested/Awarded			\$1,356,998																
Region 11 / Rural																																
13051	Royal Gardens	Eisenhower St (SW of Eisenhower St & Charco Blanco Rd)	Rio Grande City	78582	Starr	11	Rural			X	NC	80	0	80	General	\$586,271		Noorallah Jooma	Robert Wilson	117	10	12	10	4	153	C	Commitment Issued	48427950104	1st Q	17.0%		
13046	La Esperanza Del Rio	W of FM 3167 & S of Eisenhower Rd	Rio Grande City ETJ	78582	Starr	11	Rural				NC	50	10	60	General	\$500,000		Sara Reidy	Linda S. Brown	116	10	12	10	4	152	C	Commitment Issued	48427950104	1st Q	17.0%		
13154	Trosper Apartments	Near 5 mile Rd & Trosper	Alton	78573	Hidalgo	11	Rural				NC	80	0	80	General	\$1,138,000		Mike Lopez	Tim Smith	102	8	0	10	4	124	N		48215024113	3rd Q	41.3%		
Estimated Amount Available to Allocate		\$1,042,926											Total HTCs Requested/Awarded			\$2,224,271																
Region 11 / Urban																																
13100	Villages of Penitas	10 acres out of Diamond Commercial Park Subdivision	Penitas	78576	Hidalgo	11	Urban				NC	116	12	128	General	\$1,383,000	X	Steve Lollis	Donna Rickenbacker	112	10	12	10	4	148	C	Commitment Issued	48215024203	2nd Q	17.0%		
13081	River Bank Village	202 Aquero Boulevard	Laredo	78045	Webb	11	Urban				NC	114	38	152	General	\$1,225,000	X	Apolonio ("Nono") Flores	Doak Brown	109	10	12	10	4	145	C	Commitment Issued	48479001711	1st Q	11.7%		
13068	Mayorca Villas	8.75 acres W Marcelo Blvd at Jose Marti Blvd	Brownsville	78575	Cameron	11	Urban				NC	48	72	120	General	\$500,000	X	Melissa Adami	Dewey Stevens	109	10	12	10	4	145	C	Commitment Issued	48061012613	1st Q	22.2%		
13281	Sunquest Apartments	23850 Stuart Place Road	Primera	78552	Cameron	11	Urban			X	NC	100	28	128	General	\$1,400,000	X	Mr. Sunny K. Philip	Michelle Grandt	108	10	12	10	4	144	C	Commitment Issued	48061010302	1st Q	30.5%		
13270	Bella Terra Apartments	+/- 10.5 acres at SEQ of Morrison Rd & Pablo Kisel Blvd	Brownsville	78526	Cameron	11	Urban				NC	120	0	120	General	\$1,420,889		Enrique Flores	Enrique Flores, IV	108	10	12	10	4	144	C		48061012612	1st Q	12.9%		
13263	Sunland Apartments	19000 FM 508	Combes	78550	Cameron	11	Urban				NC	100	40	140	General	\$1,500,000		Mr. Sunny K. Philip	Michelle Grandt	107	10	12	14	0	143	C		48061010203	1st Q	25.0%		
13275	Bella Vista Apartments	+/- 8.5 acres at SWQ of McColl Rd & Sprague St	Edinburg	78539	Hidalgo	11	Urban				NC	120	0	120	General	\$1,210,263		Enrique Flores	Enrique Flores, IV	107	10	12	10	4	143	N		48215023904	1st Q	12.3%		
Estimated Amount Available to Allocate		\$4,913,492											Total HTCs Requested/Awarded			\$8,639,152																
Region 12 / Rural																																
13180	Mission Village of Pecos	SEC of Texas St & W Washington St	Pecos	79772	Reeves	12	Rural				NC	49	11	60	General	\$500,000	X	Michael Ash	Marissa Downs	115	10	12	10	4	151	C	Commitment Issued	48389950400	1st Q	23.3%		
13211	Mustang Springs Apartments	NWC of Quail Ridge Dr & NE Mustang Dr	Andrews	79714	Andrews	12	Rural				NC	49	11	60	General	\$500,000		Michelle Den Bleyker	Joseph Ortega	115	10	12	10	4	151	N		48003950100	1st Q	16.9%		
13160	Sands Terrace Apartments	IH-20 Business Appr 3,000' E of S James Ave	Monahans	79756	Ward	12	Rural				NC	38	10	48	General	\$453,000		Justin Zimmerman	Ben Mitchell	112	10	12	10	4	148	N		48475950200	2nd Q	9.1%		
Estimated Amount Available to Allocate		\$500,000											Total HTCs Requested/Awarded			\$1,453,000																
Region 12 / Urban																																
13016	Westridge	5100 Blk of Graceland	Midland	79703	Midland	12	Urban			X	NC	84	12	96	Elderly	\$739,061	X	Granger MacDonald	Carrie Adams	94	10	12	10	4	130	C	Commitment Issued	48329001300	2nd Q	9.0%		
13043	Progress Senior Living	NEC of W Loop 338 & W 8th St	Odessa	79763	Ector	12	Urban			X	NC	80	0	80	Elderly	\$817,898		Bernadine Spears	Sharon Laurence	93	8	12	10	4	127	N		48135001100	3rd Q	22.4%		
13136	Concho Villas	2001 S Concho Dr	San Angelo	76904	Tom Green	12	Urban				NC	49	0	49	General	\$638,000		Jay Milam	Jack Jenks	89	10	0	10	4	113	N		48451001708	1st Q	2.2%		
Estimated Amount Available to Allocate		\$750,323											Total HTCs Requested/Awarded			\$2,194,959																
Region 13 / Rural																																
13131	Montana Vista Palms	Off of Montana Ave at Peggy Hopkins & Oshea Dr	El Paso	79938	El Paso	13	Rural				NC	48	0	48	General	\$474,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	95	10	12	10	4	131	C	Commitment Issued	48141010340	1st Q	14.1%		
13132	San Elizario Palms II	A parcel directly behind 13850 Socorro Rd	San Elizario	79849	El Paso	13	Rural				NC	48	0	48	General	\$415,000		R.L. "Bobby" Bowling, IV	Demetrio Jimenez	87	10	12	10	4	123	N		48141010501	4th Q	57.5%		
13096	Laureles del Este	SWQ Fabens St & Citizen Transfer Station Rd	Fabens	79838	El Paso	13	Rural				NC	42	0	42	General	\$460,396		Ike J. Monty	Maria Espinoza	85	10	12	10	4	121	N		48141010505	4th Q	42.4%		
Estimated Amount Available to Allocate		\$500,000											Total HTCs Requested/Awarded			\$1,349,396																

Application Number	Development Name	Development Address	City	Zip Code	County	Region	Urban/Rural	At-Risk Set-Aside	USDA Set-Aside	Nonprofit Set-Aside	Construction Type	Low Income Units	Market Rate Units	Total Units	Target Population	HTC Request or Recommend.*	REA review complete*	Applicant Contact	Second Contact	(1) Points Requested / Awarded	(2) Adjustments (CRP / Deductions)	(3) Development Cost/Ft	(4) Senator/Rep letters	(5) QCP	(6) Other than QCP	Total Possible Score	Review Status	Status of Award	Census Tract	Quartile of Median HH Income	Poverty Rate	
Region 13 / Urban																																
13133	Verde Palms	Btwn Joe Battle & Pine Springs Dr on Loma Verde Dr	El Paso	79936	El Paso	13	Urban				NC	100	52	152	General	\$1,254,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	103	10	12	10	4	139	C	Commitment Issued	48141010338	1st Q	6.5%		
13130	North Desert Palms	11001 Dyer St	El Paso	79934	El Paso	13	Urban				NC	100	52	152	General	\$1,254,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	100	10	12	10	4	136	C	Commitment Issued	48141010207	2nd Q	10.2%		
13098	Meadow Heights	11620 Pelicano	El Paso	79936	El Paso	13	Urban				NC	50	0	50	General	\$500,000		Ike J. Monty	Maria Espinoza	100	10	12	10	2	134	C		48141004309	1st Q	12.5%		
13097	Eastpointe Estates	NEQ Zaragosa & Pebble Hills	El Paso	79938	El Paso	13	Urban				NC	104	0	104	General	\$1,135,364		Ike J. Monty	Maria Espinoza	96	-1	10	12	10	4	131	C		48141010341	2nd Q	18.9%	
13099	Villas at West Mountain	NWQ Helen of Troy & New Harvest (fka Export)	El Paso	79912	El Paso	13	Urban				NC	76	0	76	General	\$813,434		Ike J. Monty	Maria Espinoza	100	-8	10	12	10	4	128	C	Commitment Rescinded	48141010215	1st Q	9.8%	
13166	Artspace El Paso Lofts	601 N Oregon St	El Paso	79901	El Paso	13	Urban				NC	51	0	51	General	\$1,077,426		Sarah White	Cathryn Vandenbrink	102	0	12	14	0	128	C		48141001600	4th Q	46.3%		
Estimated Amount Available to Allocate		\$2,400,306											Total HTCs Requested/Awarded		\$6,034,224																	

TOTALS					
Total Estimated 2013 HTC Ceiling	\$59,104,798	Total Active Applications	120	Total HTCs Requested/Awarded for Eligible Applications	\$111,474,794

* For those Applications with a complete REA review, the HTC Request reflected on the log is the recommended credit amount from the Real Estate Analysis division. These recommendations may be subject to appeal.

3d

BOARD ACTION REQUEST
ASSET MANAGEMENT DIVISION
DECEMBER 12, 2013

Presentation, Discussion, and Possible Action regarding the fulfillment of the 10% test, for HTC #12121, Memorial Apartments in McAllen, Texas.

RECOMMENDED ACTION

WHEREAS, Memorial Housing, L.P. applied for and was allocated housing tax credits for application #12121, Memorial Apartments in McAllen, Texas, conditioned upon “Receipt and acceptance by 10% Test: USDA/RD approval of the proposed rates, terms and transfer of existing USDA/RD loans”;

WHEREAS, Memorial Housing, L.P. requested and received two prior extensions of the 10% deadline in order to obtain USDA approval and complete the transfer of the existing USDA loans from the current property owner, who is also the General Partner of the new owner, to the new owner partnership, but as of yet, has failed to obtain such approval;

WHEREAS, Memorial Housing L. P. submitted the 10% test package with a letter from their accountant indicating that the 10% Test has been met, and inferring that the ownership transfer has occurred; and

WHEREAS, Memorial Housing L.P., requested a waiver from TDHCA of the state conditions relating to underwriting, commitment, and carryover of approval by USDA of the transfer of the existing loans by the 10% test deadline;

NOW, therefore, it is hereby

RESOLVED, that the request for a waiver of the closing requirement is denied; however, extension of the approval by USDA of the transfer of the loans is granted until December 27, 2013 after which, if the conditions of the carryover are not met, the commitment and carryover agreement shall expire.

BACKGROUND

The Board approved an allocation and issued a commitment in September 2012 for \$885,739 in housing tax credits to acquire and rehabilitate 246 units known as Memorial Apartments in McAllen, Texas. On

December 28, 2012, the Department entered into a carryover agreement. Both of these documents were conditioned upon, among other things, the USDA approval of the proposed transfer of the existing USDA loans.

The 10% test is a federal requirement to show progress on a development receiving 9% housing tax credits. The federal requirement can be distilled to documenting the expenditure of 10% of the reasonably expected basis. Reasonably expected basis includes the acquisition of the property which is often a significant portion of the costs expended to meet the 10% requirement. The State's QAP also requires that this acquisition take place prior to (and is documented in) the 10% test submission. The Department may also include additional requirements at the time of the 10% test. Any additional requirements would be based on when such conditions would reasonably be expected to be achievable or when they would need to be achieved in order for the Department to believe that the development is able to continue progressing. In this case, the requirement that the applicant obtain approval from the USDA for the transfer of the loans is reasonably expected to have to occur before they can actually transfer the property, and thus, this issue was established as a condition to be resolved by the 10% deadline.

Due to delays attributed by the applicant to the USDA approvals, the applicant received two prior extensions to the deadline for submitting the 10% test package. The package was ultimately submitted on November 27, 2013, within the timeframe of the second extension. The information provided included a letter from the applicant's independent accountant confirming that 17% of the reasonably expected costs were incurred, thus meeting the 10% test. Encompassed within those costs was the expense of the site acquisition. Staff questioned how the acquisition could have taken place without the USDA transfer approval and was told that the transfer occurred as a result of the execution of a Special Warranty Deed between the general partner (original owner) and the partnership. The accountant relied, in part, upon an attorney's opinion, which staff has reviewed, concluding that under Texas law, the executed Special Warranty Deed is valid and would convey ownership of the property referenced in the Deed.

Staff has requested that the applicant revisit their 10% test submission to evaluate any additional costs that they have since incurred. The applicant has indicated that they are confident they have met the 10% test exclusive of the acquisition cost and that they will attempt to document this case in order to meet the federal requirement without including the acquisition.

Based on discussions with USDA and the applicant, there have been several issues that have, thus far, delayed the approval of the transfer. Initially, the USDA rejected the request because the new ownership structure failed to comply with the requirements of the existing \$5M in grant financing for the development. This grant was a portion of the redevelopment financing provided in 2005, when the last major rehabilitation was completed by the current owner. The USDA rejection of the ownership structure was appealed and then withdrawn by the applicant in April of 2013. A subsequent transfer request to USDA was made in September of 2013; however, a determination on the status of the grant funds will not be made until the project is ready for final USDA underwriting. USDA has indicated that a second area of concern is the cost differential between the TDHCA required Property Condition Report (PCA) and the Conditional Needs Assessment (CNA) that USDA requires. The PCA provides evidence of the entire redevelopment budget proposed in the tax credit application, while the CNA is more limited and addresses actual physical needs that may arise in the near term (a five year period).

While USDA has spent a considerable amount of time reviewing and adjusting their expected budget based on these documents, there remains a significant gap between the budgets proposed by the applicant and the CNA. USDA has indicated that until this second issue is resolved, final USDA underwriting and the resolution of the grant issue cannot take place.

The USDA has identified additional sources of existing funds, \$372,000 in insurance proceeds for storm damage caused to the roof and \$935,000 in existing replacement reserves, which were not accounted for in the prior TDHCA underwriting of this transaction. These sources may have a significant impact on the ultimate tax credit allocation at the time of cost certification.

The USDA has indicated to TDHCA staff that the typical timeframe for processing transfer applications is six to twelve months, depending on the responsiveness of the applicant. They have also indicated that the clock for processing the transfer of this property began when the applicant resubmitted the request in September of 2013. Moreover, they have provided a timeline of activity on this property and have indicated that approval of the transfer is not likely to occur prior to year's end.

Staff anticipates that in seeking Board approval to continue despite the current status of the USDA approval, the applicant will address concerns regarding USDA's position, and any possible issues that may arise as a result. Because the approval of the transfer of the loans and the transfer of the ownership of the property are so linked, staff believes that the deadline for their completion should be concurrent.

Memorial Housing, LP

1800 N. Texas Ave.
Weslaco, Texas 78596

(956) 969-5865 Phone

hidalgo@aol.com

(956) 969-5863 Fax

December 4, 2013

Tom Gouris, Deputy Executive Director for Housing Programs
Thru Kathryn Saar, Asset Manager, Asset Management Division
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin, TX 78701-2410

RE: *Waiver Request for the Closing of the Acquisition*
Memorial Apartments, TDHCA #12121

Dear Mr. Gouris:

We are respectfully requesting a waiver for the closing of the acquisition for the Memorial Apartments, TDHCA #12121. We anticipate closing in December, but no later than January 31, 2014.

According to Novogradac, we will fulfill the IRS Federal deadline for the 10% Test by December 28, 2013. We are negotiating with the USDA to satisfy the TDHCA requirement of our Commitment to have the current 514 loans transferred to the new LP and the USDA 538 loan in the first position.

At this point we have a full set of drawings that have been approved by the investor, WNC, and the lender for the USDA 538 loan, Lancaster Pollard. All of the due diligence for closing has been accomplished. Partnership agreements have already been transferred between attorneys.

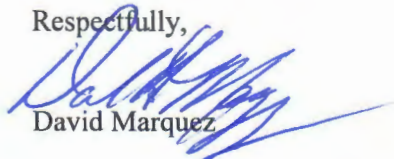
Even the USDA attorneys have reviewed all structural documents. The delay for this transaction appeared to be the structure of the LP. We have since then overcome that and the only issue left unresolved from USDA's correspondence as of today has been the project costs of the rehabilitation, the difference being TDHCA requires at least \$19,000 per unit and USDA Texas feels you should repair-as-you-go.

We have been meeting and talking to USDA Program Directors in the Washington, D. C. Office and they have been helpful in trying to get the Texas Office to understand what USDA is doing in conjunction with tax credits across the country.

In this request, I am forwarding a letter dated September 30, 2013 by the Acting Housing Administrator for all of USDA to give special consideration expeditiously to USDA Preservation Projects that have received a commitment of tax credits.

We appreciate the time and effort TDHCA has put forth toward this 37 year old project that serves the lowest income residents in Texas.

Respectfully,



David Marquez

December 2, 2013

Mr. Tim Irvine
Texas Department of Housing and Community Affairs
221 E. 11th Street
Austin TX 78701

Re: Project Name: Memorial Apartments
Project Location: McAllen, TX

Dear Mr. Irvine:

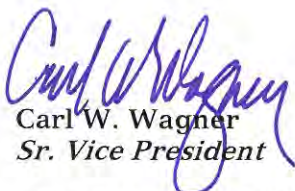
Lancaster Pollard Mortgage Company is the lender for this transaction and is processing a Rural Development Section 538 GRRHP for the borrower in the amount of \$3,000,000.00 and will use the 538 guarantee as a credit enhancement for the loan. It is our intention to Ginnie Mae the loan at the time of loan closing. The proceeds of the loan along with the LIHTC proceeds will be used to purchase and rehabilitate the property.

The Lancaster Pollard Mortgage Company Section 538 GRRHP will be in first lien position and the RD 514 loans will be consolidated, reamortized at new rates and terms, and then subordinated to the LP 538 loan. This financing structure and the security requirements and the feasibility analysis is contained in the appraisal report. LP has used the appraisal report in our underwriting of the project. RD has accepted the appraisal report which implies that they are comfortable with the financing structure of this project.

This transaction involves multiple processes (1) the assumption of the existing 514 loans (2) the approval and obligation of the guarantee authority by RD for the GRRHP 538 loan and (3) the closing of the LIHTC Equity. RD must approve items 1 and 2. The necessary paper work for item 1 has been submitted by the owner/developer to RD and the necessary paper work for item 2 has been submitted to RD for review and approval.

We are optimistic that the government will soon be in the position of processing this GRRHP 538 loan.

If you have any questions feel free to give me a call.


Carl W. Wagner
Sr. Vice President

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cell (614) 506-9531
cwagner@lancasterpollard.com
65 E. State Street, 16th Floor
Columbus, OH 43215
www.lancasterpollard.com



United States Department of Agriculture
Rural Development

TO: State Directors
Rural Development

SEP 30 2013

ATTN: Program Directors and Coordinators
Multi-Family Housing

FROM: Richard A. Davis
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Housing and Community Facilities Programs

SUBJECT: Underwriting Guidance for Transfer and MPR Multi-Family Housing
Transactions

Purpose: The purpose of this Unnumbered Letter (UL) is to give further details about the key underwriting principles and guidelines the Agency has adopted for underwriting Transfer and MPR MFH transactions.

Agency underwriters will use the current underwriting template (UWT) available at: <http://www.rurdev.usda.gov/rhs/mfh/MPR/MPRHome.htm> to document their decisions. This UL supersedes previous Transfer and MPR underwriting guidance.

The Agency uses the term “underwriting” when referring to the process of financial feasibility determination. This process may entail asking questions such as:

- Is there a need for the project’s affordability in its market area?
- Will the transaction work with less rental assistance (RA) or alternatively, with RA at the same level?
- Will the property be able to meet its projected up-front and long-term capital needs?
- Are the proposed rents adequate without being excessive?
- Will the level of vacancy and bad debt loss be at a level that is sustainable without being excessive?
- Is the operation & maintenance (O&M) expense level adequate to operate the property?
- Will all of the borrower’s loan accounts be current after the transaction is closed?
- Is the capital investment sufficient to meet the needs of the property without being excessive?
- Does the underwriting address open physical findings identified in the Multi-Family Information System (MFIS)?

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FILING INSTRUCTIONS:
Housing Programs

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This UL focuses on these and other aspects of financial feasibility. This UL does not delve into aspects of the transaction process such as determining the suitability of the borrower, assessing environmental compliance or evaluating fair housing compliance.

In these times of dwindling resources and ever decreasing budgets, we must also focus on the transactional costs to the Government. Generally, affordable rental housing is dependent on tenant subsidies such as RA. The purpose of RA is to provide tenants with financial assistance to meet their monthly rental cost. When excess income remains after operating expenses, reserves and return to owner, the Agency must review the monthly rental cost in light of the amount of Agency provided RA. The Agency must analyze and review these transactions trying to minimize the cost to the Agency, including RA. The primary method of minimizing the amount of annual RA needed in a transaction is by minimizing future monthly rental costs. Allowing rents to rise specifically to address operating expenses and future repair needs may be appropriate; however, raising rents simply because they are below Conventional Rents for Comparable Units (CRCU) is not an acceptable practice.

Organization: Attachment A outlines the general underwriting principles, Attachment B outlines the most important underwriting factors for transfer transactions, and Attachment C for MPR transactions outlines the most important underwriting factors for MPR transactions.

The intent of this UL is to generate a broader understanding of transfer and MPR revitalization principles. The points of contact for this UL are the Multi-Family Housing Preservation and Direct Loan Division (MFH PDL) staff. Each state is assigned a MFH PDL staff member to assist with transfers and MPR transactions. The RD state office is responsible for underwriting these transactions; the MFH PDL staff is available to assist underwriters. If there are questions regarding the content of this UL, please contact your assigned MFH PDL staff member.

Attachment A General Underwriting Principles

Key Agency Underwriting Concepts

- A. **Major Multi-Family Housing (MFH) Goal.** The Agency's major goal for the MFH portfolio, including Rural Rental Housing and Farm Labor Housing properties, is to preserve needed properties, using long-term Restrictive-Use Provisions (RUP) and/or Restrictive-Use Covenants (RUC), under sustainable rent and financing structures. A sustainable rent and financing structure is one that can be expected to meet the property's long term needs, without additional Agency or third-party funding. *The Agency's objective of preserving these properties should be attained with a minimal cost to the Government.*
- B. **Revitalization.** The Agency uses the term 'revitalization' to mean the process by which a non-sustainable property is made sustainable. A revitalized property is sustainable for the long term considering its current rent and financing structure, often without the need for unusually high rent increases or new Agency loans, and has long-term affordability protection under a RUP or RUC.
- C. **The Comprehensive Property Assessment (CPA) Study.** Revitalization had its roots in the CPA Study whose final report was issued in November 2004. The good news from the CPA Study was that the portfolio was in generally good physical condition, with generally affordable and modest rents. The bad news was that the CPA Study concluded that current rent structures and financing structures were not adequate for long-term sustainability. It also concluded that solving the RRH sustainability problem in the traditional way (with rent increases, additional Rental Assistance (RA), and supplemental loans) would be prohibitively expensive from a Federal budget standpoint. The CPA Study did stipulate that debt deferral, available third-party funding such as Low Income Housing Tax Credits (LIHTC) and modest additional Agency funding was an economically feasible financing alternative for revitalization.
- D. **Budget Pressure, Particularly on RA.** Since the CPA Study was completed, the Agency has come under budget pressure because outlays for RA have grown. This budget pressure to minimize RA requires that rent increases be considered only as a last resort. The most cost effective method of revitalizing properties is through capital funding. If rent increases are needed, however, these increases should not exceed the general rate of inflation.
- E. **Multi-Family Housing Preservation & Revitalization (MPR) Demonstration Program.** Starting with Fiscal Year (FY) 2005, Congress authorized the MPR demonstration programs annually. As part of the demonstration, the Agency underwriting incorporated the finance tools recommended by the CPA Study. These tools include debt deferral, zero percent loans, soft second loans and grants.
- F. **Working with Third-Party Funders.** Many of the transactions underwritten by the Agency involve third-party funding. The primary source of third-party funding has come from the Low Income Housing Tax Credits (LIHTC) program. All Agency MFH Program Directors and lead underwriters should cultivate a strong working relationship with the agency that administers the LIHTC program in their State. When possible an understanding or written agreement should be reached on how our agencies can share underwriting and subsidy layering review information to help assure the most effective

use of public resources when combining funding from both programs. The goal of that agreement should be to minimize the duplicative review process. One way to eliminate the duplicative nature with multiple regulators is to agree to accept analysis or reviews by another regulator. More specifically the agreement may include common elements within the underwriting process. Examples include agreeing that sales prices for transfers cannot exceed appraised values, appropriate returns to owner, and agreed upon property reserve levels.

- G. **Clauses that survive closing.** Clauses or phrases in the conditional commitment (MPR transactions) or the concurrence/authorization memo (transfer transactions) often will survive the transaction closing. Those conditions or commitments must be entered into MFIS to document that the commitments have been, or will be, met during the term of the loan or until a new servicing action occurs.

Key Underwriting Principles; the underwriting principles discussed in this UL can be grouped into the following general headings.

1. **New 20 + year Restrictive Use Agreement.** As a general rule, a new Restrictive Use Provision (RUP) or Restrictive Use Covenant (RUC) is required of any significant Agency or non-Agency investment in a property.
 - a. **For MPR transactions,** a separate, stand alone RUC is required and is generally recorded in a first lien position. The term of the RUC is set out in the MPR's Notice of Funding Availability (NOFA). States are required to use the MPR documents available on the Agency MPR website. <https://mfhdemoteam.sc.gov.usda.gov/MPR/default.aspx>
 - b. **For Transfer transactions,** RUPs must be inserted in the legal documents required by the specific transaction (mortgage or deed of trust, warranty deed, release documents, etc.) and may also include a separate RUC approved by the Office of General Counsel (OGC) that is outside the loan documents designed to survive foreclosure or prepayment. **Refer to 7 CFR 3560, 3560.72 (a) (2).**
2. **Modest and Affordable Rents.** MFH transactions result in sustainable rents that are as low as possible, rents that are at or below CRCU and rents that are affordable to residents in that market area. Sustainable rents should be reasonable and not be set artificially high (at or just below CRCU) because RA is available to support the cost. Rents should be established based on the cash flow of the operating budget.
3. **Sustainable Operating Budget.** The Agency's underwriting generally provides an operating cushion in the property's operating budget so that normal year to year variations in revenues and expenses can be absorbed from operations rather than the capital reserve account.
4. **Minimum Annual Reserve Balance Benchmark.** The Agency requires the project reserve account to be sized to show that funds will be available to meet the physical needs of the property over the 20-year approved Comprehensive Needs Assessment (CNA). The underwriter will adjust the annual deposit to allow for a reasonable positive ending balance for each of the 20 years as adjusted for inflation.

5. **Capital Operating Budget.** A reasonable amount may be allowed on line 9, Capital Operating Budget, to address tenant turnover costs provided these costs are not reflected in other budget lines or included in the CNA. The budgeted amount for tenant turnovers should be supported by the project's management plan.
6. **Sustainable Reserve Account Level on CNA.** In all transactions the reserve should be sized to show that 100 percent of the CNA needs can be met from the reserve account in the year the need is projected to occur without needing either additional funding from the Agency or operational support such as rent increases.

Attachment B

Transfer Underwriting Principles

This section discusses the underwriting principles for transfer transactions. For transfers participating in the MPR Program, refer to Attachment C for additional underwriting guidance.

- A. **Overview.** After a transfer and once revitalized, all properties should be financially sustainable.
1. **Conventional Rents for Comparable Units (CRCU).** Any third-party debt service for equity or rehabilitation, and any increase in Return to Owner (RTO) must be determined using CRCU after providing for sustainable levels of rent loss, O&M expenses and reserves. CRCU must be determined using the Agency-approved method in HB-1-3560, Chapter 3, Section 3.20 and HB-3-3560, Chapter 7, Section 7.7B.
 2. **Agency Funds.** If equity pay-out or increased RTO are being proposed as part of a transfer, no new direct Agency funds may be proposed as part of the transfer portion of the transaction.
 3. **For Additional Information.** Transfer underwriting is discussed in detail in HB-3-3560, Chapter 7.
 4. **Borrowers with Daily Interest Accrual System (DIAS) accounts.** Except for certain FLH loans, borrower accounts, must convert to the Predetermined Amortization Schedule System (PASS) each time a loan servicing action takes place (e.g. re-amortizations, equity incentive loans or any project transfers). Reminder: A “same rates and terms RRH transfer” will convert the project to the PASS system.
- B. **Key Parties to a Transfer.** Key parties are the Seller, the Purchaser, the Agency (on behalf of the tenants and as mortgagor) and any third-party funders (other lenders, tax credit agencies, etc.)
1. **Needs of the Agency.** To maintain the value of the project as security for the Agency’s loans, the Agency imposes these requirements on all transfers:
 - a. **Adequate Funding for Up-Front Capital Needs.** There must be adequate funds to address repairs needed immediately. These capital needs may include up-front rehabilitation that is being paid with third-party funds.
 - b. **Adequate Funding for 20-Year Capital Needs.** The ongoing reserve balance must be sufficient to meet the identified capital needs of the property over the next 20 years in accordance with the CNA. The CNA must be provided as part of the documentation for the approval of a proposed transfer.
 - c. **Minimum Annual Reserve Balance Benchmark,** the underwriter shall size the annual deposit to allow for a positive ending balance for each of the 20 years. When feasible, the reserve account shall be sized to show 100 percent of the CNA needs being met over 20 years. Proposed transfers

that are unable to meet this criterion may be approved with Agency concurrence in accordance with 7.29H (HB 3-3560).

d. Adequate Operations & Maintenance (O&M) Expenses. The O&M expenses underwritten for the transfer must be adequate to operate the project in a typical operating year and should generally be at or above historical levels. However, projects requiring major rehabilitation may reflect changes in the maintenance cost whenever: (a) historical expenses have been elevated because of the properties' previously poor physical condition and (b) the proposed reduced cost will be adequate on a long-term basis and will be consistent with other projects of similar size and characteristics in the same cost areas. Underwriters should utilize the Hyperion report to compare similar and same-market area properties' expenses. Underwriters should compare the operating income and expense data used by other funding sources involved with the proposed transfer and discuss any differences early in the process to avoid conflicting underwriting standards that may jeopardize the potential success of the project.

e. For More Information, HB-3-3560, Chapter 7 addresses the Agency's requirements for transfer transactions.

2. **Needs of Seller and Purchaser.** The seller typically is seeking to receive an equity payment. The purchaser typically is seeking a viable property plus a developer fee or other compensation for putting the transaction together. (Note: Developer fees may be paid from tax credit equity or Section 538 GRRH loan proceeds, but not from other Rural Development sources such as MPR tools, Section 515 loan funds or any other 3rd party loan sources that would require debt service.) Any Deferred Developer Fee (DDF) may only be paid from the RTO that is approved, earned and distributed. Underwriters and applicants should consider using the Transfer Analysis Tool in conjunction with the provisions of HB-3-3560, Chapter 7, to initiate dialogue with all of the parties involved with the transfer and discuss requirements specified in the Rural Development Handbooks. The Transfer Analysis Tool may be found on the Rural Development website at: http://www.rurdev.usda.gov/HMF_MPR.html. This part of the process is a balancing act and is crucial to the successful completion of every transfer transaction.
3. **Existing and Future RUP/RUC.** The Restricted Use Provisions and the Restricted Use Covenants are essential for providing long-term affordability in transfer transactions. Whenever the Agency approves a new transfer, extending the existing RUP/RUC is required.
4. **Working with Third-Party Funders.** In most instances there are outside funds provided through 9 percent tax credits, tax exempt bonds in association with 4 percent tax credits, and/or other third-party funds. It is essential that the Agency's representative is involved during the negotiation stage between the potential purchaser and the seller to protect the interests of the Agency. It is important for the Agency's representative to ensure the Agency's regulatory requirements are met through this transaction. Third-party funders must be provided with the Agency's requirements.
5. **Post Transfer RUP or RUC.** In general, a new 30-year restriction is required for new Section 515 loans. A new 20-year restriction is required otherwise. For

FLH, a new 33-year restriction is required. It is recommended that the Agency representative consult with the Office of General Counsel in making the post transfer RUP or RUC determination. For more information:

- a. 7 CFR §3560.406 (g) and the reference §3560.662.
- b. HB-3-3560, Chapter 7, Paragraph 7-31 D.

C. **Key Underwriting Determinations for Transfer Transactions.** The most important financial feasibility determinations for transfer transactions include the following, each of which are discussed in more detail below:

1. **CRCU.** What are the true market rents this property could command in the local market if there were no USDA restrictions? CRCU must be determined in the underwriting of each transfer transaction (see HB-3, Chapter 7, Paragraph 7.7B).
 - a. **When an Appraisal is required.** A market value appraisal is required each time an equity pay-out is proposed. The market value appraisal is to assist the underwriter in determining the maximum equity payment the seller may receive (other appraisal values may be considered transaction dependent). For more information regarding appraisals see HB-1-3560, Chapter 7, Section 2.
 - b. **Rent Comparability Study (RCS).** When an appraisal is not required (same terms transfer) a RCS may be used to determine CRCU. However, the RCS must follow the statement of work in HUD's Section 8 Renewal Guide.
 - c. **Other Options for Determining CRCU.** Other options to determine CRCU for certain transfer transactions not involving equity pay-outs include a borrower provided third-party market study or a third-party market survey.

For more information, review HB-1-3560, Chapter 3, Section 3.2 or HB-3-3560, Chapter 7, Section 7.7B.

2. **Transfer (New Rates and/or Terms).** Generally, it will be in the best interest of both the Agency and the tenants to transfer existing loans on new terms as part of the transfer transaction. The new terms transfer may include a new note interest rate if the current note rate of interest is higher than the current interest rate in effect at the time of approval or closing, whichever is less. Transfers on new terms (amortized over a longer period with or without a lower note rate of interest) often will help to make a proposed transfer transaction feasible for the seller, the purchaser and the Agency.
 - a. Generally, transfers on new terms will be desired by the seller and purchaser, because it typically results in an additional cash flow within CRCU rents for additional loan debt service and/or increased RTO.
 - b. The purchaser should always consult appropriate outside tax counsel when using tax credits.

For more information, see HB-3-3560, Chapter 7, Paragraph 7-24B and 7 CFR 3560.455 (b).

3. **Maximum Equity Loan Debt Service.** The equity loan amount is based on the maximum or the allowable monthly payment (using the lower of the proposed rents or CRCU rents) as determined in the underwriting template (UWT) after:
- a) Subtracting a reasonable allowance for rent loss,
 - b) Adding a reasonable estimate for other income (e.g., laundry),
 - c) Subtracting adequate O&M expenses,
 - d) Subtracting an adequate Reserve deposit,
 - e) Subtracting debt service on pre-transfer debt (using prevailing rate and term),
 - f) Subtracting the current owner's RTO, and
 - g) Subtracting the operating cushion.
- a. **Maximum Loan.** Once the maximum debt service is identified, and once the market interest rate and loan term for third-party equity loans is determined, the UWT will calculate the maximum equity loan size.
- b. **Accounts Payable.** Any accounts payable must be paid by the seller prior to closing.

For more information, refer to HB-3-3560, Chapter 7, Paragraphs 7.8B and 7.8C, and the Transfer Analysis page of the UWT.

4. **Sales Price.**

- a. **Sales Price for Real Estate,** if the current sales contract includes an equity payment to the seller and the transaction includes a third-party loan, then the amount of the equity cannot exceed the maximum amount discussed above.

NOTE: Rural Development does not restrict the sales price on transactions that do not affect the basic rents and are (i) funded solely with LIHTC equity, or (ii) funded with the purchaser's own funds or other 'soft dollars'; and (iii) are not dependent on project income for repayment.

In all other situations, the sales price is the lower of the appraised value or the amount of assumed debt plus the third-party equity loan that fits within CRCU. Underwriters should carefully review the sales contract to fully understand the terms and conditions to which the buyer and seller have agreed. If third-party funding sources are being considered as part of the transaction, care should be taken to ensure all parties to the transaction (including any third-party funding sources) are using the same conditions, assets being conveyed and any other terms before underwriting the transaction. If anything is not clearly understood, the buyer/seller should provide appropriate clarification to allow accurate data input into the UWT.

- b. **Sales Price for Reserve Balance.** The Agency allows the seller to 'sell' the reserve balance to the purchaser, but requires the reserve account funds themselves to pass to the purchaser as part of the transaction. As a practical matter, the purchaser must come up with soft funds in order to pay the seller for the reserve balance. Generally, the sales contract must note if the reserves are included (state law may restrict what is included in a real estate contract) in the total sales price (over and above the sales price for the real estate).

- c. **Under-Funded or Delinquent Reserves.** If the reserve balance is below the required amount, the seller or purchaser must restore the required balance as a condition of transfer. For additional information, see 7 CFR 3560.406 (c) 2.
 - d. **Excess Reserves.** The Agency makes an exception for reserve balances that exceed the required balance. These ‘excess reserve funds’ may be released to the seller, as part of an equity pay-out, directly from the reserve account, with Agency approval that all capital needs will be met. This is an exception to the general rule that reserve funds must pass intact to the purchaser. For additional information, refer to the Underwriting Template and Transfer Input sheet.
 - e. **Inadequate Reserves.** In typical transfers, the reserve is at or above the required amount (required deposits less authorized withdrawals), but does not have sufficient funds to meet any immediate needs and provide an appropriate starting balance for meeting the 20-year CNA needs. In this situation, the transfer transaction must include sufficient sources of non-Agency funds to supplement the inadequate reserve balance. When determining the needed additional reserve deposit at the time of transfer (the IDR), the underwriter must also consider the following:
 - 1) **Gap Account.** If some of the reserve funding is earmarked for an insurance deductible, subtract that amount from the reserve for underwriting purposes.
 - 2) **Authorized Reserve Requests.** If the seller has been authorized to withdraw funds from the reserve account, the underwriter must determine if those purposes are part of the needs identified in the CNA and adjust the amount as appropriate.
5. **New RTO.** The following describes the circumstances that warrant a new RTO that is higher than the pre-transfer RTO.
- a. **Purchaser is a Non-Profit.** In situations where the purchaser is a non-profit, no RTO is allowed. An asset management fee, however, may be allowed. The asset management fee is limited to a maximum amount, and must be accompanied by documentation. The fee is not a fixed amount. For more information, refer to 7 CFR 3560.303 (b) (1) (ii). Generally the Agency considers a Limited Partnership or Limited Liability Company (LLC) as a for-profit entity. However, if the general partner/managing member is recognized as a non-profit organization by the state corporations commission (or equivalent state agency), the Agency may treat the entity as a non-profit and thus not eligible for RTO.
 - b. **Purchaser is a For-Profit (*new*).** Per §3560.406 (d) (14), a limited profit Rural Rental Housing transferee's initial investment and return on investment will remain the same as that originally provided to the transferor unless: (ii) The transferee contributes additional funds for repair or rehabilitation and the Agency agrees to recognize a higher initial investment. When the purchaser is a for-profit entity, the Agency agrees to recognize the deferred developer's fee and/or the transferee's additional cash contribution (*tax credit proceeds are not considered a cash contribution*) for repair or rehabilitation as the initial investment from which the RTO will be calculated.

An example of how to calculate the RTO: Deferred Developer fee of \$300,000 used in the deal X 8 percent = potential increase to ROI of \$24,000, then $300,000/\$24,000 = 12.5$ years for repayment.

Tax credit equity used for hard cost of construction is no longer an eligible basis for an increased RTO

The UWT includes a Transfer Sources & Uses Input Sheet. This sheet is used to allocate costs between acquisition (paying the sales price), repairs (hard costs of construction defined as “bricks and mortar”), and soft or other costs (transaction costs). The underwriters should obtain and review the applications as well as the award letters for all third-party funders to understand how the funds from each source will be used in the transaction. For more information, see the UWT, Transfer S&U Input Sheet, and your Team Leader.

6. **New rents.** The rents should be the minimum needed for the property to cash flow at the basic rents. The UWT calculates the new post-transfer basic rents.

Note: Underwriters need to be aware of any rent restrictions imposed by third-party funders. If the third-party funders have rent restrictions lower than CRCU, the transaction must be underwritten at the lesser of CRCU or the rent restrictions imposed by the third-party funder.

Attachment C

Underwriting Principles for Multifamily Housing Preservation and Revitalization Demonstration (MPR) Transactions

This section discusses underwriting principles for MPR transactions. MPR transactions involving transfers generally follow a two-step process. In the first step, as discussed in HB-3-3560, Chapter 7, transfers are underwritten to satisfy all of the transfer principles discussed in "Attachment B" to establish the maximum RTO, to determine the maximum equity payment and to size the funding for the reserve account. After the transfer is underwritten and approved by MPDL, the second step in the transaction is the underwriting of the MPR. The MPR transaction is underwritten to meet the following principles and any other requirements stipulated in the NOFA to which the MPR submission responded.

- A. **Underwriting Resources in Addition to this UL.** The Rural Development UWT contains instructions and tips on each page. In addition, Rural Development publishes a set of instructions for the UWT, designed to help first-time users understand the UWT and how to use it. The UWT and instructions are available at http://www.rurdev.usda.gov/HMF_MPR.html (drill down request UWT, preliminary analysis transfer and MPR tools, etc.)
- B. **Key Underwriting Determinations.** The key financial feasibility determinations for MPR transactions include the following:
 1. **Combined Vacancy/Bad Debt Factor.** Budget an appropriate allowance for vacancy/bad debt. This combined percentage should be set at a level the property cannot reasonably exceed. The appropriate factor is one that will be adequate to absorb normal year to year fluctuations in occupancy and in local market conditions. Generally, the combined rent loss and bad debt factor should be the greater of (a) 5.0 percent or (b) 2.0 percent above recent actual rent loss. However, in no case should the combined vacancy and rent loss exceed the limit stated in HB-2-3560 Chapter 4 Section 4.26 B.
 - a) **Consider the Impact of any Rent Increase.** The marketability of the property to tenants will be affected by any proposed changes in basic rents.
 - b) **Consider Relationship to CRCU.** If the proposed basic rents are well below CRCU, typically this borrower should be able to market the property to eligible applicants with low or minimal rent loss. If the proposed basic rents approach CRCU levels, difficulties in marketing the property to eligible applicants without a subsidy can be expected.
 - c) **Temporary Rent Loss during Rehabilitation and Lease-Up.** If the MPR transaction includes significant repairs, relocation of residents, may be necessary. Additional sources of funds may be included to cover temporary losses of revenue during the repair and lease-up period. If the general operating account does not have enough funds to meet the normal expenses during the repair period, then an operating deficit account can be implemented using the operating deficit escrow tab in the UWT. If tenants must be relocated during the rehab period, relocation costs may be included in the MPR funding. The applicant must provide a plan to

document the proposed relocation costs. This will be documented in the narrative required for all MPR transactions.

2. **Sustainable O&M Expenses.** Underwritten O&M expenses must be adequate to meet project needs while absorbing normal variations in expense levels without being excessive. Documentation should be provided showing that the planned expenses are reasonable and necessary to operate the project in a manner consistent with the objectives of the program. Underwriters need to be cognizant of the timeframes involved; underwriting, closing and rehab completion all contribute to a delay in a timely budget implementation. Realistic budgets should reflect these factors.
 - a) **Consider Recent Actual Expenses and Budgeted Expenses.** Normally the underwritten amount for each subtotal for any operating expense category O&M line item (Form 3560-7, Part II) should be the greater of (a) the current approved budget, (b) the most recent or actual results adjusted for inflation, or (c) the prior year actual results adjusted for inflation. If any subtotal amount exceeds the acceptable threshold set forth in HB 2, chapter 4, adequate documentation must be provided.
 - b) **Consider Effects of the MPR Transaction.** For example, if recent actual expenses include high HVAC repair costs and the MPR transaction includes replacement of HVAC units, the underwritten amount for HVAC costs may be reduced to a typical level which may be below the unusual levels incurred recently. Similarly, if the MPR transaction involves adding air conditioning, the underwritten amount for HVAC repair costs should be higher than historical levels. The Agency has the Hyperion report that may be used to compare expense items among all Agency properties.
 - c) **Consider Similar Properties.** If proposed O&M expenses are materially lower than those of similar properties, there is a risk that the property might not be viable if a change in management is required. Similarly, if proposed O&M expenses are materially higher than those of similar properties, that is an indication that management is not efficient and should be considered for replacement.
 - d) **Consider the CNA.** Form 3560-7, Part II Line 9 (annual capital budget-Operating) will normally be zero or a minimal amount in an MPR transaction because the items normally included in this line will be included in the CNA (and funded from the Reserve post MPR).
3. **MPR Operating Cushion.** An allowance shall be built into the basic rents over and above the allowed RTO, which allows the property to absorb normal income and expense fluctuations without needing to dip into the Reserve.
 - a) **Greater than Normal Cushion.** The level of cushion should be increased if the project is especially vulnerable to revenue and expense fluctuations.
 - b) **Lower than Normal Cushion.** The level of cushion may be decreased if the property has an especially strong history of operational stability, low vacancy and a strong operating cash balance.

- c) **Cushions and RD Form 3560-7.** In the post MPR proposed operating budget, the cushion should appear on Part I, Line 30, NET CASH (DEFICIT).
 - d) **MPR Cash Flow.** The Agency underwrites all MPR transactions to allow for a positive cash balance on line 30 of the Operating Budget. The maximum cash balance on line 30 is 10 percent of the proposed Operation and Maintenance (O&M) expenses. In determining what reasonable cash balance is for the property, the underwriter will consider the balance in the General Operating Account (GOA). If the GOA has between 15 percent – 20 percent of the O&M, the cash balance should not exceed 5 percent. If the GOA has a balance of 10 percent or less of O&M, 10 percent may be reasonable.
4. **Accounts Payable.** If the property has outstanding accounts payable (over 30 days old), the underwriter should include a solution in the proposed transaction narrative page. If any tax escrow or insurance escrow accounts are under-funded, the underwriter should take the under-funding into account because under-funded escrows are additional accounts payables. Solutions could include payment of the excess payables by the borrower.
5. **Sustainable Funding for Capital Needs.** The reserve account is key to ensuring a physically-viable property. Determine the appropriate mix of funding to address long-term capital needs identified in the CNA. After MPR, the property should be able to meet 100 percent of its expected long-term capital needs from the reserve, without requiring either operational resources such as rent increases above the rate of inflation or new funding such as supplemental loans.
- a) **Agency Review of CNA.** Agency review and acceptance of the CNA must be completed prior to beginning the capital needs portion of the underwriting process. Agency instructions for CNA reviews may be found in the CNA UL at http://www.rurdev.usda.gov/RD_UnnumberedList.html. Any adjustments made to the CNA by the Agency during the underwriting process will be made in the UWT and may affect underwriting. Underwriters do not make any changes to the accepted CNA, which remains in the Agency's files. Underwriters should recognize that the CNA (and the Agency's CNA review) and any agreed upon scope of rehab may call for changes in the O&M expenses. Adjustments to the underwriter's CNA located in the UWT may be made by the underwriter, but must be documented in the narrative.
 - b) **Sources of Funding.** Sources of funding include the existing Reserve balance, any IDRR which may be required to be made at the MPR closing, future Reserve deposits and interest earnings.
 - c) **Inflation Assumptions.** The Agency's instructions for CNAs ask the CNA Provider to assume that unit costs (for example, refrigerators and roof replacements) will increase at 3.0 percent per year. For MPR underwriting, the Agency asks underwriters to assume that unit costs will increase at the rate of 3.0 percent each year and the annual reserve deposit amount will increase at the rate of inflation assumed in the President's budget in effect for the year in which the transaction is approved. This

rate is set out in the UWT. Refer to the UWT, Cap Needs sheet and the program variables sheet.

- d) **Mix of IDRR and ADRR.** A property's 20-year capital needs can be met through many different combinations of IDRR and annual deposit to reserves (ADRR). Underwriters should select a combination that is appropriate given the particular transaction's characteristics, including:
 - 1) **Impact on Rents and RA.** Use the combination that results in the lowest level of basic rents and minimizes RA costs.
 - 2) **Likely Future Needs.** Generally, the ADRR should reflect the most likely long-term level of capital needs, so the property will be adequately positioned for sustainability following the 20-year analysis period.
 - 3) **Availability of Funds.** A strategy that requires a significant IDRR can be adopted only if sources of funds are available to make the IDRR and if it is more cost effective to utilize those funds than to utilize an alternative strategy that does not require an IDRR. Generally, this strategy is preferred when significant equity is involved.
 - 4) **Annual Reserve Balances.** If annual projected reserve balances are greater than \$500.00/unit, the IDRR should be lowered and the ADRR should be increased.
 - 5) **For Any Transaction Involving Third-Party Funding.** In these cases, the underwriter should discuss Rural Development reserve funding requirements as well as reserve uses early in the process to avoid misunderstandings and assure Rural Development program requirements are being followed throughout the term of the loan.
 - e) **Impact on Rents and RA.** Some MPR transactions require significant increase in basic rents to ensure the property is financially stable. Basic rents should not increase by more than is needed in any single year and the total rent increase needed should not exceed 30 percent. A rent increase may be phased in over a period not to exceed three years. It is preferred that any rent increase be the minimum required for the property to cash flow.
 - f) **Viable Rents.** Basic rents must be set at the rate to support the property's long-term viability but low enough to be affordable to tenants and to be competitive in the local rental market.
 - g) **Rent Decreases.** Generally, rent decreases are implemented immediately and are not phased in.
6. **Impact on Rents and RA.** In approving MPR transactions, the Agency carefully considers the impact on RA costs and prefers approaches that minimize RA cost.
 7. **Mix of MPR tools.** The MPR Demonstration program includes a variety of financial tools for making properties sustainable. *The underwriter should propose the best mix of tools for the specific property taking into account the factors discussed below:*

- a. **List of MPR Tools.** The following is a brief description of the MPR tools that have been authorized by Congress for the MPR Demonstration program (FY 2005 through FY 2012).
- 1) **Debt Deferral.** Generally, MPR transactions should utilize a debt deferral to reduce debt service. Debt deferral allows basic rents that previously funded debt service to be used for increased reserve deposits or a reduction in rents.
 - 2) **Supplemental Section 515 Loans.** MPR transactions may include supplemental 515 funding. This funding is typically used to meet capital needs if it will result in a debt service that keeps basic rents at or below CRCU and that otherwise remain otherwise affordable.
 - 3) **Grant.** A small amount of grant funding is available to non-profit owners and may only be used to fund immediate health and safety issues identified in the CNA. *Generally, underwriters should propose this funding for eligible transactions when funds are available and for those transactions that cannot afford additional debt service without raising rents over CRCU or that would cause a greater negative impact on current tenants.*
 - 4) **Soft Second Loans.** Soft second loans are loans with a one percent interest rate, with all debt service deferred for the remaining term of the longest currently existing Agency loan. The advantage of this type of funding is that it does not require a rent increase. The disadvantages are that this type of funding is expensive to the Agency and also quite limited. See the discussion in B.8. [below] for situations in which this MPR tool may be appropriate.
 - 5) **Zero Percent Loans.** Zero percent loans are loans with a 0 percent interest rate with a 30-year term that is amortized over 50 years. This funding may be used when the debt service of a Supplemental Section 515 loan will require an increase in basic rents at or above CRCU.

8. Other Considerations

Use of the Soft Second Loans. Less frequently, transactions with up-front cash needs (that cannot be covered from available third-party funding) will use the soft second loan tool to meet some or all of the project's needs. This MPR tool is appropriate for use when there is an especially strong reason to minimize the post-MPR basic rents. Because it is important to minimize basic rents in every transaction, and because this funding is both expensive and limited, the Agency restricts its use to those transactions with the most pressing needs. Underwriters should not propose this MPR tool unless (a) the project has a significant number of un-assisted tenants that are currently rent overburdened and (b) there is a compelling reason to minimize basic rents.



OFFICE OF THE COUNTY JUDGE
County Of Hidalgo

RAMON GARCIA
County Judge

April 30, 2013

The Honorable Henry Cuellar
Texas U.S. Representative, District 28
2431 Rayburn HOB
Washington, D.C. 20515

RE: Hidalgo County Housing Authority:
Memorial Apartments (Farm Labor/Migrant Housing)

Dear Congressman Cuellar:

I met with Mr. Mike Lopez, Executive Director of the Housing Authority of the County of Hidalgo (HACH) and he explained that the HACH has received approval of \$8.7 million in tax credits to improve the farm worker/low income housing units in the City of McAllen. However, the Housing Authority is in jeopardy of losing the \$8.7 million if they cannot obtain the approval from U.S.D.A. to proceed with the project.

The issue is to find the appropriate legal and regulatory structure to meet U.S.D.A. compliance. He informs me that he has been meeting with your staff and they are familiar with the issues involved.

I would appreciate anything that you can do to help our County. We try, whenever possible, to do everything that we can to improve and better the living conditions of our farm workers, low income and migrant families. As federal dollars are becoming scarcer, this type of funding seems to make logical and practical sense, and fulfills a public purpose.

I appreciate anything you can do to assist our County on this matter.

Keep up the good work in Washington, D.C. I look forward to seeing you, hopefully soon. Thank you.

Sincerely,

Ramon Garcia,
Hidalgo County Judge



OFFICE OF THE COUNTY JUDGE
County Of Hidalgo

RAMON GARCIA
County Judge

April 30, 2013

The Honorable Ruben Hinojosa
Texas U.S. Representative, District 15
2262 Rayburn HOB
Washington, D.C. 20515

RE: Hidalgo County Housing Authority:
Memorial Apartments (Farm Labor/Migrant Housing)

Dear Congressman Hinojosa:

I met with Mr. Mike Lopez, Executive Director of the Housing Authority of the County of Hidalgo (HACH) and he explained that the HACH has received approval of \$8.7 million in tax credits to improve the farm worker/low income housing units in the City of McAllen. However, the Housing Authority is in jeopardy of losing the \$8.7 million if they cannot obtain the approval from U.S.D.A. to proceed with the project.

The issue is to find the appropriate legal and regulatory structure to meet U.S.D.A. compliance. He informs me that he has been meeting with your staff and they are familiar with the issues involved.

I would appreciate anything that you can do to help our County. We try, whenever possible, to do everything that we can to improve and better the living conditions of our farm workers, low income and migrant families. As federal dollars are becoming scarcer, this type of funding seems to make logical and practical sense, and fulfills a public purpose.

I appreciate anything you can do to assist our County on this matter.

Keep up the good work in Washington, D.C. I look forward to seeing you, hopefully soon. Thank you.

Sincerely,

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

Ramon Garcia,
Hidalgo County Judge

Tab 3

Independent Accountants' Report and Taxpayer's Basis Schedule

Development Name: Memorial Apartments

TDHCA #: # 12121

Instructions: The Independent Accountants' Report template can be found within the 10% Test Manual and should be included with this form. Enter the taxpayer's basis incurred by no later than July 1 of the year following submission of the Carryover Allocation Document to TDHCA.

<u>Category of the expenditure</u>	<u>Tabulation of Taxpayer's Basis</u>
Site acquisition cost (including eligible closing costs, etc.)	\$1,297,591
Existing building acquisition cost	
Off-site costs	
Site work	
Direct construction costs (hard costs)	
General contractor fees	
Architectural fees	\$112,500
Engineering fees	\$57,100
Consultant fees	
Professional fees (attorney, accountant, tax credit fees, bond, insurance, etc.)	\$8,094
Building permits and related costs	
Appraisal	\$4,000
Market analysis	
Environmental assessments	\$5,250
Survey	\$600
Other (include an itemized list of any "other" costs as an attachment to this worksheet)	\$150,000
Developer fees (may not exceed 20% of total expected developer fees)	\$330,960
Cost of construction loan (fees, points, interest, recording, etc.)	
Permanent financing (typically ineligible)	
TOTAL	\$1,966,095

10% TEST CALCULATION

Total Taxpayer's Basis Incurred:	\$1,966,095
Total Reasonably Expected Basis as stated in the Carryover Allocation Agreement:	\$10,954,863
Percent of Total Reasonably Expected Basis Incurred:	17.95%
Effective Date of Taxpayer's Basis Incurred:	11/18/2013

Tab 3

Independent Auditor's Report and Taxpayer's Basis Schedule

Certification of the Development Owner: Development Owner hereby certifies that the amounts stated as "Taxpayer's Basis Incurred" are the actual costs that constitute the taxpayer's basis incurred as of the effective date stated above and no later than July 1 of the year following the submission of the Carryover Allocation Document to TDHCA.

Memorial Housing, LP

Development Owner Name

Mike Lopez

Signature

Mike Lopez

Printed Name of Signatory

EX. Director of HACT, Managing member of LLC

Title of Signatory

Nov. 27, 2013

Date

Notes Regarding the 10% Test Tabulation:

- (1) Costs of facilities that generate revenue through commercial uses or from fees charged to tenants (garages, storage units, etc.) are includable in taxpayer's basis.
- (2) "Consultant fees" should be included in "Developer fees" if the fees relate to work that would ordinarily be performed by the developer. Developer fees incurred in excess of 20% of the fees that may be included in the total reasonably expected eligible basis should not be entered as costs incurred for purposes of the 10% Test.
- (3) All amounts stated must be in agreement with the Independent Accountant's Report that accompanies the tabulation. TDHCA's determination about the 10% Test under Section 42(h)(1)(E) does not bind the Internal Revenue Service or afford any guarantees to the Development Owner.

INDEPENDENT ACCOUNTANTS' REPORT

To: Texas Department of Housing and Community Affairs (the 'Department')
221 East 11th Street
Austin, Texas 78701-2410

and

Memorial Housing, LP (the "Owner")
1800 N. Texas Blvd.
Weslaco, TX 78596

RE: Housing Tax Credit Carryover Allocation
Name of the Development: Memorial Apartments
TDHCA Number: # 12121
Name of Development Owner: Memorial Housing, LP

We have audited the Tabulation of Taxpayer's Basis in accompanying the Taxpayer's Basis Schedule (the "Basis Schedule") of the Owner of Memorial Apartments (the "Development") as of November 18, 2013 which is the "Effective Date" of this letter.

Management's Responsibility for the Basis Schedule

Management is responsible for the preparation and fair presentation of the Basis Schedule in accordance with accounting practices prescribed by the Internal Revenue Service, under the accrual method of accounting, and in conformity with the format and qualified allocation plan rules set by the Department. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the Basis Schedule that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion about the entries the Basis Schedule based on our audit. We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the Basis Schedule is free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the Basis Schedule. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the information in the Basis Schedule, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the information in the Basis Schedule in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the Basis Schedule.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Basis of Accounting

The accompanying Basis Schedule was prepared in conformity with the accounting practices prescribed by the Internal Revenue Service, under the accrual method of accounting, and in conformity with the format and qualified allocation plan rules set by the Department, which is a basis of accounting other than accounting principles generally accepted in the United States of America, to comply with the requirements of the Department Regulatory Agency. Those requirements specify that eligible basis includes only costs as determined accordance with Section 42 of the Internal Revenue Code of 1986, as amended. Our opinion is not modified with respect to that matter.

Opinion

In our opinion, the Basis Schedule referred to above presents fairly, in all material respects, costs incurred for the Development as of the Effective Date, in accordance with the basis of accounting described above.

We have performed certain agreed-upon procedures, as enumerated below, with respect to the Development. The Owner's management is responsible for the Development's accounting records. These procedures, which were agreed to by the Owner and the Department, were performed to assist you in determining whether the Development has met the 10% test in accordance with Internal Revenue Code Section 42(h)(1)(E) and Treasury Regulation Section 1.42-6. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures and findings are as follows:

- We calculated, based on estimates of total development costs provided by the Owner, the Development's total reasonably expected basis, as defined in Treasury Regulation Section 1.42-6, to be \$10,954,863;
- We calculated the reasonably expected basis incurred by the Owner as of the Effective Date to be \$1,966,095
- We calculated the percentage of the development fee incurred by the Owner as of the Effective Date to be 20.00% of the total development fee;
- We compared the reasonably expected basis incurred as of the Effective Date to the total reasonably expected basis of the Development, and calculated that 17.95% had been incurred;
- We determined that the Owner uses the accrual method of accounting, and has not included any construction costs in costs incurred as of the Effective Date that were not properly accrued; and
- Based on the amount of total reasonably expected basis listed above, for the Owner to meet the 10% test in accordance with the Internal Revenue Code Section 42(h)(1)(E) and Treasury Regulation Section 1.42-6, we calculated that the Development needed to incur at least \$1,095,486 of costs on or before the Effective Date. As of the Effective Date, costs of at least \$1,966,095 had been incurred, which is approximately 17.95% of the total reasonably expected basis of the Development.

We were not engaged to, and did not conduct an audit of the Owner's financial statements or of the Development's total reasonably expected basis, the objective of which would be the expression of an opinion on the accounting records. Accordingly, we do not express such an opinion on the two items just named. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

Restriction on Use

This report is intended solely for the information and use of the Owner and the Owner's management and for filing with the Department and is not intended and should not be used by anyone other than these specified parties.

Novogradac & Company LLP

Austin, Texas
November 25, 2013

Contact Person for questions about this report:

Susan G. Wilson
Phone: 512-340-0420
Fax: 512-340-0421
Email: susan.wilson@novoco.com



JOHNSON RADCLIFFE
PETROV & BOBBITT PLLC

November 13, 2013

Housing Authority of the County of Hidalgo
c/o Mr. Mike Lopez
1800 N. Texas Boulevard
Weslaco, Texas 78596

Re: Conveyance by Special Warranty Deed

Mr. Lopez:

You have asked whether an unrecorded special warranty deed conveys title to real property in Texas. Texas case law and statutes dictate five requirements for a valid deed. It must:

- be in writing,
- be signed by the grantor at the end of the document,
- include the grantee's name,
- contain the legal description of the property, and
- be delivered to and accepted by the grantee.

The Special Warranty Deed from the Housing Authority of the County of Hidalgo (the "Grantor") to Memorial Housing, LP (the "Grantee") (the "Deed"), once executed by the Grantor and delivered to and accepted by the Grantee, meets these requirements.

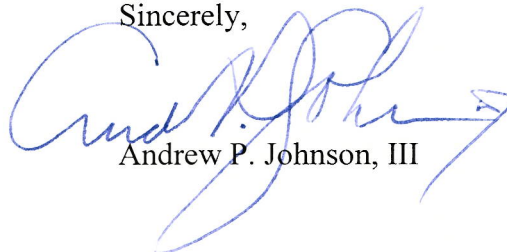
Although recording a deed offers important safeguards to a buyer and provides notice of the transfer of ownership to the public, it is not a legal requirement for conveyance. The Texas Supreme Court has long held that recording a deed is not necessary to convey title to real estate. In *Thornton v. Rains*, 299 S.W.2d 287, 157 Tex. 65 (Tex. 1957), the Court expressly stated that "the recording of a deed is not essential to the conveyance of title." Additionally, Texas Property Code Sec. 13.001(b) provides that the unrecorded instrument is binding on the parties to the transaction and their heirs. In summary, Texas law states that an executed and delivered deed is binding on the buyer and seller without the necessity of recording or filing the deed.

November 12, 2013

Page 2

Based on the above, we are of the opinion that a court of competent jurisdiction would hold that the Deed is valid and would convey title to the property referenced in the Deed. Please do not hesitate to let me know if there is any other information on this issue that is required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew P. Johnson, III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Andrew P. Johnson, III

From: [Kirchhoff, John - RD, Temple, TX](#)
To: [Tom Gouris](#)
Cc: [Jean.Latsha@tdhca.state.tx.us](#); [Bell, Jonathan - RD, Temple, TX](#); [Elder, Kerry - RD, Temple, TX](#); [Kathryn Saar](#)
Subject: RE: Memorial
Date: Wednesday, December 04, 2013 1:02:52 PM
Attachments: [image002.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Tom,

In order to obtain a copy of the CNA as quickly as possible you will want to request it from the borrower. If you would like a copy of our review of the CNA we can provide it to you upon your request.

Please see the timeline below:

10/15/2012- Texas State Office received transfer application from Memorial Housing, LP.

11/8/2012- Adverse decision letter submitted to the applicant.

1/8/2013- Memorial Housing, LP., appealed adverse decision.

4/26/13- Memorial Housing, LP., withdrew appeal.

8/2/13- The Texas State Office issued a 538 NOFA Response approval letter to LPMC requesting they submit a full application.

9/19/13- Received a transfer application from Memorial Housing, LP.

11/29/13- Received a Section 538 application from Lancaster Pollard Mortgage Company for Memorial Housing, LP.

I wanted to thank you and Kathryn for your time this morning regarding the update and status review of the Memorial application. The application continues to be processed by the Agency and has not yet reached the point of completion to be presented to our State Director for his consideration. Should you have questions or need additional information please let me know.

Thank you,

John Kirchhoff| Acting Housing Programs Director

Rural Development

U.S. Department of Agriculture

101 South Main, Ste. 102 | Temple, Texas 76501

Phone: 254.742.9765| Fax: 254.742.9735

www.rurdev.usda.gov

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"Estamos dedicados al futuro de las comunidades rurales"

**** NOTE ****

BARRING FURTHER CONGRESSIONAL ACTION, CURRENT ELIGIBLE RURAL AREA CHANGES FOR RURAL HOUSING PROGRAMS WILL REMAIN UNCHANGED THROUGH JANUARY 15, 2014.

From: Tom Gouris [mailto:tom.gouris@tdhca.state.tx.us]

Sent: Tuesday, December 03, 2013 5:01 PM

To: Kirchhoff, John - RD, Temple, TX; Tom Gouris

Cc: Jean.Latsha@tdhca.state.tx.us; Bell, Jonathan - RD, Temple, TX; Elder, Kerry - RD, Temple, TX; Kathryn Saar

Subject: RE: Memorial

Sounds good talk to you then and will be in the office all morning if we need to speak earlier.

Tom Gouris

Deputy Executive Director for Asset Analysis and Management

Texas Department of Housing and Community Affairs

221 E. 11th Street | Austin, TX 78701

Office: 512.475.1470

Fax: 512.469.9606

About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit www.tdhca.state.tx.us.

From: Kirchhoff, John - RD, Temple, TX [<mailto:john.kirchhoff@tx.usda.gov>]

Sent: Tuesday, December 03, 2013 4:26 PM

To: Tom Gouris

Cc: Jean.Latsha@tdhca.state.tx.us; Bell, Jonathan - RD, Temple, TX; Elder, Kerry - RD, Temple, TX; Kathryn Saar

Subject: RE: Memorial

Tom,

We will give you a call tomorrow morning... thanks.

JK

John Kirchhoff| Acting Housing Programs Director

Rural Development

U.S. Department of Agriculture

101 South Main, Ste. 102 | Temple, Texas 76501

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BARRING FURTHER CONGRESSIONAL ACTION, CURRENT ELIGIBLE RURAL AREA CHANGES FOR RURAL HOUSING PROGRAMS WILL REMAIN UNCHANGED THROUGH JANUARY 15, 2014.

From: Tom Gouris [<mailto:tom.gouris@tdhca.state.tx.us>]
Sent: Tuesday, December 03, 2013 4:08 PM
To: Kirchhoff, John - RD, Temple, TX; tom.gouris@tdhca.state.tx.us
Cc: Jean.Latsha@tdhca.state.tx.us; Bell, Jonathan - RD, Temple, TX; Elder, Kerry - RD, Temple, TX; Kathryn Saar
Subject: RE: Memorial

Hi John,

I am available now or 10:30 tomorrow works for me as well. I look forward to hearing from you.

Tom Gouris

Deputy Executive Director for Asset Analysis and Management

Texas Department of Housing and Community Affairs

221 E. 11th Street | Austin, TX 78701

Office: 512.475.1470

Fax: 512.469.9606

About TDHCA

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From: Kirchhoff, John - RD, Temple, TX [<mailto:john.kirchhoff@tx.usda.gov>]
Sent: Tuesday, December 03, 2013 2:50 PM
To: tom.gouris@tdhca.state.tx.us

Cc: Jean.Latsha@tdhca.state.tx.us; Bell, Jonathan - RD, Temple, TX; Elder, Kerry - RD, Temple, TX

Subject: FW: Memorial

Tom,

When would be a good time to discuss the Memorial application? Do you have any time this afternoon or would tomorrow, Wednesday, at 10:30 am be a good time for you all?

JK

John Kirchhoff | Acting Housing Programs Director

Rural Development

U.S. Department of Agriculture

101 South Main, Ste. 102 | Temple, Texas 76501

Phone: 254.742.9765 | Fax: 254.742.9735

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BARRING FURTHER CONGRESSIONAL ACTION, CURRENT ELIGIBLE RURAL AREA CHANGES FOR RURAL HOUSING PROGRAMS WILL REMAIN UNCHANGED THROUGH JANUARY 15, 2014.

From: Bell, Jonathan - RD, Temple, TX

Sent: Tuesday, December 03, 2013 7:01 AM

To: Kirchhoff, John - RD, Temple, TX

Subject: FW: Memorial

From: Tom Gouris [<mailto:tom.gouris@tdhca.state.tx.us>]

Sent: Monday, December 02, 2013 5:34 PM

To: Bell, Jonathan - RD, Temple, TX

Cc: Jean Latsha; Kathryn Saar
Subject: FW: Memorial

John,

I imagine Jean already got back to you on the status with this deal since this e-mail but wanted to make you aware that the applicant has submitted a 10% package which requires that they have closed/transferred the property, though they simultaneously have recognized that they require USDA's approval to fully accomplish the transfer. They have indicated to us verbally that such approval should be forthcoming very shortly. Can you confirm anything in this regard or provide a current sense of the timing of such approval? I would be glad to discuss this matter further with you by phone as well, you may reach me at the number below.

Thanks!

Tom Gouris

Deputy Executive Director for Asset Analysis and Management

Texas Department of Housing and Community Affairs

221 E. 11th Street | Austin, TX 78701

Office: 512.475.1470

Fax: 512.469.9606

About TDHCA

The Texas Department of Housing and Community Affairs administers a number of state and federal programs through for-profit, nonprofit, and local government partnerships to strengthen communities through affordable housing development, home ownership opportunities, weatherization, and community-based services for Texans in need. For more information, including current funding opportunities and information on local providers, please visit www.tdhca.state.tx.us.

From: Bell, Jonathan - RD, Temple, TX [<mailto:Jonathan.Bell@tx.usda.gov>]
Sent: Thursday, November 21, 2013 8:25 AM
To: jean.latsha@tdhca.state.tx.us
Cc: Kirchhoff, John - RD, Temple, TX; Elder, Kerry - RD, Temple, TX
Subject: Memorial

Good Morning Jean,

It was great to finally meet you at the Farm Labor Housing Summit. Kerry Elder told me that he spoke to you in regards to Memorial Apartments. He stated you were going to check into some information and get back with him. He is out of the office the rest of the week, so I wanted to follow up with you and see if you have any information for us. Thanks for your assistance.

Jonathan

Jonathan D. Bell| Housing Specialist

Rural Development

United States Department of Agriculture

101 South Main Street, Suite 102| Temple, TX 76501

Phone: (254) 742-9764| Fax: (254) 742-9735

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For information regarding the GRH program, please visit our website at www.rurdev.usda.gov.

If you have a specific question regarding the GRH program, please contact us by email at txgrhquestions@tx.usda.gov.

**** NOTE ****

**BARRING FURTHER CONGRESSIONAL ACTION, CURRENT ELIGIBLE RURAL
AREA CHANGES FOR RURAL HOUSING PROGRAMS WILL REMAIN
UNCHANGED THROUGH JANUARY 15, 2014.**

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Executive Session

1100 Congress Ave.
Austin, TX 78701,

GALVESTON HOUSING AUTHORITY,

**IRWIN HERZ, ANTHONY BROWN,
ANN MASEL, J.T. EDWARDS, and
VIRGINIA FRENCH
in their official capacity as members of
The Board of Commissioners of Galveston
Housing Authority**

4700 Broadway
Galveston, TX 77551

THE CITY OF GALVESTON, and

**LEWIS ROSEN, RUSTY LEGG, MARIE
ROBB, TERRILYN TARLTON,
CORNELIA HARRIS-BANKS,
NORMAN PAPPOUS, and ELIZABETH
BEETON
in their official capacity as members of the
Galveston City Council**

823 Rosenberg
Galveston, TX 77553

**TEXAS DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS**

221 East 11th Street
Austin, TX 78701

Defendants.

* * * * *

PLAINTIFFS' ORIGINAL PETITION

I. PRELIMINARY STATEMENT

1. This is a civil rights case brought by minority residents and members of other protected classes who are eligible to live in the City of Galveston's public housing on behalf of themselves and similarly situated families, as well as the families who, in the years to come, will

be residents of the City of Galveston's public housing in the future and the families who in the past have been residents of the City of Galveston's public housing.

2. Defendants' public housing plan is to rebuild public housing units in the same location as before their destruction by Hurricane Ike and mitigate the obvious violations of the federal law therefrom by planning to build at some unknown future point in time additional public housing units at so far unknown and undefined scattered locations throughout the City of Galveston. The locations selected by the Defendants are among the poorest in Galveston County and offer limited opportunities for the advancement of the residents. Not only does the plan not affirmatively further fair housing the plan actively creates concentrations of poverty in already impoverished areas.

3. Public housing programs have a long history of promoting segregation, *see generally Walker v. H.U.D.*, 912 F.2d 819, 822 (5th Cir. 1990) (writing that the Dallas Housing Authority has "traditionally operated its housing program to prevent blacks from moving into white areas of the city, and it purposefully maintained separate, racially identifiable housing projects.") Additionally, Defendant Department of Housing and Urban Development (hereinafter "HUD") has historically acted "in concert and in cooperation with [local housing authorities] for the purpose of and with the effect of maintaining racial segregation." *Findings and Conclusions: Vacation of the 1987 Consent Decree, Walker v. H.U.D.*, 3:85-CV-1210-R (N.D. Tex. 1996).

4. Defendants' plans in the present case are not so different from the situation described in *Walker*. Here, Defendants intend to build public housing units in impoverished and racially segregated neighborhoods, once again engaging in intentional discrimination. The selected sites all are within the City of Galveston despite rulings by sister courts as well as the Supreme Court suggesting that the duty to affirmatively further fair housing requires the local

housing authority to look beyond the city limits. *See generally Hills v. Gautreaux*, 425 U.S. 284, 299 (1976) (holding “[t]he relevant geographic area for purposes of the respondents’ housing options is the Chicago housing market, not the Chicago city limits.”) *See also Thompson v. H.U.D.*, Civ. Act. No. MJG-95-309 (D. Md. 2006) (holding “HUD must take an approach to its obligation to promote fair housing that adequately considers the entire Baltimore Region.”) As occurred in Baltimore, Defendants now seek to use the city “as an island reservation for use as a container for all of the poor” of the entire county.

5. The sites selected by Defendants also present environmental hazards to potential residents. The soil and groundwater of the sites are contaminated from former on-site use. Additionally, the sites selected will place residents at risk from hurricanes, wind, and floods. Defendants will claim their plan mitigates the dangers of building in a floodplain on a barrier island by raising the first living floor level to 11-12 feet above sea level. This utterly fails to mitigate the danger because the plan ignores the fact that the impoverished residents of the public housing units would be surrounded by flooding and chaos when the next hurricane hits. This would either subject residents to a frightful experience wherein—although they and their property and housing may be physically safe in developments raised above sea level—everything around them that is needed to support a community, like employers, grocery stores, pharmacies, gas stations, daycare facilities, etc., could potentially be destroyed or place a great responsibility on government to evacuate and care for displaced residents during the storm and for an undetermined time after.

6. Plaintiffs ask this Court to halt the Defendants’ plans that intentionally and deliberately perpetuate systemic segregation in the City of Galveston. Plaintiffs additionally ask this Court to require Defendants to act according to the Fair Housing Act in their plans for the

development of public housing for the City and County of Galveston and to adhere to their own minimal standards for determining locations that affirmatively further fair housing as set forth in 24 C.F.R. 941.202.

7. Defendants HUD and GLO have worked in concert to ensure the implementation of their intentionally illegal plan by threatening to withhold needed disaster relief funds from the City of Galveston if their plan does not go through. If not stopped by this Court, Defendants will intentionally rebuild public housing in such a way as to perpetuate segregation and a cycle of poverty for generations of families well into the future.

II. JURISDICTION

8. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1337 in that this action arises under the Constitution and laws of the United States; by 28 U.S.C. § 1343 (a) (3) because the Plaintiffs seek to redress the deprivation of rights secured by the Constitution and Acts of Congress provided for equal rights; and by 28 U.S.C. § 1343 (a)(4) because the Plaintiffs seek equitable and other relief under Acts of Congress protecting civil rights, including the Civil Rights Act of 1871, as amended, 42 U.S.C. §§ 1981, 1982 and 1983.

9. Civil actions are also authorized by 42 U.S.C. § 3613 and other provisions of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601 et seq. Actions for review under the Administrative Procedure Act against the federal Defendants are authorized by 5 U.S.C. §§ 701 et seq.

10. Declaratory and injunctive relief are sought as authorized by 28 U.S.C. §§ 2201 and 2202.

11. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as this is the district in which the Plaintiffs' claims arose.

III. PARTIES

A. Plaintiffs

12. Plaintiff Galveston Open Government Project (hereinafter “GOGP”) is an educational and charitable organization that was organized to examine and critique local government and suggest ways to “improve its accountability to the voters.” *Mission Statement, Galveston Open Government Project, available at* <http://www.galvestonogp.org/>. Their goals are to investigate and report on irregularities in city government, to apply for grants to fund projects that the City had ignored, to work toward restructuring city government, and to build public awareness and support for the idea of an officer of public integrity within the Galveston County District Attorney’s Office.

13. Though not part of its original goals, in 2009, GOGP’s supporters requested that it participate in Galveston’s public housing controversy. GOGP began educating itself on the issues surrounding public housing, dedicating its time and resources to this issue and abandoning its other goals. Since that time, GOGP has been unable to concentrate on its goals of reforms of city government due to its focus on the public housing issue. After a thorough analysis was completed, GOGP came to the position that Defendants’ plan to build on the site of the destroyed units was intentionally discriminatory and failed to affirmatively further fair housing. GOGP engaged in public debate to attempt to influence the City Council on this issue to no avail.

14. Plaintiff Sandy Taylor is a 34-year-old African American woman and resident of Galveston County. She was born and raised in public housing in the City of Galveston and lived there until Hurricane Ike struck the island. While living in public housing, she was addicted to drugs and suffered from the lack of opportunity and poor conditions found in public housing. Since moving out of public housing, as a result of the storm, she found a place to live that

participates in HUD's Section 8 tenant-based voucher program in Texas City. The opportunities available to her outside of the City of Galveston allowed her to get off drugs and find gainful employment. Ms. Taylor would like to get back into public housing but not if it is located in the City of Galveston. She has learned that Texas City is a better environment for her and her family and does not want to move her family back to the old neighborhood where Defendants plan to build public housing.

15. Plaintiffs Daniel Jerome Arvie and Terri Lynne Griffin are African American and the parents of three children—one child in elementary school, one in middle school, and one in high school. They currently reside in Texas City and receive Section 8 housing assistance. Mr. Arvie is currently unemployed and is looking for work. Though Mr. Arvie and Ms. Griffin may want to move their family into public housing, they do not want to be forced to move into currently proposed public housing sites in the City of Galveston. Mr. Arvie is concerned about safety and crime in Defendants' proposed locations. Mr. Arvie has been the victim of several property crimes while visiting friends or performing volunteer work at Galveston's public housing developments. He has had his car tires stolen and his car windows broken when his car was parked outside of Defendants' public housing developments. Another time, his car was caught in gunfire and received several bullet holes. Mr. Arvie does not want to move his family to such a dangerous neighborhood.

16. Additionally, Mr. Arvie is concerned about his work prospects should he be forced to move to any part of the City of Galveston. Mr. Arvie is currently looking for work in Texas City without success and knows it would be more difficult for him to find work in the City of Galveston where there is little or no job growth. He is also is concerned about the lack of opportunity in the City of Galveston for his children.

B. Defendants

17. Defendant HUD is an executive department of the United States created by Congress pursuant to 42 U.S.C. § 3532. HUD is responsible for the administration, funding and supervision of federal low-income housing programs, including the public housing, Section 8 Housing Assistance, and Community Development Block Grant programs. HUD was created to administer the U.S. Housing Act of 1937, 42 U.S.C. §§ 1437 et seq. and other federal housing programs.

18. The United States Housing Act authorizes HUD to provide federal assistance to local public housing agencies for the development and operation of public housing. 42 U.S.C. § 1437, subsection (b) and (c). Local housing authorities' development and operation of public housing projects is financed by HUD and its predecessor agencies, subject to HUD oversight and approval, and governed by federal law and regulations, including specifically the selection of sites for the construction and acquisition of new public housing and tenant selection and assignment policies.

19. Defendant Shaun Donovan is sued in his official capacity as Secretary of HUD. He is responsible for ensuring Defendant HUD's compliance with the Constitution and laws of the United States.

20. Defendant the General Land Office of the State of Texas is responsible for dispersing HUD money for public housing and is the State's representative to ensure compliance with the Fair Housing Act by local housing authorities including the GHA.

21. Defendant GHA was formed on April 18, 1940 by Galveston's Board of Commissioners. It provides housing to low income residents of the City and County of

Galveston. Prior to Hurricane Ike, it operated 900 public housing units and administered 1,213 housing choice vouchers.

22. Defendants Irwin Herz, Anthony Brown, Ann Masel, J.T. Edwards, and Virginia French, are sued in their official capacities as members of the Board of Commissioners of Galveston Housing Authority.

23. Defendant the City of Galveston was Incorporated in 1839. The City is responsible for ensuring compliance with the Constitution and laws of the United States within the City. The Mayor appoints the GHA Board of Commissioners.

24. Defendants Lewis Rosen, Rusty Legg, Marie Robb, Terrilyn Tarleton, Cornelia Harris-Banks, Norman Pappous, and Elizabeth Beeton are sued in their official capacities as members of the Galveston City Council. They have oversight responsibility for compliance with the Fair Housing Act within the City.

25. Defendant Texas Department of Housing and Community Affairs (hereinafter “TDHCA”) participated in the drafting of the Conciliation Agreement in *Texas Low Income Housing Information Service v. Texas*, No. 06-10-0410-9, which has been used by the Defendants and others as a legal imperative to rebuild public housing within the City of Galveston and in its worst neighborhoods. TDHCA was the State agency with the responsibility to grant or deny tax credits for the Cedar Terrace site, and TDHCA agreed to help finance this project.

IV. CLASS ACTION ALLEGATIONS

26. Plaintiffs bring this action on behalf of themselves and all other persons similarly situated pursuant to Rule 23, subsections (a) and (b)2 of the Federal Rules of Civil Procedure.

27. The class consists of every minority person or member of a protected class who presently resides in public housing in the City of Galveston and every member of a protected class throughout Galveston County who will reside in public housing in the County in the future.

28. This is a proper class action in that:

- a. The Class is so numerous that joinder of all members is impractical. Defendants seek to build 569 units of public housing in the City of Galveston. An overwhelming majority of the heads of those households who would be served by public housing are racial minorities.
- b. There are questions of law and fact common to the class, including the legality of Defendants' plans, which will result in the segregation of minority families in public housing units in predominately minority neighborhoods.
- c. The claims of the Plaintiffs are typical of those of the class, and they will fairly and adequately protect the interests of other class members. Plaintiffs' counsel is experienced in federal court class action litigation, including civil rights litigation.
- d. The Defendants, in perpetuating segregated public housing in the City of Galveston on the basis of race and minority status and in violation of the Constitution and laws of the United States, have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final equitable and declaratory relief with respect to the class as a whole.

V. FACTUAL ALLEGATIONS AND A BRIEF HISTORY OF GALVESTON

29. The history of the City of Galveston is closely tied to that of the Port of Galveston. As the Port grew to become the second largest port on the Western Gulf, the city

prospered, becoming a center of commerce and culture. It served as a capital of the Republic of Texas and was its largest city.

30. The catastrophic 1900 Storm devastated Galveston, killing at least 6,000 people in the city alone. The 1900 Storm was the deadliest natural disaster in the nation's history. To protect itself from future hurricanes, the grade of the city was raised as much as 17 feet in some places, and the seawall was built. Yet even with these feats to protect the city, efforts were made to find a safer location for the area's primary port. The city could not compete with the protected anchorage that Houston offered 50 miles off the Gulf. With the opening of the Houston Ship Channel in the early 20th century, Galveston's decline was set in motion.

31. As the Port of Galveston faded in importance, the city turned to tourism, illegal gambling, bootlegging, and prostitution. Meanwhile, the Galveston Housing Authority, created in 1940, brought public housing to the city. As the city held 75% of the county's residents, it was an obvious and reasonable place to build public housing. The Seawall and the efforts to raise the city had allowed Galveston to weather several hurricanes after 1900. The city was still a center of commerce and population, so it appeared as though it could still offer opportunity to its residents.

32. Yet after World War II, Galveston experienced a population decline similar to cities across the country as residents moved to suburbs for newer houses, bigger yards, and better schools. When the State closed the city's illegal casinos in 1957, the economy took a further dive, which increased emigration from the city. A few years later, the Johnson Space Center was built just north of Galveston County's border, encouraging businesses to relocate to the mainland.

33. By the 1970s, the prosperity that had blessed Galveston in its early days was nowhere to be found. Galveston became a city of limited opportunity in a state that was booming. As Galveston's population dwindled, that of Texas more than doubled. Galveston became a dying and impoverished city.

34. On September 13, 2008, Hurricane Ike struck Galveston. Between 6,000 and 9,000 residents decided not to return to Galveston after the storm. For them, as for many over the past 50 years, more opportunity and far less risk were to be found elsewhere. Among the devastation the storm caused, which cannot be overstated, the storm destroyed 569 public housing units in Galveston.

35. The destruction of the family public housing units by Hurricane Ike gave the people of Galveston a once-in-lifetime opportunity to start with a clean slate and decide how to properly select the best locations for public housing. But the decision to build public housing back where it once stood squandered this opportunity. The recovery efforts of GHA include a plan to build 141 public housing units on the very sites where some of the destroyed units stood—in segregated and impoverished neighborhoods—prior to the storm and 388 replacement units scattered throughout the island. Yet the public housing originally developed on those sites were built in a time of de jure segregation. The neighborhoods remained segregated from the time of their original building until today. By planning to rebuild public housing on this land, Defendants seek to continue to the long history of racism and segregation in public housing.

36. Though HUD's duty is to affirmatively further fair housing and encourage integrated housing—see generally *N.A.A.C.P.*, 817 F.2d at 155—HUD approved GHA's plan to rebuild some of the 569 destroyed units in impoverished neighborhoods in a low-income city. In making and approving this plan, Defendants have acted in concert to intentionally discriminate

against the racial and ethnic minorities that will make up most of the residents of the Magnolia Homes and Cedar Terrace developments.

37. Defendants' plan puts public housing units back in some of the most segregated and most impoverished neighborhoods in the city, in a city which already has a high concentration of low-income and minority residents, offering poor opportunities for Plaintiffs to bring themselves out of poverty and failing to affirmatively further fair housing. The first development known as Cedar Terrace is slated to be rebuilt in a census tract with 61% of its residents living in poverty. Defendant GHA anticipates that the Cedar Terrace and Magnolia Homes public housing developments will house the families that had to be evacuated from Hurricane Ike, which are 80% African American and 12% Hispanic. Meanwhile, the demographics of the tract where the development is to be built currently stand at 60% African American and 34% Hispanic. This same census tract contains an apartment complex known as Sandpiper Cove where all 192 units are financed with project-based vouchers—an alternative form of public housing. Sandpiper Cove is the source of the highest concentration of crime in the City, a fact which should be enough by itself to make the neighborhood totally unsuitable for additional public housing units. Defendants' plan to rebuild in this neighborhood will concentrate minorities and serve to further segregate the City of Galveston.

38. Defendants' purposeful action denies public housing residents admission to non-impoverished, integrated neighborhoods and has the effect of segregating low-income minorities to low-income minority neighborhoods in violation of 24 C.F.R. 941.202(c)(1). Defendants have knowingly created, promoted, and funded segregated housing in the City of Galveston, have failed to disestablish racial segregation, and have taken action with the intent and effect of maintaining patterns of racial segregation and intensifying the separation of the races in the City

of Galveston. Defendants HUD, GHA, and the City of Galveston were sued by a similar class in *Ethridge v. Housing Authority of the City of Galveston*, No. G-96-404 (S. D. Tex. 1997).

39. Additionally, the City of Galveston as a whole is a poor location for public housing. The City of Galveston has 22.3% of its residents living in poverty, opposed to 14.7% in Galveston County as a whole. U.S. Census Bureau, *State & County Quick Facts for Galveston (City), Texas*, available at <http://quickfacts.census.gov/qfd/states/48/4828068.html>, and U.S. Census Bureau, *State & County Quick Facts for Galveston County, Texas*, available at <http://quickfacts.census.gov/qfd/states/48/48167.html>. The City of Galveston also has a higher concentration of public housing residents than any other city in Southeast Texas.

40. Galveston's geography also makes it an unattractive site. Defendants' plan exposes Plaintiffs and class members to danger and risks their health, safety, and welfare as it places all public housing in a floodplain and an area prone to severe damage from tropical storms and hurricanes. Though the risk of damage from tropical storms and hurricanes would exist in any proposed public housing site along the Gulf Coast, the hazard is much greater on a barrier island such as Galveston. The Code of Federal Regulations states that public housing may not be placed in areas experiencing adverse environmental conditions, such as flooding. 24 C.F.R. 941.202(e). The City of Galveston, located on a barrier island in the Gulf of Mexico, is an area prone to flooding and obviously did flood as recently as five years ago, thus necessitating the current rebuilding effort. On average, Galveston is affected by tropical storms or hurricanes every 2.66 years and received a direct hit from a hurricane every 8.29 years.

41. With both an extremely high risk from hurricanes and the continual emigration from the city due to greater opportunity and less risk offered by the mainland suburbs, the Defendants seek to continue to maintain a reservation of poverty conveniently segregated on an

island away from the affluent part of the County. By approving and funding the local Defendants' plan, the federal Defendant and the GLO are consciously and knowingly continuing the practices that maintain residential segregation in the City and County of Galveston and place Plaintiffs in harm's way in violation of their duties to affirmatively further fair housing and to place public housing sites in areas free from adverse environmental conditions.

VI. CLAIMS FOR RELIEF

A. Count one: Violations of the United States Constitution

42. The Defendants have, as described above, intentionally perpetuated and refused to disestablish racial segregation in the City of Galveston and Galveston County in violation of Plaintiffs' and class members' rights under the Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. §§ 1981, 1982, and 1983.

B. Count two: Violations of Title VIII

43. The Defendants have, as described above, perpetuated and refused to disestablish racial segregation in the City of Galveston and Galveston County and failed to act affirmatively to further fair housing opportunities in violation of Plaintiffs' and class members' rights under the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601 et seq.

C. Count three: Violations of Title VI and HUD Regulations

44. The Defendants have, as described above, excluded Plaintiffs and class members from participation in, denied them the benefits of, and subjected them to discrimination under programs receiving federal financial assistance, on account of Plaintiffs' and class members' race and ethnicity in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and HUD implementing regulations, 24 C.F.R. §§ 1.1 et seq.

D. Count four: the Administrative Procedure Act

45. The federal Defendant has abused its discretion and otherwise acted contrary to law in authorizing, permitting, and supporting the perpetuation of segregated public housing in the City of Galveston and in failing to consider all relevant factors in carrying out their responsibilities, thus calling for relief from this Court pursuant to the Administrative Procedures Act, 5 U.S.C. §§ 701 et seq.

a. Violations of 24 C.F.R. § 941.202

46. Plaintiffs and class members are further adversely affected and aggrieved by the federal Defendant's actions. Defendants' plan for recovery from Hurricane Ike is to rebuild public housing in prohibitively poor neighborhoods and in impoverished and environmentally dangerous areas of the City of Galveston and Galveston County, in violation of the site and neighborhood standards detailed 24 C.F.R. § 941.202.

47. Subsection (b) of § 941.202 requires that the location of public housing "be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, E.O. 11063, and HUD regulations issued pursuant thereto." 24 C.F.R. § 941.202(b). As explained above, Defendants have failed to comply with Title VI of the Civil Rights act of 1964 in that they have subjected Plaintiffs to discrimination in connection to their receipt of federal benefits.

48. Additionally, subsection (c) prohibits housing authorities from constructing public housing in "area[s] of minority concentration" unless certain criteria are met. *Id.* at 24 C.F.R. § 941.202(c). It additionally only allows the construction of replacement units on an original site after demolition if "(i) The number of public housing units being constructed is no more than 50 percent of the number of units in the original project; (ii) In the case of replacement of a

currently occupied project, the number of public housing units being constructed is the minimum number needed to house current residents who want to remain at the site; or (iii) The public housing units being constructed constitute no more than twenty-five units.” Subsection ii is not applicable as the projects are not currently occupied. Defendants plan to replace more than 50% of the original units at the Magnolia Homes site, which is comprised of more than 25 units. As such, their plan violates subsections (i) and (iii) of § 941.202(c).

49. Subsection (d) states that housing sites “must avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.” *Id.* at § 941.202(d). Public housing must be constructed in locations that “promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.” *Id.* As explained above, Defendants’ plan does just the opposite. It places 569 more families in impoverished locations. It further concentrates public housing, as their plan places additional public housing near Sandpiper Cove, where all 192 apartments units are financed with project-based vouchers, and in other areas of a city with very high concentrations of public housing.

50. Moreover, subsection (e) states that the sites for public housing “must be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank back-ups, sewage hazards or mudslides; harmful air pollution, smoke or dust; excessive noise vibration, vehicular traffic, rodent or vermin infestation; or fire hazards.” *Id.* at § 941.202(e). Plaintiffs and class members are adversely affected and aggrieved by the federal Defendant’s plan to rebuild public housing on the sites where prior homes were flooded and destroyed during Hurricane Ike, thus forcing Plaintiffs and class members to live in an area prone to flooding. Moreover, both sites Defendants selected for mixed-income development are in

industrial areas and not suitable for residential development. In approving this plan, the federal Defendants have adversely affected and aggrieved Plaintiffs and class members.

51. Finally, subsection (g) states that the sites for public housing “must be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of similar unassisted standard housing.” *Id.* at § 941.202(g). The sites selected lack access to these necessities, and Plaintiffs are adversely affected and aggrieved by this lack of access.

b. Violations of Executive Orders

52. Executive Order 12,898 of February 11, 1994 addresses environmental justice in minority and low-income populations. It commands Federal agencies to “make achieving environmental justice part of its mission.” Exec. Order No. 12,898 § 1-101, 59 Fed. Reg. 7629 (Feb, 11, 1994). Each Federal agency is commanded to “conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of [] subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.” *Id.* at § 2-2. The Executive Order further seeks to promote environmental justice through the enforcement of all health and environmental laws “in areas with minority populations and low-income populations.” *Id.* at § 1-103. Additionally, Executive Order 11,988 as amended by Executive Order 12,148 commands every agency to “take action to reduce the risk of flood loss [and] to minimize the impact of floods on human safety, health and welfare.” Exec. Order No. 11,988 § 1, 3 C.F.R. 1977 (May 24, 1977). In fact, Executive Order 11,988 directs Defendants to conduct an extensive search for alternative sites outside of the

floodplain and, after such a search, to consider building in the floodplain only if there are no alternative sites available. In the present case, there are dozens of sites available on the Mainland that would minimize any flood risk and would also be located in high-opportunity census tracts, as required to affirmatively further fair housing. The GLO conducted the 8-step analysis required by Executive Order 11988 in a fraudulent manner by concluding that “one of the prime site selection criteria for the Project is that it must be located within the city limits of Galveston” which is entirely untrue. There is no such constraint, and such a criterion flies in the face of the requirements to use a regional approach and not to restrict locations to any particular city limits. This fraudulent 8-step analysis conducted by the GLO on behalf of all of the Defendants continues to show that the Defendants have chosen these sites for political and financial reasons and that they continue to bend the rules to justify building in these unlawful locations.

53. Defendants by their plans and actions violate these Executive Orders. By placing or planning to place low-income housing in floodplains, Defendants fail to reduce the risk of flood loss and fail to minimize the impact of floods on human safety, health, and welfare. By placing or planning to place low-income housing in contaminated sites, Defendants are adversely affecting the health of the minority population and subjecting the population to discrimination.

VII. REQUEST FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this Court:

- a. Certify this action as a class action on behalf of the proposed class pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure;
- b. Pursuant to 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure, declare that Defendants’ policies, practices, acts, and omissions,

have deprived Plaintiffs of their rights under the Constitution and the laws of the United States, as enumerated in Counts One through Four;

- c. Pursuant to Rule 65 of the Federal Rules of Civil Procedure, enter preliminary and permanent injunctive relief ordering the Defendants to immediately cease their violations of Plaintiffs' rights and to remedy the effects of their violations;
- d. Award equitable relief to the Plaintiffs and the class to remedy the effects of the Defendants' discriminatory acts and omissions, to restore the Plaintiffs and the class to the positions they would have enjoyed had housing assistance been provided in a nondiscriminatory manner free from segregation, and to ensure that sufficient and comparable opportunities for public and assisted housing are provided to them outside areas of poverty and minority concentration. Such a remedy must be sensitive to opportunity—opportunity is to be determined by considerations including but not limited to the quality of schools, the availability of public transportation, the availability of other social services, local employment opportunities—and be metropolitan-wide or regional to be successful. The remedy should provide a structured choice to public housing residents, and not force their concentration. The remedy must include a mixture of site-based and mobility based options to affirmatively further fair housing in the region. To do so, the remedy should include adequate supports such as pre-move counseling and housing search assistance;
- e. Order Defendants to create and submit a plan with a timeline and defined aims which will enable all parties to determine that desegregation goals are being met;

- f. Order reasonable attorneys' fees to be paid by the federal Defendants pursuant to 28 U.S.C. §§ 2412 and 42 U.S.C. 3612 and by the local Defendants pursuant to 42 U.S.C. §§ 1988 and 3612;
- g. Order the Defendants to pay the reasonable costs of this litigation; and
- h. Grant such other and further relief as the Court deems just and equitable.

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