

SUPPLEMENT FOR THE BOARD MEETING OF JULY 31, 2014



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

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
July 31, 2014

Presentation, Discussion, and Possible Action of Qualified Trustee Services for Multifamily Bond Transactions.

RECOMMENDED ACTION

WHEREAS, the Department maintains a list of approved trustees for its multifamily bond transactions; and

WHEREAS, each trustee must submit to the Department its Request for Qualifications (“RFQ”) to be approved and included on such list and must renew its RFQ every two years in order to remain on the list; and

WHEREAS, in response to the RFQ responses from seven (7) trustees were received on June 9, 2014;

NOW, therefore, it is hereby

RESOLVED, that the Trustees listed below be included on the Department’s approved list for a period of two years until such time their qualifications are required to be renewed.

Bank of New York Mellon Trust Company	Trustee	Remain on approved list
Regions Bank	Trustee	Remain on approved list
Wells Fargo Bank Texas, N.A.	Trustee	Remain on approved list
Bank of Texas	Trustee	Remain on approved list
US Bank	Trustee	Remain on approved list
Wilmington Trust Company	Trustee	Remain on approved list
Amegy Bank of Texas	Trustee	Add to approved list

BACKGROUND

The Department published an RFQ on its website and received seven (7) responses from corporate trust service providers. Six of the responses were from trustee firms currently on the approved list and one of the responses was from a firm requesting to be added to the Department’s approved list.

For multifamily bond transactions, the Applicant selects a trustee from the Department’s approved list. The trustee’s responsibilities include, but are not limited to the following:

administers the Trust Indenture, makes payments to the Bondholders and disburses bond proceeds, and provides reports on bond issues and fund balances to the Department.

Staff reviewed the RFQs in conjunction with its Financial Advisor and concluded that the qualifications of Regions Bank, Wells Fargo, Bank of New York Mellon, US Bank, Bank of Texas, and Wilmington Trust continue to demonstrate multifamily experience, range of corporate trust services and innovative technology in the administration of a multifamily transaction.

Moreover, after reviewing the qualifications of Amegy Bank of Texas, staff recommends that these corporate trust providers be added to the Multifamily Bond Approved Trustee List. Department staff has prior working relationships with several of their relationship managers during their tenure with other corporate trust providers. Staff is confident in their ability, coupled with their comprehensive online reporting and accounting systems, to effectively administer bond covenants and provide effective communication and customer service to their clients and the Department.

Staff notes that while the submitted RFQs did not reflect any merger or acquisition activities by any of the corporate trust providers, the Department would expect to be promptly notified should any merger or acquisition take place over the next biennium. Moreover, should there be any substantive changes in the administration of the Department's multifamily accounts; the Department would expect the corporate trust provider to notify the Department and the Borrower of such changes.

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BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

Presentation, Discussion, and Possible Action on Inducement Resolution No. 14-038 for Multifamily Housing Revenue Bonds and an Authorization for Filing Applications for Private Activity Bond Authority for the 2014 Waiting List for Patriot's Crossing

RECOMMENDED ACTION

WHEREAS, a bond resolution and Determination Notice for the Patriot's Crossing was previously approved by the Board at the February 20, 2014, Board meeting;

WHEREAS, the development was unable to close on the financing by the 150-day deadline identified in the Certificate of Reservation from the Bond Review Board ("BRB") due to delays associated with processing the HUD mortgage loan; and

WHEREAS, the applicant intends to re-file an application for 4% Housing Tax Credits and has indicated there are minor changes to the development's organizational structure; and

WHEREAS, staff is requesting Board consideration for an updated inducement resolution reflecting such change for submission to the BRB for the issuance of a new Certificate of Reservation;

NOW, therefore, it is hereby

RESOLVED, that Inducement Resolution No. 14-038 to proceed with the application submission to the BRB for possible receipt of State Volume Cap issuance authority from the 2014 Private Activity Bond Program for Patriot's Crossing is hereby approved in the form presented to this meeting.

BACKGROUND

The Texas Bond Review Board administers the state's annual private activity bond authority for the State of Texas. The Department is an issuer of Private Activity Bonds and is required to induce an application for bonds prior to the submission to the BRB. Approval of the inducement resolution does not constitute approval of the development but merely allows the Applicant the opportunity to move into the full application phase of the process. Once the application receives a Certificate of Reservation, the Applicant has 150 days to close on the private activity bonds.

During the 150-day process, the Department will review the Applicant's complete application for compliance with the Department's Rules and underwrite the transaction in accordance with the Underwriting and Loan Policy Rules. The Department will conduct a public hearing in the community of the development. The complete application including a transcript from the hearing will then be presented before the Board for a decision on the issuance of the bonds as well as the determination of housing tax credits.

Each year, the State of Texas is notified of the cap on the amount of private activity tax exempt revenue bonds that may be issued within the state. Approximately \$545 million is set aside for multifamily until August 15th for the 2013 program year which includes the TDHCA set aside of approximately \$116 million. Inducement Resolution 14-038 reserves approximately \$13 million in state volume cap.

Patriot's Crossing

General Information: The proposed Patriot's Crossing will be located at 4623 S. Lancaster Rd. in Dallas, Dallas County and will consist of 162 total units, of which all will be rent and income restricted serving the general population. This transaction is proposed to be Priority 3; which does not have a prescribed restriction on the percentage of Area Median Family Income (AMFI) that must be served.

An application for Patriot's Crossing was received under the 2013 Competitive (9%) Housing Tax Credit program. However, the application's score was not high enough for the application to be competitive for an award. The application was then submitted under the 4% HTC program and approved by the Board for credits and private activity bonds at the February 20, 2014, Board meeting. The financing structure included a HUD 221(d)(4) mortgage loan and subsequent to Board approval the applicant encountered delays in receiving HUD approval. The processing of the application is back on track with HUD and the applicant has indicated there are some minor adjustments that needed to be made to the organizational structure. Although not required, staff is bringing the inducement resolution back before the Board for consideration so that a new application for volume cap can be submitted to the BRB. Once staff has completed its review of the new housing tax credit application, it will be presented before the Board for consideration of the issuance of private activity bonds and a determination of housing tax credits.

Census Demographics: Demographics for the census tract (0057.00) include an AMFI of \$32,872; the total population is 4,400; the percent of population that is minority is 98.61%; the percent of population that is below the poverty line is 41.10%; the number of owner occupied units is 904 and the number of renter units is 519. (Census information from FFIEC Geocoding 2013).

Public Comment: As part of the prior application, the Department received a letter of support from Senator Royce West, and no letters of opposition were received.

RESOLUTION NO. 14-038

RESOLUTION DECLARING INTENT TO ISSUE MULTIFAMILY REVENUE BONDS WITH RESPECT TO RESIDENTIAL RENTAL DEVELOPMENTS; AUTHORIZING THE FILING OF ONE OR MORE APPLICATIONS FOR ALLOCATION OF PRIVATE ACTIVITY BONDS WITH THE TEXAS BOND REVIEW BOARD; AND AUTHORIZING OTHER ACTION RELATED THERETO

WHEREAS, the Texas Department of Housing and Community Affairs (the “Department”) has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended, (the “Act”) for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low, very low and extremely low income and families of moderate income (all as defined in the Act); and

WHEREAS, the Act authorizes the Department: (a) to make mortgage loans to housing sponsors to provide financing for multifamily residential rental housing in the State of Texas (the “State”) intended to be occupied by persons and families of low, very low and extremely low income and families of moderate income, as determined by the Department; (b) to issue its revenue bonds, for the purpose, among others, of obtaining funds to make such loans and provide financing, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such multifamily residential rental development loans, and to mortgage, pledge or grant security interests in such loans or other property of the Department in order to secure the payment of the principal or redemption price of and interest on such bonds; and

WHEREAS, it is proposed that the Department issue its revenue bonds in one or more series for the purpose of providing financing for the multifamily residential rental developments (the “Developments”) more fully described in Exhibit A attached hereto. The ownership of the Developments as more fully described in Exhibit A will consist of the applicable ownership entity and its principals or a related person (the “Owners”) within the meaning of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Owners have made not more than 60 days prior to the date hereof, payments with respect to the Developments and expect to make additional payments in the future and desire that they be reimbursed for such payments and other costs associated with the Developments from the proceeds of tax-exempt and taxable obligations to be issued by the Department subsequent to the date hereof; and

WHEREAS, the Owners have indicated their willingness to enter into contractual arrangements with the Department providing assurance satisfactory to the Department that the requirements of the Act and the Department will be satisfied and that the Developments will satisfy State law, Section 142(d) and other applicable Sections of the Code and Treasury Regulations; and

WHEREAS, the Department desires to reimburse the Owners for the costs associated with the Developments listed on Exhibit A attached hereto, but solely from and to the extent, if any, of the proceeds of tax-exempt and taxable obligations to be issued in one or more series to be issued subsequent to the date hereof; and

WHEREAS, at the request of the Owners, the Department reasonably expects to incur debt in the form of tax-exempt and taxable obligations for purposes of paying the costs of the Developments described on Exhibit A attached hereto; and

WHEREAS, in connection with the proposed issuance of the Bonds (defined below), the Department, as issuer of the Bonds, is required to submit for the Developments one or more Applications for Allocation of Private Activity Bonds (the "Application") with the Texas Bond Review Board (the "Bond Review Board") with respect to the tax-exempt Bonds to qualify for the Bond Review Board's Allocation Program in connection with the Bond Review Board's authority to administer the allocation of the authority of the State to issue private activity bonds; and

WHEREAS, the Governing Board of the Department (the "Board") approved Resolution 14-007 on November 7, 2013 (the "Original Resolution") declaring its intent to issue its multifamily revenue bonds for the purpose of providing funds to the Owners to finance the Developments on the terms and conditions hereinafter set forth and has determined to approve the subsequent change to the members of the Owner described in Exhibit A; NOW, THEREFORE,

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

ARTICLE 1

OFFICIAL INTENT; APPROVAL OF CERTAIN ACTIONS

Section 1.1. Authorization of Issue. The Department declares its intent to issue its Multifamily Housing Revenue Bonds (the "Bonds") in one or more series and in amounts estimated to be sufficient to (a) fund a loan or loans to the Owners to provide financing for the respective Developments in an aggregate principal amount not to exceed those amounts, corresponding to the Developments, set forth in Exhibit A; (b) fund a reserve fund with respect to the Bonds if needed; and (c) pay certain costs incurred in connection with the issuance of the Bonds. Such Bonds will be issued as qualified residential rental development bonds. Final approval of the Department to issue the Bonds shall be subject to: (i) the review by the Department's credit underwriters for financial feasibility; (ii) review by the Department's staff and legal counsel of compliance with federal income tax regulations and State law requirements regarding tenancy in the respective Development; (iii) approval by the Bond Review Board, if required; (iv) approval by the Attorney General of the State of Texas (the "Attorney General"); (v) satisfaction of the Board that the respective Development meets the Department's public policy criteria; and (vi) the ability of the Department to issue such Bonds in compliance with all federal and State laws applicable to the issuance of such Bonds.

Section 1.2. Terms of Bonds. The proposed Bonds shall be issuable only as fully registered bonds in authorized denominations to be determined by the Department; shall bear interest at a rate or rates to be determined by the Department; shall mature at a time to be determined by the Department but in no event later than 40 years after the date of issuance; and shall be subject to prior redemption upon such terms and conditions as may be determined by the Department.

Section 1.3. Reimbursement. The Department reasonably expects to reimburse the Owners for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date of the Original Resolution in connection with the acquisition of real property and construction of its Development and listed on Exhibit A attached hereto ("Costs of the Developments") from the proceeds of the Bonds, in an amount which is reasonably estimated to be sufficient: (a) to fund a loan to provide

financing for the acquisition and construction or rehabilitation of its Development, including reimbursing the applicable Owner for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date of the Original Resolution in connection with the acquisition and construction or rehabilitation of the Developments; (b) to fund any reserves that may be required for the benefit of the holders of the Bonds; and (c) to pay certain costs incurred in connection with the issuance of the Bonds.

Section 1.4. Principal Amount. Based on representations of the Owners, the Department reasonably expects that the maximum principal amount of debt issued to reimburse the Owners for the Costs of the Developments will not exceed the amount set forth in Exhibit A which corresponds to the applicable Development.

Section 1.5. Limited Obligations. The Owners may commence with the acquisition and construction or rehabilitation of the Developments, which Developments will be in furtherance of the public purposes of the Department as aforesaid. On or prior to the issuance of the Bonds, each Owner will enter into a loan agreement, on terms agreed to by the parties, on an installment payment basis with the Department under which the Department will make a loan to the applicable Owner for the purpose of reimbursing the Owner for the Costs of the Development and the Owner will make installment payments sufficient to pay the principal of and any premium and interest on the applicable Bonds. The proposed Bonds shall be special, limited obligations of the Department payable solely by the Department from or in connection with its loan or loans to the Owner to provide financing for its Development, and from such other revenues, receipts and resources of the Department as may be expressly pledged by the Department to secure the payment of the Bonds.

Section 1.6. The Developments. Substantially all of the proceeds of the Bonds shall be used to finance the Developments, which are to be occupied entirely by Eligible Tenants, as determined by the Department, and which are to be occupied partially by persons and families of low income such that the requirements of Section 142(d) of the Code are met for the period required by the Code.

Section 1.7. Payment of Bonds. The payment of the principal of and any premium and interest on the Bonds shall be made solely from moneys realized from the loan of the proceeds of the Bonds to reimburse the Owners for costs of its Development.

Section 1.8. Costs of Developments. The Costs of the Developments may include any cost of acquiring, constructing, reconstructing, improving, installing and expanding the Developments. Without limiting the generality of the foregoing, the Costs of the Developments shall specifically include the cost of the acquisition of all land, rights-of-way, property rights, easements and interests, the cost of all machinery and equipment, financing charges, inventory, raw materials and other supplies, research and development costs, interest prior to and during construction and for one year after completion of construction whether or not capitalized, necessary reserve funds, the cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving and expanding the Developments, administrative expenses and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, improvement and expansion of the Developments, the placing of the Developments in operation and that satisfy the Code and the Act. The Owners shall be responsible for and pay any costs of its Development incurred by it prior to issuance of the Bonds and will pay all costs of its Development which are not or cannot be paid or reimbursed from the proceeds of the Bonds.

Section 1.9. No Commitment to Issue Bonds. Neither the Owners nor any other party is entitled to rely on this Resolution as a commitment to issue the Bonds and to loan funds, and the

Department reserves the right not to issue the Bonds either with or without cause and with or without notice, and in such event the Department shall not be subject to any liability or damages of any nature. Neither the Owners nor any one claiming by, through or under the Owners shall have any claim against the Department whatsoever as a result of any decision by the Department not to issue the Bonds.

Section 1.10. Conditions Precedent. The issuance of the Bonds following final approval by the Board shall be further subject to, among other things: (a) the execution by the Owners and the Department of contractual arrangements, on terms agreed to by the parties, providing assurance satisfactory to the Department that all requirements of the Act will be satisfied and that the Development will satisfy the requirements of Section 142(d) of the Code (except for portions to be financed with taxable bonds); (b) the receipt of an opinion from Bracewell & Giuliani LLP or other nationally recognized bond counsel acceptable to the Department (“Bond Counsel”), substantially to the effect that the interest on the tax-exempt Bonds is excludable from gross income for federal income tax purposes under existing law; and (c) receipt of the approval of the Bond Review Board, if required, and the Attorney General.

Section 1.11. Authorization to Proceed. The Board hereby authorizes staff, Bond Counsel and other consultants to proceed with preparation of the Developments’ necessary review and legal documentation for the filing of one or more Applications and the issuance of the Bonds, subject to satisfaction of the conditions specified in this Resolution. The Board further authorizes staff, Bond Counsel and other consultants to re-submit an Application that was withdrawn by an Owner.

Section 1.12. Related Persons. The Department acknowledges that financing of all or any part of the Developments may be undertaken by any company or partnership that is a “related person” to the respective Owner within the meaning of the Code and applicable regulations promulgated pursuant thereto, including any entity controlled by or affiliated with the Owners.

Section 1.13. Declaration of Official Intent. The Original Resolution and this Resolution constitute the Department’s official intent for expenditures on Costs of the Developments which will be reimbursed out of the issuance of the Bonds within the meaning of Sections 1.142-4(b) and 1.150-2, Title 26, Code of Federal Regulations, as amended, and applicable rulings of the Internal Revenue Service thereunder, to the end that the Bonds issued to reimburse Costs of the Developments may qualify for the exemption provisions of Section 142 of the Code, and that the interest on the Bonds (except for any taxable Bonds) will therefore be excludable from the gross incomes of the holders thereof under the provisions of Section 103(a)(1) of the Code.

Section 1.14. Execution and Delivery of Documents. The Authorized Representatives named in this Resolution are each hereby authorized to execute and deliver all Applications, certificates, documents, instruments, letters, notices, written requests 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 1.15. 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 Board, the Executive Director of the Department, the Director of Multifamily Finance of the Department and the Secretary or any Assistant Secretary to the Board. Such persons are referred to herein collectively as the “Authorized Representatives.” Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

ARTICLE 2

CERTAIN FINDINGS AND DETERMINATIONS

Section 2.1. Certain Findings Regarding Developments and Owners. The Board finds that:

- (a) the Developments are necessary to provide decent, safe and sanitary housing at rentals that individuals or families of low and very low income and families of moderate income can afford;
- (b) the Owners will supply, in their Development, well-planned and well-designed housing for individuals or families of low and very low income and families of moderate income;
- (c) the Owners are financially responsible;
- (d) the financing of the Developments is a public purpose and will provide a public benefit;
and
- (e) the Developments will be undertaken within the authority granted by the Act to the Department and the Owners.

Section 2.2. No Indebtedness of Certain Entities. The Board hereby finds, determines, recites and declares that the Bonds shall not constitute an indebtedness, liability, general, special or moral obligation or pledge or loan of the faith or credit or taxing power of the State, the Department or any other political subdivision or municipal or political corporation or governmental unit, nor shall the Bonds ever be deemed to be an obligation or agreement of any officer, director, agent or employee of the Department in his or her individual capacity, and none of such persons shall be subject to any personal liability by reason of the issuance of the Bonds.

Section 2.3. Certain Findings with Respect to the Bonds. The Board hereby finds, determines, recites and declares that the issuance of the Bonds to provide financing for the Developments will promote the public purposes set forth in the Act, including, without limitation, assisting persons and families of low and very low income and families of moderate income to obtain decent, safe and sanitary housing at rentals they can afford.

ARTICLE 3

GENERAL PROVISIONS

Section 3.1. Books and Records. The Board hereby directs this Resolution to be made a part of the Department's books and records that are available for inspection by the general public.

Section 3.2. Notice of Meeting. This Resolution was considered and adopted at a meeting of the 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 Board.

Section 3.3. Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

[Execution page follows]

PASSED AND APPROVED this 31st day of July, 2014.

[SEAL]

By: _____
Chair, Governing Board

ATTEST:

Secretary to the Governing Board

Signature Page to Inducement Resolution

EXHIBIT “A”

Description of the Owner and the Development

Project Name	Owner	Principals	Amount Not to Exceed
Patriot’s Crossing	Sapphire Road Development Patriot Crossing South, LLC	General Partner: Sapphire Road I GP, LLC; Members are: James A. Broaddus and Neighborhood Builders CDC	\$13,000,000
Costs: Construction of a 162-unit affordable, multifamily, rental community located at 4623 S. Lancaster Road, Dallas, Dallas County, Texas 75216.			

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14063

Hudson Providence

Hudson

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

Presentation, Discussion, and Possible Action on Timely Filed Appeals and Waivers under of the Department's Program Rules

RECOMMENDED ACTION

WHEREAS, a 2014 competitive housing tax credit scoring notice was provided to the Applicant for Hudson Providence (#14063);

WHEREAS, staff identified 11 points that the Applicant elected but that the Application did not qualify to receive under 10 TAC §11.9(d)(2) of the 2014 Qualified Allocation Plan ("QAP") related to Development Funding by a Local Political Subdivision; and

WHEREAS, the Applicant appealed the scoring notice and requests that the Board award the 11 points under §11.9(d)(2) of the QAP;

NOW, therefore, it is hereby,

RESOLVED, the Applicant's appeal of the scoring notice for Hudson Providence (#14063) is hereby denied.

BACKGROUND

An Application was submitted for Hudson Providence, located in Hudson, rural region 5. During the Application review process, staff determined that the Applicant did not qualify for points pursuant to §11.9(d)(2) of the Qualified Allocation Plan ("QAP") related to a Commitment of Development Funding by a Local Political Subdivision because a commitment of development funding from the Deep East Texas Council of Governments ("DETCOG") did not meet very specific requirements under this scoring item. A scoring notice was issued on May 30, 2014, in which no points were awarded under this scoring item. The applicant appealed the score, and the board heard the appeal at the June 26, 2014 meeting. The item was tabled in part to allow for consideration of additional information that the applicant submitted just prior to the start of the meeting. The board directed staff to review that additional information and determine whether or not, in staff's opinion, the application was eligible for the points. The discussion below includes analysis of the entirety of these materials and what staff believes to be a correct application of the rule.

The initial application included a commitment of HUD-Veterans Affairs Supportive Housing Program Vouchers ("VASH Vouchers") from DETCOG, which, in addition to its general role as a

council of governments, acts as a regional housing authority and is the funding agency for 12 contiguous counties, including Angelina, the county in which the development site is located. It also included a letter from the applicant to Angelina County requesting funding. Staff issued a deficiency on May 19, 2014, requesting a letter from Angelina County confirming receipt of the application and a statement that a decision by the County would be made prior to September 1, 2014. The deficiency response contained no such letter and instead indicated that Angelina County had forwarded the application for VASH Vouchers to DETCOG and DETCOG had set aside VASH Vouchers for Hudson Providence. Based on this information, which indicated that the VASH Vouchers would be provided to the development by DETCOG and not directly by the county, staff reviewed the board make-up of DETCOG in order to determine whether or not there was still a way that a commitment of funding from this entity could qualify the application for points. *Before reviewing the detailed analysis of the way the rule is applied to the facts, it is important to begin with the simple policy premise underlying the rule: providing a **local** government with an opportunity to impact the competitive posture of a local application by committing a portion of the local government's resources to the development of the subject property. The Board has crafted this rule with great care to ensure that the amount of resources that are needed to attain points is calibrated to the sizes and resources of different local governments.*

Eligibility for points under §11.9(d)(2) is achieved in one of two ways. An application may qualify for points if “at least 60 percent of the governing board of the instrumentality [providing the funding] consists of city council members from the city in which the Development Site is located (if located in a city) or county commissioners from the county in which the Development Site is located.” Likewise, an application may qualify for points if “100 percent of the governing board of the instrumentality [providing the funding] is appointed by the elected officials of the city in which the Development Site is located (if located within a city) or county in which the Development site is located.” While some elected officials from Angelina County may serve on the DETCOG Board, 60 percent of DETCOG’s Board is not made up of Angelina County commissioners exclusively or even predominantly. Likewise, 100 percent of DETCOG’s Board is not appointed by Angelina County commissioners. The applicant concedes this fact, and in accordance with the rule the application is, therefore, not eligible for points under this approach.

Documentation in the original appeal indicates that the DETCOG Board is comprised of over 50 elected officials from 12 counties (including Angelina County), and it appoints an advisory council to provide direction with respect to the administration of vouchers. It is this relationship, between the DETCOG board and its appointed advisory council, to which the appeal points as possibly qualifying the application for points. The appeal states that the Department should consider the “multi-county” area served by the regional housing authority as a singular county in the application of the rule. Under this interpretation, the applicant presents one scenario that assumes that the advisory council ultimately has the authority to make decisions regarding DETCOG’s funding awards. Staff does not believe this is the case, but solely for the purpose of considering this particular argument staff will use that assumption. So, substituting “multi-county” for “county,” the applicant states that 100% of the DETCOG advisory council is appointed by the DETCOG board, which is made up of elected officials of the “multi-county.” This constitutes equating the Angelina County commissioner’s court (which consists of 4 commissioners

and a county judge) to the DETCOG board (again made up of over 50 members from 12 counties). In addition, this particular structure would allow for the advisory council to act without a substantial representation from Angelina County.

The appeal also suggests that the DETCOG board, not the advisory council, could meet the requirements of the rule if the same “county/multi-county” substitution were made. This is based on the fact that 100 percent of the DETCOG board is made up of elected officials from the “multi-county.” Staff is uncertain as to how these 50 board members are selected; so it is possible that this interpretation would also require a substitution for the word “appointed” in the rule. The rule does not provide for any such substitutions. The rule clearly calls for 100 percent of the board of the instrumentality to be **appointed** by the elected officials of the **county** in which the Development Site is located, ensuring that any funding commitment is in fact an entirely local decision. The rule was carefully crafted to exclude instrumentalities that did not meet this specific requirement. In the case of this application, in order for funding from a government instrumentality to qualify for points, either 60 percent of the instrumentality’s board should be made up of *Angelina County Commissioners* or 100 percent of that board appointed by *Angelina County Commissioners*. That simply is not the case here, and therefore the application is not eligible to receive the points.

An Application can also qualify for point if it includes “a commitment of Development funding from the city (if located in a city) or county in which the Development Site is located.” In this case, the commitment of development funding would need to be from either the City of Hudson or the County of Angelina. If neither of these Local Political Subdivisions provided a commitment of funding directly to the development, which was the case here, then development funding from a government instrumentality can qualify an application for points if the instrumentality “first awards the funds to the city or county **for their administration.**” Staff assumes that the applicant intends for the documentation in the original appeal and the letters submitted at the last board meeting to demonstrate that DETCOG allocates the VASH Vouchers to Angelina County for their administration and that the application should therefore be eligible for the points. However, staff’s independent research along with the review of all of the documentation submitted with respect to this application indicates the opposite. Several statements made by DETCOG, Angelina County, and the applicant provide evidence that DETCOG administers the vouchers, not Angelina County. These include the following:

- The applicant’s appeal letter, dated June 6, 2014, states, “There is no other entity servicing the same area that has the authorization from HUD to distribute or administer VASH vouchers...DETCOG is the sole provider of VASH vouchers in the 12-county region.”
- “...the only purpose of those letters is just to confirm in writing that, yes, these vouchers have been awarded by DETCOG to Angelina County. And then DETCOG is the instrumentality that is administering those vouchers...” Barry Palmer, representing the applicant, at the June board meeting.

- “...then the vouchers are being awarded to the project, and administered by DETCOG, which is the instrumentality referred to in the QAP,” Barry Palmer, representing the applicant, at the June 26 board meeting.
- The letter from Angelina County dated June 23, 2014, states that, “DETCOG Regional Housing Authority was created specifically to act as the administrative unit for all of the participating counties...”
- The letter from DETCOG dated June 18, 2014, states that, “there is no other entity [than DETCOG] servicing the east Texas area that has the authorization to distribute or administer VASH vouchers.”
- The letter from DETCOG dated June 18, 2014 also state that DETCOG is “allocating the VASH Vouchers on behalf of Angelina County in accordance with its wishes and in a manner it is unable to do itself...”

These statements are consistent with staff’s own understanding of how the VASH Voucher program works. Very simply, HUD awards the vouchers to public housing authorities (“PHAs”), and those PHAs administer the vouchers under the PHA’s administrative plan. In the case of project-based vouchers, it is the PHA that enters into HAP contracts with development owners. Staff, therefore, notes that DETCOG, not Angelina County, is the entity administering the vouchers and that a funding commitment from DETCOG does not qualify this application for points. Therefore, staff, in accordance with 10 TAC §11.9(d)(2), recommends denial of the appeal. To be clear, staff is not suggesting that the VASH vouchers are not a beneficial source of funding or that the development cannot have such vouchers. Staff is simply asserting that this funding source administered by this entity does not qualify the application for points under this particular scoring item.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2014 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Miranda Ashline

Phone #: (409) 724-0020

Email: Miranda.Ashline@itexgrp.com

Second Email: tdula@coatsrose.com

Date: May 30, 2014

**THIS NOTICE WILL ONLY BE
TRANSMITTED VIA EMAIL**

**RE: 2014 Competitive Housing Tax Credit (HTC) Application for Hudson Providence, TDHCA Number:
14063**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2014 Qualified Allocation Plan ("QAP"). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that three scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the three scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(d)(1) Local Government Support, §11.9(d)(4) Quantifiable Community Participation, §11.9(d)(5) Community Support from State Representative, and §11.9(d)(6) Input from Community Organizations.

Section 3 provides information related to any point deductions assessed under §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules.

Section 4 provides the final cumulative score in bold.

Section 5 includes an explanation of any differences between the requested and awarded score as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(2) "Cost of Development per Square Foot" and §11.9(e)(4) "Leveraging of Private, State, and Federal Resources" may be adjusted should the underwriting review result in changes to the Application that would affect these scores. Likewise, if an Application was awarded points under §11.9(d)(2) "Commitment of Development Funding by Local Political Subdivision" and should that Application receive an award of tax credits, the Applicant must provide a firm commitment of funds as a condition of the Commitment Notice. Applicants may substitute qualifying sources only if no points were elected under §11.9(d)(2)(C). If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2014 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Page 2 of Final Scoring Notice: 14063, Hudson Providence

Section 1:

Score Requested by Applicant (Does not include points for §11.9(d)(1)(4), (5), or (6) of the 2014 QAP):	127
Score Awarded by Department staff (Does not include points for §11.9(d)(1)(4), (5), or (6) of the 2014 QAP):	116
Difference between Requested and Awarded:	11

Section 2:

Points Awarded for §11.9(d)(1) Local Government Support:	17
Points Awarded for §11.9(d)(4) Quantifiable Community Participation:	4
Points Awarded for §11.9(d)(5) Community Support from State Representative:	8
Points Awarded for §11.9(d)(6) Input from Community Organizations:	4

Section 3:

Points Deducted for §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules:	0
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Section 4:

Final Score Awarded to Application by Department staff:	149
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Section 5:

Explanation for Difference between Points Requested and Points Awarded by the Department as well as penalties assessed:

§11.9(d)(2) Commitment of Development Funding by Local Political Subdivision. DETCOG is not an eligible Local Political Subdivision under this scoring item. (Requested 11, Awarded 0)

Restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the Uniform Multifamily Rules. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. (CST), Friday, June 6, 2014. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Kathryn Saar at (512) 936-7834 or by email at <mailto:kathryn.saar@tdhca.state.tx.us>.

Sincerely,

Jean Latsha

Jean Latsha
 Director of Multifamily Finance



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2014 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Appeal Election Form: 14063, Hudson Providence

Note: If you do not wish to appeal this notice, you do not need to submit this form.

I am in receipt of my 2014 scoring notice and am filing a formal appeal to the Executive Director on or before Friday, June 6, 2014.

If my appeal is denied by the Executive Director:

- I do wish to appeal to the Board of Directors and request that my application be added to the Department Board of Directors meeting agenda. My appeal documentation, which identifies my specific grounds for appeal, is attached. If no additional documentation is submitted, the appeal documentation to the Executive Director will be utilized.
- I do not wish to appeal to the Board of Directors.

Signed _____
Title K.T. (Ike) Akbari
Date June 2, 2014

Please email to Kathryn Saar:
<mailto:kathryn.saar@tdhca.state.tx.us>

COATS | ROSE

A Professional Corporation

June 6, 2014

By Email to tim.irvine@tdhca.state.tx.us

Mr. Tim Irvine, Executive Director
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701-2410

RE: Hudson Providence, Hudson, Angelina County, Texas (TDHCA #14063);
Appeal of Denial of Eleven (11) Points For Commitment of Development
Funding by Local Political Subdivision [§11.9(d)(2)];

Appeal to the Executive Director

Dear Mr. Irvine:

We are writing this letter on behalf of our client, ITEX Developers, LLC (the “**Applicant**”), as an appeal of TDHCA Staff’s decision to disallow eleven (11) points requested in the 2014 competitive housing tax credit application (the “**Application**”) of Hudson Providence (the “**Project**”). Staff determined the Deep East Texas Council of Governments (“**DETCOG**”) is not an eligible local political subdivision (“**LPS**”) as described in Section 11.9(d)(2), Commitment of Development Funding by a Local Political Subdivision, of the 2014 Qualified Allocation Plan (the “**QAP**”). We disagree with Staff’s determination and will show that DETCOG, which is a Regional Public Housing authority, public body corporate and politic, and instrumentality of an aggregate 12-county rural area in East Texas, does meet the eligibility criteria needed to qualify, and the Project therefore qualifies for the requested points. Additionally, TDHCA has previously considered DETCOG a qualified LPS and has awarded points under the same section of the QAP in prior application rounds based on DETCOG’s participation as a source of funding.

Background

The Project applied for eleven (11) points under §11.9(d)(2)(B)(i) of the 2014 QAP based on its request for a commitment of local funding from DETCOG (see letter to The Honorable Wes Suiter dated February 24, 2014, attached hereto as **EXHIBIT A**, which was included in the Application; the “**Request Letter**”). Please note that Judge Suiter is both the Angelina County Judge and the President of DETCOG. A subsequent conversation took place between Don Ball, on behalf of Applicant, and Walter Diggles, Executive Director of DETCOG. In a letter dated

3 East Greenway Plaza, Suite 2000 Houston, Texas 77046-0307
Phone: 713-651-0111 Fax: 713-651-0220
Web: www.coatsrose.com

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4833-2201-5515.v1

June 6, 2014

Page 2

February 27, 2014, DETCOG acknowledged receipt of the request for funds and stated a decision would be made prior to September 1, 2014 (see letter attached hereto as **EXHIBIT B**, which was included in the Application; the “**Acknowledgement Letter**”). The form of funding requested was an option of either a loan or HUD-Veterans Affairs Supportive Housing Program Vouchers (“**VASH Vouchers**”). VASH Vouchers are a HUD rental assistance program authorized under Section 8(o)(19) of the United States Housing Act of 1937. The Acknowledgement Letter stated DETCOG had VASH Vouchers available and would apply for five (5) for the Project.

The Application subsequently received a Deficiency Notice from TDHCA stating “The application file includes a letter to the Honorable Wes Suiter requesting project funding from Angelina County. Please provide a letter from the County confirming receipt of the application and a statement that a decision by the County will be made prior to September 1, 2014.” In response, Applicant submitted two additional letters: (1) a letter from Mr. Diggles to Judge Suiter dated April 8, 2014, acknowledging Judge Suiter’s request to DETCOG for Angelina County VASH Vouchers and confirming five (5) such vouchers had been set aside for the Project contingent upon its receipt of tax credits (see letter attached hereto as **EXHIBIT C**); and (2) a letter dated May 27, 2014, from Judge Suiter acknowledging receipt of the original Request Letter, confirming DETCOG VASH Voucher set-aside, and supporting the DETCOG commitment of vouchers (see letter attached hereto as **EXHIBIT D**).

Applicant later received a notice from TDHCA that the eleven (11) points requested under this scoring item were denied due to DETCOG not being an eligible LPS. Applicant hereby appeals the denial of points.

1. Requirements for Eligibility Have Been Met.

Applicants may qualify to receive up to fourteen (14) points under §11.9(d)(2) of the 2014 QAP if the development receives a commitment of funding from an LPS. The number of points eligible to be received is based on the amount of funds provided. If the funds are received from an LPS that is an *instrumentality* of a city or county (as opposed to receipt from a city or county directly), such instrumentality must “first award the funds to the city or county for their administration” and meet one of the following two criteria to qualify as an LPS: “at least 60 percent of the governing board of the instrumentality consists of city council members from the city in which the Development Site is located (if located in a city) or county commissioners from the county in which the Development Site is located; or 100 percent of the governing board of the instrumentality is appointed by elected officials of the city in which the Development Site is located (if located within a city) or county in which the Development Site is located.” DETCOG meets the threshold requirement, as VASH Vouchers from DETCOG are initially awarded on a per county basis to be administered, and in this case vouchers were first awarded to Angelina County before it was determined a portion of them would be delegated to this Project.

We believe DETCOG can be viewed as meeting the second requirement as well, as will be explained herein. Because DETCOG meets the required criteria, it should qualify as an eligible LPS and the Project should receive the requested eleven (11) points.

DETCOG Awards VASH Vouchers First to its Counties to be Administered

One of the requirements for a city or county instrumentality to qualify as an LPS is for the instrumentality to first award its funds to the city or county for their administration. DETCOG, which is a Regional Housing Authority created under Chapter 392 of the Texas Local Government Code, is the only entity with the authority to provide VASH Vouchers for the twelve-county area it services, including Angelina County. There is no other entity servicing the same area that has the authorization from HUD to distribute or administer VASH Vouchers. There are no other county housing authorities in the DETCOG Regional Housing Authority service area. DETCOG is the sole provider of VASH Vouchers in the 12-county region.

Attached as **EXHIBIT E** is a letter from DETCOG dated June 5, 2014, explaining how the collaboration between each county and DETCOG functions to administer the VASH Vouchers (“**DETCOG Clarification Letter**”). DETCOG first awards a set number of VASH Vouchers to each county and collaborates with each county to determine which projects within each county’s jurisdiction should receive the VASH Vouchers. In this letter, DETCOG confirms that twelve (12) VASH Vouchers were awarded to Angelina County. Angelina County requested some be set-aside for the Project. DETCOG satisfied this request and has set aside five (5) VASH Vouchers for Hudson Providence. The nature of the VASH Voucher program allows for oversight only through public housing authorities. DETCOG Regional Housing Authority *is* the housing authority that serves the County of Angelina. As such, a certain level of administration is initially handled at the county level, such as selection of projects, and duties then revert back to DETCOG for Section 8 program oversight. Therefore, because DETCOG does first award VASH Vouchers to Angelina County to be administered, DETCOG meets the threshold qualification requirement.

100% of the DETCOG Regional Housing Advisory Council is Appointed by Elected Officials from the Counties which make up the DETCOG Operation Area, in which the Development Site is Located

DETCOG must also meet one of the other criteria to be considered an eligible LPS. Under one option, the 2014 QAP allows a county instrumentality to be eligible if the entire governing board is appointed by the elected officials of the county where the Development Site is located. Generally speaking, the purpose of the “Commitment of Development Funding by Local Political Subdivision” provision is to incentivize local support for a proposed development as shown by the dedication of financial assistance.¹ The stated purpose was in the 2012 QAP and although the current QAP no longer sets forth the intent, we have no reason to believe the purpose of the scoring item has changed. The provision is also intended to simultaneously prevent local instrumentalities from providing assistance to projects outside of their service areas. For example, TDHCA does not want a project in north Texas to be able to qualify for LPS points based on funding committed by an instrumentality in south Texas that is intended to service the south Texas area. Hence, the governing board composition requirement that ties the instrumentality to the location of the proposed development site.

¹ 2012 QAP at 45-46, <http://www.tdhca.state.tx.us/multifamily/hlc/docs/12-13-QAP-RelatedRulesLaws.pdf>.

A regional housing authority is created to serve two or more contiguous counties in a manner not being served by another county housing authority. DETCOG is a regional housing authority created to more effectively and economically serve the contiguous counties in its 12-county operation area and it uses its funds to assist the aggregate counties it was created to serve. Chapter 392 of the Texas Local Government Code authorizes creation of a housing authority in each county and city in the State. Chapter 392 also authorizes commissioners courts of two or more contiguous counties to create a regional housing authority for those counties. As such, a regional housing authority serves the contiguous county operating area for which it was created, just as a municipal housing authority serves the city for which it was created and a county housing authority serves the county for which it was created. Each is a "public body corporate and politic."² By law, "at the time a regional housing authority is created, the county housing authority in a county for which the regional housing authority is created ceases to exist except for the purpose of winding up its affairs and executing the deed of its real property to the regional housing authority."³ As set forth in the statute, county housing authorities and regional housing authorities cannot coexist. Therefore, regional housing authorities should be viewed as substitutes for county housing authorities. From this perspective, the aggregate counties that make up a regional housing authority should be considered a single jurisdiction, or a "multi-county" in theory. It follows that, so long as 100% of the governing board of the regional housing authority is appointed by the elected official of the "multi-county" in which the development site is located, it should qualify under the second LPS eligibility option.

The DETCOG Board of Directors is comprised of over 50 **elected** officials from its "multi-county". DETCOG's Regional Housing Authority is a component of DETCOG and maintains an office in Angelina County with full staff that administers its programs. The attached DETCOG Clarification Letter explains the makeup of the governing body and how it operates as a housing authority. It explains that the Regional Housing Advisory Council, which provides direction and advisement on the Section 8 Housing Choice Voucher Program to the DETCOG Board, is comprised of a minimum of twelve members **appointed** from the DETCOG Board. The Project is located in Angelina County, which is one of the counties that comprise the DETCOG "multi-county" jurisdiction. DETCOG's Clarification Letter confirms 100% of the governing board of the DETCOG Regional Housing Advisory Council is appointed by elected officials of its "multi-county." This confirmation reflects the fulfillment of the second criterion needed to qualify as an eligible LPS under the 2014 QAP.

2. The Application Should Receive the Requested Points Because the Public-Private Partnership Encompassed in the Application is Precisely what TDHCA is Incentivizing under §11.9(d)(2).

The notion of equating a regional housing authority to a county housing authority should be readily accepted considering a refusal to equate the two would result in unfair treatment to less populated rural areas. Without the ability to create regional housing authorities, rural areas that do not have the capacity to sustain multiple housing authorities in each nearby county would have no other way to administer certain types of rental assistance. City and county public housing authorities are acceptable LPSs under §11.9(d)(2) and are not denied points when providing funds and vouchers for projects in their operational areas (assuming the housing

² TEX. LOCAL GOV'T CODE §392.011(b), §392.012(b), and §392.013(b).

³ TEX. LOCAL GOV'T CODE §392.013(j).

authority is not a related party). A regional housing authority should be viewed in the same light. By definition, all three are “political subdivisions.” So long as a regional housing authority is providing funds for a development located within its operational area, it should undoubtedly qualify as an eligible LPS, just as its city and county counterparts do.

While there are only a few regional housing authorities in the State, they serve a much needed purpose and aid in the efforts to further fair housing. The February 2014 Texas Applesed complaint in connection with the TDHCA’s Phase 2 Analysis of Impediments to Fair Housing Choice points out the unrecognized value of the few regional housing authorities that exist.⁴ Additionally, in the action item recommending the 2014 QAP of the Supplemental Board Book of November 7, 2013, TDHCA’s Staff Response to Public Comment expressly states “a public housing authority can be and often is a local political subdivision and provision of PHA funds to a not related applicant can result in an application receiving points under [Commitment of Development Funding by Local Political Subdivision].”⁵ Staff Response also states, “Section 8 project-based assistance is sometimes administered directly by HUD with the oversight of a regional contractor. This kind of Section 8 assistance cannot be considered development funding from a local political subdivision as the funds do not flow through any local political subdivisions.”⁶ Here, the Section 8 assistance in the form of VASH Vouchers is administered through the regional housing authority and *does* flow through a local political subdivision.

Based on the Scoring Notice received for the Project, it appears TDHCA Staff read §11.9(d)(2)’s restrictive language as excluding regional housing authorities, but we do not believe this was intended by TDHCA. This reading of the language in this manner resulted in unintended consequences that are directly in conflict with the intents and purposes of this scoring item. Partnerships between local housing authorities and private developers building affordable housing in their jurisdictions are exactly the kind of partnerships TDHCA aims to encourage – a financial contribution of area governmental entities for developments in the area they serve. This is not a case where a PHA applicant is providing funds to its own project, nor is this an instance where an out-of-area instrumentality is collecting fees for providing commitments to projects outside of its service area. Here we have a project where the public-private partnership between a housing authority and a developer fall squarely in line with the intentions of the scoring item. In fact, transcripts from the November 13, 2012, TDHCA Board Meeting speak exactly to this situation.⁷ In that meeting, Cameron Dorsey explained that very rarely a housing authority will provide funding to a development and not be part of the ownership structure (he says he only saw it happen once since he has been working for TDHCA), and in those very rare circumstances, the project may not be eligible to receive points under this scoring item even though this kind of partnership between a housing authority and a private developer is exactly what this scoring item is attempting to incentivize.

⁴ See June 5, 2014, Board Book at 197, <http://www.tdhca.state.tx.us/board/docs/books/140605-book-140529.pdf>.

⁵ November 4, 2013, Supplemental Board Book at 38, <http://www.tdhca.state.tx.us/board/docs/books/131107-supplement-131104.pdf>.

⁶ *Id.*

⁷ See November 13, 2012, Board Meeting Transcripts at pp. 188-195, 213-216, <http://www.tdhca.state.tx.us/board/docs/transcripts/121113-board.pdf>.

June 6, 2014

Page 6

3. TDHCA has Deemed DETCOG an Eligible Local Political Subdivision in a Previous Application Round

We would like to also point out that TDHCA has previously granted points for at least one application under this scoring item that relied on DETCOG as its source of local political subdivision financing commitment. Vista Pines Apartment Homes (TDHCA #060132) received 18 points under §50.9(i)(5) of the 2006 QAP based on funding from DETCOG and was awarded tax credits in that round. Section 50.9(i)(5) of that year's QAP was the equivalent provision to what is now §11.9(d)(2) of the 2014 QAP, entitled in both documents as "Commitment of Development Funding by Local Political Subdivision." The 2006 9% HTC Application Log shows under "Records of Contact" that TDHCA made additional inquiry at that time as to whether DETCOG qualified as a local political subdivision. It was determined then that DETCOG met the requirements to qualify as an eligible local political subdivision and the application received 18 points under that scoring item.

In view of the foregoing, we urge you to grant this appeal and reinstate the eleven (11) points denied in the Scoring Notice received from Staff for the Application. If, however, as Executive Director you do not feel able to grant the appeal, then we request that this appeal be presented to the TDHCA Board at its next meeting, currently scheduled for June 26, 2014.

Sincerely,



Barry J. Palmer
Coats, Rose, Yale, Ryman and Lee, P.C.

cc: Jean Latsha
Kathryn Saar

EXHIBIT A
REQUEST LETTER

Hudson Providence, LP
3735 Honeywood Court
Port Arthur, Texas 77642
409.724.0020 ext. 258 | 409.721.6603 fax

February 24, 2014

Honorable Wes Sulter
Angelina County Judge
606 East Lufkin Avenue
2nd Floor, Room 202
Lufkin, Texas

RE: Hudson Providence
Request for Funding

Dear Sulter,

Our firm would like to request a commitment of local funding for Hudson Providence, LP ("Borrower") for the Hudson Providence ("Project") located on Northeast Quadrant of Ted Trout Drive and Oscar Berry Road in Hudson, Texas. We would like to make a formal request for a commitment of local funding for this project based upon the following two options:

Option I - Construction/Interim loan that meets the following terms:

Funding Amount:	\$60,000
Term:	5 Years
Type:	Construction or Interim Financing Only
Interest Rate:	3%
Closing Fees:	1% Fee Plus Payment of Lender Legal Fees not to Exceed \$10,000
Security:	Borrower will provide a Letter of Credit ("LOC") for 100% of the Principal Amount of the Loan to the Lender as Security
Repayment:	Simple Interest will be paid Yearly and all accrued interest and principal will be paid at the end of the Term. Loan may be prepaid at any time.

Option II - Provide Project-Based Veterans Vouchers under the following terms:

Project-Based Section 8 Contract for 15 years for Vouchers for Veterans on 5 units through the Veterans Administration with an estimated value of over \$60,000 over the term of the contract.

Once again, we appreciate your attention to this matter. Please accept this as a formal application for funding. Please provide us with a letter of receipt of this application and an acknowledgement that the county will make a decision before September 1, 2014.

Sincerely,


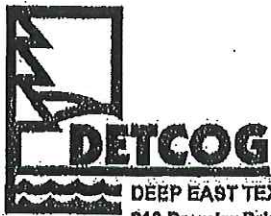

K.T. (Ike) Akbari
Authorized Agent

EXHIBIT B
ACKNOWLEDGEMENT LETTER



DEEP EAST TEXAS COUNCIL OF GOVERNMENTS & ECONOMIC DEVELOPMENT DISTRICT
210 Premier Drive • Jasper, Texas 75951 • 409/384-5704 • Fax 409/383-0832 • TDD 409/384-5975

WALTER G. DIGGLES, SR.
Executive Director



ETHEL BLUITT
Director of Housing

February 27, 2014

Mr. Don Ball
President
Premier Affordable Housing
1885 Farragut Street
Orange, Texas 77630

Ref: Project based VASH Voucher Request for Hudson Providence

Dear Mr. Ball:

We have received your request which indicates that the Deep East Texas Council of Governments (DETCOG) does handle vouchers for deep East Texas counties and municipalities, including Angelina County. DETCOG has available VASH vouchers and will apply for five (5) project based VASH vouchers from the Veteran's Administration, Houston Regional Office, for the proposed development in the City of Hudson.

I would like to acknowledge that the DETCOG Board, composed of elected officials from the deep East Texas 12-county area, will make a decision before September 1, 2014 on whether to award these project based vouchers to Hudson Providence.

Sincerely,

Walter G. Diggles, Sr.
Executive Director

CC: Ethel Bluitt, Housing Director

EXHIBIT C

LETTER FROM MR. DIGGLES TO MR. SUITER
DATED APRIL 8, 2014



Deep East Texas Council of Governments and Economic Development District
210 Premier Drive • Jasper, Texas 75951 • (409) 384-5704 • FAX (409) 384-5390 • TDD (409) 384-5975

WALTER G. DIGGLES, SR.
Executive Director

April 8, 2014

Honorable Wes Suiter
County Judge – Angelina County, Texas
Angelina County Courthouse Annex
P.O. Box 908
Lufkin, TX 75902-0908

Dear Wes,

Pursuant to your recent request to Angelina County for U.S. Veteran's Administration project-based HUD-VASH vouchers for the proposed new 80 – unit elderly development to be constructed in Hudson, TX. We are pleased to inform you that we have set-aside five vouchers for this project in the event that it receives funding for Housing Tax Credits from the Texas Department of Housing and Community Affairs (TDHCA). The oversight of these vouchers will be through the DETCOG's Housing Department and a commitment will be provided upon the approval from the DETCOG board of directors.

Sincerely,

Walter G. Diggles
Executive Director
Deep East Texas Council of Governments

Cc: Ethel Bluitt – Director of Housing DETCOG
K.T. "Ike" Akbari – CEO ITEX

EXHIBIT D

LETTER FROM MR. SUITER DATED MAY 27, 2014



ANGELINA COUNTY

OFFICE (936) 634-5413
FAX (936) 637-7452

P.O. BOX 908
LUFKIN, TEXAS 75902-0908

WES SUITER
County Judge

May 27, 2014

Texas Department of Housing and Community Affairs
Attn: Ms. Jean Latsha
221 E 11th Street
Austin, Texas 78701

Re: Acknowledgement of Request for Commitment of local fund for Hudson
Providence LP

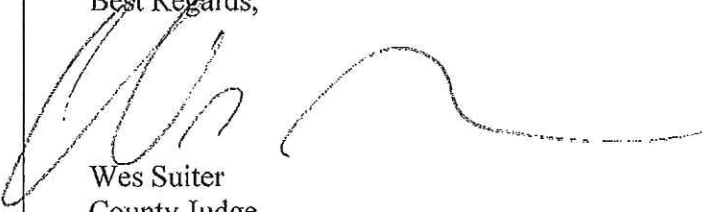
Dear Ms. Latsha,

This letter is to acknowledge I am in receipt of the Hudson Providence, LP request for funding letter dated February 24, 2014 and also a letter dated April 8, 2014 from Mr. Walter Diggles, Executive Director of the Deep East Texas Council of Governments (DETCOG), pertaining to project-based HUD-VASH vouchers.

Mr. Diggles indicated in his letter dated April 8, 2014, that DETCOG has set aside five U.S. Veteran's Administration project-based HUD-VASH vouchers for a proposed new 80-unit elderly development to be constructed in Hudson, Texas.

The Commissioner's Court of Angelina County applauds and stands by DETCOG in their decision to support this project through the commitment of these vouchers in the event the project receives funding for Housing Tax Credits from the Texas Department of Housing and Community Affairs (TDHCA). The oversight for these vouchers will be, as stated in the letter, through the DETCOG Housing Department upon approval of this commitment by the DETCOG Board of Directors.

Best Regards,



Wes Suiter
County Judge
Angelina County

EXHIBIT E

DETCOG CLARIFICATION LETTER

4833-2201-5515, v. 1

4833-2201-5515.v1



Deep East Texas Council of Governments and Economic Development District
210 Premier Drive • Jasper, Texas 75951 • (409) 384-5704 • FAX (409) 384-5390 • TDD (409) 384-5975

WALTER G. DIGGLES, SR.
Executive Director

Texas Department of Housing and Community Affairs

June 5, 2014

221 E. 11th Street

P.O. Box 13941

Austin, TX 78711-3941

Atten: Director of Housing Tax Credits

Re: #14063 – Hudson Providence, Hudson, Texas

Ladies and Gentlemen,

This letter is being written in connection with the Hudson Providence application for 2014 9% low income housing tax credits. It has been brought to my attention that the application was denied eleven (11) points due to the determination made by the Texas Department of Housing and Community Affairs (TDHCA) that Deep East Texas Council of Governments (DETCOG) does not qualify as an eligible Local Political Subdivision under the applicable section of the 2014 QAP. We would like to provide some additional information about DETCOG and the HUD-Veterans Affairs Supportive Housing Program Vouchers (VASH Vouchers) that we believe will assist you in reevaluating that determination.

DETCOG is a Regional Housing Authority created under Chapter 392 of the Texas Local Government Code. As a Regional Housing Authority, DETCOG services as the funding agency for the HUD Section 8 Housing Assistance Program, including VASH Vouchers, for the twelve-county area consisting of the following counties: Angelina, Hardin, Houston, Jasper, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler counties.

DETCOG first awards a set number of VASH Vouchers to each county for their administration, and works collaboratively with those counties for their input as to which projects within each county's jurisdiction should receive the VASH Vouchers. Due to the rural nature and limited resources of the counties in DETCOG Regional Housing Authority's service area and the fact there are no county housing authorities in the jurisdiction to oversee such a program, administration of the VASH Voucher program is reverted back to DETCOG. There is no other entity servicing the same area that has the authorization from HUD to distribute or administer VASH Vouchers.

DETCOG Regional Housing Authority was awarded thirty-five (35) VASH Vouchers in 2009 and twenty-five (25) VASH Vouchers in 2013. Of these 12 were awarded to Angelina County where the Veterans Hospital is located. DETCOG received a request for VASH Vouchers from both the Developer and the Angelina County Judge Wes Suiter in connection with the Hudson Providence 80-unit elderly project. In response, DETCOG stated it would apply for the VASH Vouchers from the

Houston HUD field Office and would make a decision before September 1, 2014 on whether to award these project based vouchers to Hudson Providence. DETCOG has since received and set-aside five (5) VASH Vouchers for this project in the event that it receives funding for the Housing Tax Credits from TDHCA and a commitment will be provided upon the final approval from the DETCOG Board of Directors.

Please note that the DETCOG Regional Housing Authority staff administers the HUD Section 8 Housing Choice Voucher Program the direction of the DETCOG Board of Directors. The DETCOG Board of Directors, which consists of over 50 members, is composed of elected officials from the deep East Texas 12-County area. As Executive Director, I serve as the direct link between the board of directors and the Regional Housing Authority staff. The Housing Director reports directly to me, as Executive Director. The Housing Director works with the Regional Housing Advisory Council group appointed by the DETCOG Board of Directors. This advisory council is comprised of a minimum of 12 members from the DETCOG Board of Directors. The Advisory group provides direction and advisement on the Section 8 Housing Choice Voucher Program to the full board of directors. Therefore, 100% of the governing board of the DETCOG Regional Housing Advisory Council is appointed by elected officials of the 12-county area in the DETCOG's jurisdiction.

DETCOG is in full support of the Providence Hudson and would like to see our VASH Vouchers put to good use in this proposed project. DETCOG Housing Authority currently has a 3 year waiting list of eligible applicants for Housing assistance. In addition, the housing quality of available properties is a serious problem for voucher holders looking for HQS Rental property throughout the DETCOG Region. DETCOG is working with the Hurricane Ike Disaster Recovery program to increase the available HQS Rental property in order to meet the lack of available housing for eligible clients. Angelina County has been the highest recipient of Section 8 Vouchers in the past and this proposed project is well within the planning priorities of the Advisory Council and the DETCOG Board.

We sincerely hope that this letter of clarification provides TDHCA with the necessary information to have a better understanding of how DETCOG functions as both a Council of Governments and a Regional Housing Authority, and our status as local political subdivision of the state of Texas should be considered eligible under the QAP.

Sincerely,



Walter G. Diggles, Sr.

Executive Director

Cc: Wes Suiter, DETCOG President

Ethel Bluiett, Housing Program Director



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Rick Perry
GOVERNOR

BOARD MEMBERS
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Leslie Bingham-Escareño
Tom H. Gann
J. Mark McWatters
Robert D. Thomas

June 17, 2014

Writer's direct phone # 512.475.3296
Email: tim.irvine@tdhca.state.tx.us

Barry J. Palmer
3 East Greenway Plaza, Suite 200
Houston, TX 77046-0307

RE: 14063 HUDSON PROVIDENCE: SCORING NOTICE APPEAL

Dear Mr. Palmer:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your scoring notice appeal, dated June 6, 2014, for the above referenced Application. During the Application review process, staff determined that the Applicant did not qualify for points pursuant to §11.9(d)(2) of the Qualified Allocation Plan ("QAP") related to a Commitment of Development Funding by a Local Political Subdivision because a commitment of development funding from the Deep East Texas Council of Local Governments ("DETCOG") is not eligible for points. A scoring notice was issued on May 30, 2014, in which no points were awarded under this scoring item.

The initial application included a commitment of HUD-Veterans Affairs Supportive Housing Program Vouchers ("VASH Vouchers") from DETCOG, a regional housing authority made up of 12 contiguous counties, including Angelina, the county in which the development site is located. It also included a letter from the applicant to Angelina County requesting funding. Staff issued a deficiency on May 19, 2014, requesting a letter from Angelina County confirming receipt of the application and a statement that a decision by the County would be made prior to September 1, 2014. The deficiency response contained no such letter and instead indicated that Angelina County had forwarded the application for VASH Vouchers to DETCOG and DETCOG had set aside the vouchers for Hudson Providence. Based on this information, which indicated that the vouchers would be provided to the development by DETCOG and not directly by the county, staff reviewed the board make-up of DETCOG in order to determine whether or not there was a way that a commitment of funding from this entity would qualify the application for points.

Eligibility for points under §11.9(d)(2) is achieved in one of two ways. First, an Application can include "a commitment of Development funding from the city (if located in a city) or county in which the Development Site is located." In this case, the commitment of development funding would need to be from either the City of Hudson or the County of Angelina. If neither of these Local Political Subdivisions provided a commitment of funding directly to the development, which was the case here, then development funding from a government instrumentality can qualify an application for points under one of three approaches. The first is that the instrumentality "first award the funds to the city or county for their administration." The appeal makes reference to DETCOG allocating the VASH Vouchers to



June 17, 2014

Page 2

Angelina County; however, staff confirmed with DETCOG that there is no contract between the County and DETCOG. Therefore, the application is not eligible for points using this approach.

The second approach is that "at least 60 percent of the governing board of the instrumentality consists of city council members from the city in which the Development Site is located (if located in a city) or county commissioners from the county in which the Development Site is located." Similarly, the third approach is that "100 percent of the governing board of the instrumentality is appointed by the elected officials of the city in which the Development Site is located (if located within a city) or county in which the Development site is located." While elected officials from Angelina County may serve on the DETCOG Board, 60 percent of DETCOG's Board is not made up of Angelina County commissioners. Likewise, 100 percent of DETCOG's Board is not appointed by Angelina County commissioners. The application is therefore not eligible for points under either the second or the third approach; so staff denied the requested points.

Documentation in the appeal indicates that the DETCOG Board is comprised of over 50 elected officials from 12 counties (including Angelina County), and it appoints an advisory council to provide direction with respect to the administration of its vouchers. It is this relationship, between the DETCOG board and the advisory council, to which the appeal points as qualifying the application for points. The appeal states that the Department should consider the "multi-county" area served by the regional housing authority as a singular county in the application of the rule. Under this interpretation, substituting "multi-county" for "county," the applicant claims that 100% of the DETCOG advisory council is appointed by the DETCOG board, which is made up of elected officials of the "multi-county." This constitutes equating the Angelina County commissioner's court to the DETCOG board. This particular structure would allow for the advisory council to act without any representation from Angelina County. The appeal also suggests that the DETCOG board, not the advisory council, could meet the requirements of the rule if the same substitution were made since 100 percent of the DETCOG board is made up of elected officials from the "multi-county." However, the rule does not contemplate either of these scenarios.

Because of the above listed facts, your appeal is hereby denied. If you are not satisfied with this decision, you may appeal to the Department's Governing Board. Based on the Appeal Election form submitted with your appeal letter, we have placed this item on the Board Agenda for June 26, 2014. Should you have any questions, please contact Kathryn Saar, Competitive Tax Credit Program Administrator, at kathryn.saar@tdhca.state.tx.us or by phone at 512-936-7834

Sincerely,



Timothy K. Irvine
Executive Director

[KS]

cc: Miranda Ashline
Tamea A. Dula

EXHIBIT A

DETCOG SUPPLEMENTAL LETTER

4815-1054-8507, v. 1



Deep East Texas Council of Governments and Economic Development District
210 Premier Drive * Jasper, Texas 75951 * 409/384-5704 * FAX 409/384-5390 * TDD 409/384-5975

WALTER G. DIGGLES
Executive Director

June 18, 2014

By Email to: kathryn.saar@tdhca.state.tx.us
Texas Department of Housing and Community Affairs
221 E. 11th Street
P.O. BOX 13941
Austin, TX 78711-3941
Attn: Board of Directors

Re: #14063 – Hudson Providence, Hudson, Texas

Ladies and Gentlemen,

This supplemental letter is being written in connection with appeal of denial of points under the local political subdivision scoring item for the Hudson Providence application for 2014 9% low income housing tax credits. We would like to provide some additional information about the DETCOG Regional Housing Authority, the HUD-Veterans Affairs Supportive Housing Program vouchers (“VASH Vouchers”), and the role Angelina County plays in both that we believe will assist you in your review.

DETCOG is a Regional Housing Authority created under the same statutory authority providing for the creation of city and county housing authorities.¹ Once the DETCOG Regional Housing Authority was created, it effectively became the substitute county housing authority for the participating counties. All of the contracts, agreements, obligations, and property of the participating county housing authorities became those of the regional housing authority and remedies against any of the participating county housing authorities can be enforced against the regional housing authority.² There is no other entity servicing the east Texas area that has the authorization to distribute or administer VASH Vouchers.

The VASH Voucher program works through the provision of local housing authority rental assistance combined with case management and social services provided by the U.S. Department of Veterans Affairs (“VA”).³ HUD awards VASH Vouchers to housing authorities based on geographic need and administrative performance. Areas of the country with the highest number of homeless Veterans are identified and the VA facilities in the corresponding communities are located.⁴ HUD then selects high performing

¹ See TEX LOCAL GOV'T CODE §392.013 (Vernon 2014).

² *Id.*

³ See HUD & VA TEAM UP TO PROVIDE PERMANENT HOMES TO 470 HOMELESS VETS IN TEXAS, <http://portal.hud.gov/hudportal/HUD?src=/states/texas/news/HUDNo.2013-05-29>.

⁴ See HUD-VASH Vouchers, http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/vash.

housing authorities close to the targeted VA facilities, and invites them to apply for the vouchers.⁵ DETCOG Regional Housing Authority is the only housing authority in all of east Texas awarded 2013 VASH Vouchers.⁶

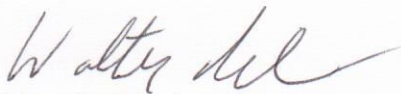
As I stated in my letter dated June 5, 2014, DETCOG Regional Housing Authority first awarded a set number of VASH Vouchers on a per-county basis to selected counties. Angelina County had the largest waiting list for vouchers than any other county in the region, so the DETCOG Regional Housing Authority specifically awarded almost half of its 2013 VASH Vouchers to Angelina County.

The role that each county plays in the decisions made by DETCOG are central to our mission of combining local government resources. In fact, DETCOG's governing principles require that there be representatives according to the population of the participating county, so Angelina County has always and will always participate in the decision-making process of both the DETCOG Board of Directors and the DETCOG Regional Housing Authority's Advisory Council. There are 4 representatives from Angelina County that sit on the DETCOG Regional Housing Authority Advisory Council and 4 elected officials plus 1 Minority Representative elected by the minority from Angelina County that sits on the DETCOG Board of Directors.

Elected officials from Angelina County that sit on the DETCOG Board of Directors include the Angelina County Judge, a County Court Judge, a County Attorney, a County Commissioner, and the County Minority Representative. Angelina County is well represented in the DETCOG governing body and is actively involved in the oversight of the VASH Vouchers through that representation. We are allocating the VASH Vouchers on behalf of Angelina County in accordance with its wishes and in a manner it is unable to do itself in order to accomplish the same end result that TDHCA is seeking by promoting local political subdivision funding.

I want to reiterate that DETCOG is in full support of Providence Hudson and we are invested in seeing this Project come to fruition. We need quality housing stock available to house our veterans close to the VA outpatient clinic (which is in Angelina County). Angelina County representatives have consistently supported the issuance of VASH Vouchers to the Project through their representation in DETCOG. DETCOG Regional Housing Authority has qualified as an eligible local political subdivision in the past when we provided Section 8 vouchers to a tax credit applicant in a similar situation a few years ago our status as such should not be disregarded simply because of the rural and economical nature of the deep east region.

Sincerely,



Walter G. Diggles, Sr.
Executive Director
Deep East Texas Council of Governments

CC: Ethel Bluitt, DETCOG Housing Director

⁵ *Id.*

⁶ *See id.*



ANGELINA COUNTY

OFFICE (936) 634-5413
FAX (936) 637-7452

P.O. BOX 908
LUFKIN, TEXAS 75902-0908

WES SUITER
County Judge

June 23, 2014

Texas Department of Housing and Community Affairs
221 E. 11th Street
P.O. BOX 13941
Austin, TX 78711-3941
Attn: Board of Directors

Re: #14063 – Hudson Providence, Hudson, Texas (the “Project”)

Ladies and Gentlemen,

I understand the Hudson Providence application for 2014 9% low income housing tax credits has been denied points due to the finding by the Texas Department of Housing and Community Affairs (“TDHCA”) that Deep East Texas Council of Government (“DETCOG”) is not an eligible Local Political Subdivision. It is our further understanding that there is a lack of clarity as to the role Angelina County plays in the administration process of the HUD-Veterans Affairs Supportive Housing Program vouchers (“VASH Vouchers”) and the extent of our representation on the DETCOG Board of Directors and the DETCOG Regional Housing Authority Advisory Council. We would like to provide the TDHCA Board of Directors some additional information about Angelina County’s role that we believe will assist in reevaluating the denial of points.

Angelina County is part of a 12-county conglomerate that comprises the area served by the DETCOG Regional Housing Authority. As part of Angelina County’s ability to become a member of DETCOG Regional Housing Authority, the County determined that a regional housing authority would be a more efficient or economical administrative unit than a county housing authority to carry out its purposes.¹ Once a regional housing authority is created, it effectively becomes a substitute county housing authority for the counties it serves. All of the contracts, agreements, obligations, and property of the county housing authority become those of the regional housing authority and remedies against the county housing authority can be enforced against the regional housing authority.² Prior to the creation of DETCOG Regional Housing Authority, Angelina County had no county housing authority and no mechanism to service its low income residents through the Section 8 program.

¹ *Id.*

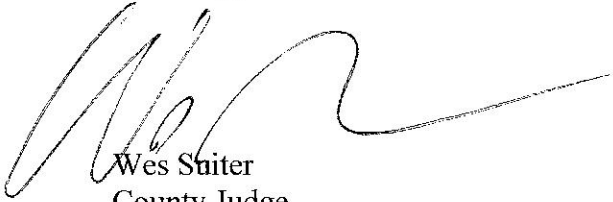
² *Id.*

DETCOG Regional Housing Authority awards the Section 8 VASH Vouchers to each county based on need. Angelina County, being home to the Charles Wilson VA Outpatient Clinic, has the highest need for VASH Vouchers in the DETCOG Regional Housing area. As such, twelve of the twenty-five 2013 VASH Vouchers awarded to DETCOG were sub-awarded to Angelina County. DETCOG Regional Housing Authority and Angelina County have worked together to select projects in the County to be administered VASH Vouchers. Angelina County participates in the governance of the DETCOG Regional Housing Authority through its representation on the housing authority's Advisory Council, and several elected officials of Angelina County sit on DETCOG's Board of Directors. The DETCOG Regional Housing Authority Advisory Council is a 12-member board that always has at least one representative from Angelina County. Currently, there are four representatives of Angelina County on the advisory council. DETCOG's Board of Directors is required to have a minimum of four representatives from Angelina County, and there are currently four Angelina County elected officials sitting on that Board plus one Minority Representative elected by the Angelina County minority. Through those multiple forms of representation, Angelina County most certainly participates in the oversight of VASH Vouchers to the extent permitted by law.

It is important for TDHCA to understand that DETCOG Regional Housing Authority functions as a substitution for what would be an Angelina County housing authority. If Angelina County had the capacity to have its own housing authority, it seems there would be no question as to whether that housing authority would qualify as a local political subdivision. However, DETCOG Regional Housing Authority was created specifically to act as the administrative unit for all of the participating counties because, individually, each county does not have the resources to effectively and economically maintain an individual housing authority. It seems this Project is being treated inequitably simply due to the rural and lower economic nature of Deep East Texas. To deny points based on Angelina County's limited administrative duties in the VASH Voucher program seems to be in conflict with economic reality and the statutory function of regional housing authorities.

Angelina County fully supports the Providence Hudson project and would like to see our local veterans benefit from safe, sanitary and affordable housing. The County does not have unrestricted funds available to otherwise assist this Project, and providing rental assistance through the VASH Voucher program is the County's only means of investing financial support into the Project. Housing veterans through the use of VASH Vouchers in this Project is fully in line with the goals and desires of Angelina County. We hope the clarification in this letter provides TDHCA with the necessary information to have a better understanding of how Angelina County participates in the administration of VASH Vouchers distributed by DETCOG Regional Housing Authority.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wes Suiter', with a long horizontal flourish extending to the right.

Wes Suiter
County Judge
Angelina County

14106

Manor Lane

Hondo

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

Presentation, Discussion, and Possible Action on Timely Filed Appeals and Waivers under of the Department's Program Rules

RECOMMENDED ACTION

WHEREAS, a 2014 Competitive Housing Tax Credit Application was submitted for Manor Lane Senior Apartments (#14106) on February 28, 2014;

WHEREAS, staff identified that the Application file was submitted without a full set of functioning bookmarks as required pursuant to 10 TAC §10.201(1)(A) and (C) of the 2014 Uniform Multifamily Rules ("Rule"), making the Application ineligible;

WHEREAS, the Application was terminated on June 4, 2014;

WHEREAS, the Applicant has timely appealed the termination;

WHEREAS, in order for the Application to be reinstated the board must grant a waiver of 10 TAC §10.201(1)(A) and (C) of the Rule, allowing the Application to either be submitted without bookmarks or after the applicable deadline; and

WHEREAS, pursuant to 10 TAC §10.207 of the Rule, a request for a waiver should establish how it is necessary to address circumstances beyond the Applicant's control and how, if not granted, the Department will not fulfill some specific requirement of law; and

WHEREAS, the Applicant has provided no evidence supporting the request;

NOW, therefore, it is hereby,

RESOLVED, the request for waiver is denied and the Applicant's appeal of the termination of Manor Lane (#14106) is hereby denied.

BACKGROUND

A 2014 competitive housing tax credit application was submitted for Manor Lane Senior Apartments, located in Hondo, rural region 9. Pursuant to §10.201(1)(C) of the Rules, the Applicant must deliver one (1) CD-R containing a PDF copy and Excel copy of the complete Application to the Department. Each copy must be in a single file and individually bookmarked in the order as prescribed by the Multifamily Programs Procedures Manual.

The Application for Manor Lane was delivered to the Department on the Full Application Delivery Date, February 28, 2014, and did include a CD-R containing a PDF copy and Excel copy of the complete application. However, upon further review, staff found that while the PDF copy appears at first glance to contain bookmarks (which, when properly formatted would enable staff or the public to find specific information presented in the application), there are 15 different sets of apparent bookmarks, not one of which is fully functioning. Because the Application submitted did not meet the requirements of §10.201(1)(C) of the Rules, the Application was terminated.

The appeal to the Executive Director provided a newly submitted CD-R and states that the bookmarks have been correctly formatted. Consistent with recommendation for Waters at Granbury (HTC# 14114) heard at the June 26, 2014, board meeting, staff contends that this is not an appropriate remedy because the Applicant would either be submitting an entirely new Application file after the application submission deadline, or would gain an unfair advantage over the other Applicants who complied with the requirements of §10.201(1)(C) of the Rule, such an applicant would have the opportunity to revise exhibits after not only having additional time to review any potential errors in their own application but also to review competitor's Applications. In fact, in anticipation of the possibility that the board could grant the waiver necessary for this application to be found eligible, staff did review the new Application file against the original and found that four new pages were added. While the omission of these pages could likely have been cured via administrative deficiency, the fact that they were not included in the original PDF reinforces staff's position that late, new or revised application submissions should not be accepted.

The Applicant argues that this formatting error should be allowed to be corrected through the Administrative Deficiency process. Staff disagrees. The Administrative Deficiency process is designed to "allow staff to request that an Applicant provide clarification, correction, or non-material missing information to resolve inconsistencies in the original Application or to assist staff in evaluating the Application." The only possible way to correct the formatting error is to submit a new application file, and that is clearly beyond the scope of an Administrative Deficiency. Pursuant to the §10.201(7) of the Rule, staff may determine that a response to an administrative deficiency may implicate matters of a material nature not susceptible to being resolved. Such would be the case if staff were to accept a new application file in response to any issued administrative deficiency.

The applicant also points out that there are no other eligible applications competing in the sub-region and that the consequence of upholding the termination is "contrary to the overall mission of TDHCA which is to broadly distribute tax credits utilizing regional set asides" and that "Region 9 Rural will not receive a single allocation of any housing credits for 2014" if a waiver is not granted. However, §2306.111(d), which states the general provisions of the Housing Finance Division and calls for the regional allocation of competitive 9% housing tax credits, actually contemplates this scenario, stating that where there are "an insufficient number of eligible applications...submitted to the department from a particular uniform state service region, that the department shall use the unused funds or credits allocated to that region for all urban and rural areas in other uniform state service region." Therefore, staff believes that it is appropriate under the Rules and Statute to deny this *ineligible* application an

award of credits and allocate them to an *eligible* application in another sub-region. And while it is true that sustaining this termination will result in no eligible applications competing in the particular sub-region, rural region 9 will not go entirely unfunded. There is an application competing in the at-risk set aside for which an allocation is being recommended that will result in 24 units in Karnes City.

Staff recommends denial of the waiver and appeal.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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Rick Perry
GOVERNOR

BOARD MEMBERS
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Leslie Bingham-Escareño
Tom H. Gann
J. Mark McWatters
Robert D. Thomas

June 4, 2014

Writer's direct phone # 512-475-1676
Email: jean.latsha@tdhca.state.tx.us

Mr. Mark du Mas
The Paces Foundation, Inc.
2730 Cumberland Boulevard
Smyrna, GA 30080

RE: TERMINATION OF HTC APPLICATION #14106, MANOR LANE SENIOR, HONDO, TEXAS

Dear Mr. du Mas:

Pursuant to §10.201(1)(C) of the 2014 Uniform Multifamily Rules, the "Applicant must deliver one (1) CD-R containing a PDF copy and Excel copy of the complete Application to the Department. Each copy must be in a single file and individually bookmarked in the order as required by the Multifamily Programs Procedures Manual."

The Application for Manor Lane Senior Apartments was delivered to the Department on the Full Application Delivery Date, February 28, 2014 and did include a CD-R containing a PDF copy and Excel copy of the complete Application. However, upon further review, staff found that while the PDF copy appears at first glance to contain bookmarks (which, when properly formatted would enable staff or the public to find specific information presented in the application), there are 15 different sets of apparent bookmarks, not one of which is fully functioning. Because the Application submitted does not meet the requirements of §10.201(1)(C) of the 2014 Uniform Multifamily Rules, the Application is hereby terminated.

An appeals process exists for the Housing Tax Credit Program. The restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the 2014 Uniform Multifamily Rules. Should you choose to appeal this decision to the Executive Director, you must file your appeal, in writing, with the Department not later than seven calendar days after the date of this letter. If you are not satisfied with the decision of the Executive Director or the Executive Director does not respond, you may file a further appeal with the Board of Directors of the Texas Department of Housing and Community Affairs. Please review §10.902 of the 2014 Uniform Multifamily Rules for full instruction on the appeals process.

If you have any questions or concerns, please contact me at 512-475-1676 or by email at jean.latsha@tdhca.state.tx.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Latsha".

Jean M. Latsha
Director of Multifamily Finance





TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Rick Perry
GOVERNOR

BOARD MEMBERS
J. Paul Oxer, *Chair*
Juan S. Muñoz, PhD, *Vice Chair*
Leslie Bingham-Escareño
Tom H. Gann
J. Mark McWatters
Robert D. Thomas

June 19, 2014

Writer's direct phone # 512.475.3296
Email: tim.irvine@tdhca.state.tx.us

Mark M. du Mas
The Paces Foundation
2730 Cumberland Blvd. SE
Smyrna, GA 30080

RE: 14106 MANOR LANE APARTMENTS: TERMINATION APPEAL

Dear Ms. Du Mas:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your appeal, dated June 10, 2014, of the termination of the above referenced Application. This Application was terminated pursuant to §10.201(1)(C) of the 2014 Uniform Multifamily Rules ("Rule") because it was submitted without functioning bookmarks. Because the bookmarks are an integral part of the entire application, your appeal included a *new application* submission which is purportedly correctly formatted. However, pursuant to §10.201(1)(A) of the Rule, staff cannot accept an application, including one intended to be a replacement or substitute application, after the applicable deadline, which in this case was February 28, 2014. Therefore, the appeal is hereby denied.

You have indicated that you wish to appeal this decision directly to the Governing Board. Therefore, this appeal has been placed on the agenda for the next meeting scheduled for June 26, 2014. Should you have any questions, please contact Kathryn Saar, Competitive Tax Credit Program Administrator, at kathryn.saar@tdhca.state.tx.us or by phone at 512-936-7834

Sincerely,


Timothy K. Irvine
Executive Director

[JL]

cc: Donna Rickenbacker
Barry Palmer
Tamea A. Dula





THE PACES FOUNDATION

Sustainable Affordable Housing Developers

June 23, 2014

Mr. J. Paul Ozer, PE
Chairman
TDHCA Governing Board
221 East 11th Street
Austin, Texas 78701-2410

Re: HTC Application #14106
Manor Lane Senior Apartments
Hondo, Texas

Dear Mr. Ozer:

The Paces Foundation, Inc., in accordance with §10.902 of the 2014 Uniform Multifamily Rules, is appealing the termination of the above referenced application. Please see the attached appeal Exhibit A and its attachments.

Sincerely,

Mark M. du Mas
President

Enclosure: Exhibit A

Cc: Mr. Timothy Irvine

Exhibit A

“For want of a nail...”

“...a shoe was lost. For want of a shoe, the horse was lost. For want of a horse, the King was lost. For want of a King, the Kingdom was lost.” Benjamin Franklin, Poor Richard’s Almanac

INTRODUCTION

It is the intention of everyone present today to do the right thing; you do, I do and staff does. So I thank you for the opportunity to appear before you seeking a very specific waiver under the section 10.902 Appeals Process. To briefly summarize the matter before us all here today, our timely submitted, complete application contained the necessary excel workbook and .pdf file with bookmarks and exhibits. Unfortunately, a single element of the full application, the .pdf bookmarks, though provided, were not sufficiently formatted. The Department has failed the applicant Manor Lane on threshold, upheld this on appeal, and we are thus before you today. On behalf of the 501(c)3 nonprofit applicant, The Paces Foundation, Inc. (a Community Housing Development Organization “CHoDO” since 1993) I will offer three arguments today for your consideration.

1. First, the applicant was not given the opportunity, to which we were entitled, to cure the matter as an Administrative Deficiency (Section 10.201(7)(A)).
2. Second, contrary to the Department’s final June 19, 2014 position, the applicant has not submitted a new application, but rather a copy with sufficiently functioning tabs.
3. Even if the Department’s determination of threshold failure is warranted, the consequence is contrary to the overall mission of TDHCA which is to broadly distribute tax credits utilizing regional set asides. Region 9 Rural will not receive a single allocation of any housing credits for 2014 if the Board is unable to approve a waiver.

Based on any of these three arguments, the board can provide a waiver and permit Manor Lane Senior Apartments of Medina County to be suitably reviewed which we request today.

FIRST ARGUMENT

1. **Section 10.201(7)(A) Administrative Deficiency Process** : This section speaks for itself and the applicant believes it can and should have been afforded this opportunity by the Department to make the needed clarifications. As summarized in the “Background” of the Department’s June 26, 2014 Board Action Request, Manor Lane has not overly burdened the Department with unnecessary review of its 161 applications. We believe that because it was of such a low score, Manor Lane was and never has been reviewed. As far as we know, the Department only

began a review of Manor Lane after the one other application in Region 9 was withdrawn. Further, unlike another applicant, the Department admits the “the PDF copy... contain(s) bookmarks” albeit “nonfunctioning”. A cursory review by Department staff immediately revealed the malfunction which could have been called to our attention for a very simple and timely repair.

SECOND ARGUMENT

2. **Contrary to assertions made in the June 19, 2014 appeal denial a “new application” was not submitted:** We concede there is a clerical/formatting/tabulating/paperclip (henceforth “paperclip”) functional error in our application. Nothing has been found missing in our application; all required bookmarks were present in our application. Furthermore, all other matters are sufficient at this time: zoning, site control, financing, utilities, underwriting and all other requisite matters which conform to TDHCA underwriting and qualify the project for a 2014 allocation of the requested \$685,745 of tax credits.
 - a. **We did not submit a “new application”:** Although the Department may feel a paperclip error is sufficient cause for the project to fail threshold, the Department’s position materially conflicts with the rules (see Section 10.201(7) and (8) which gives us the right of allowable corrections and appeals): our appeal was denied for unrelated reasons, i.e. “a new application” (see June 19, 2014 letter from TDHCA) pursuant to section 10.201(1)(A). Our proper response of June 10, 2014 is in fact not “a new application” but the same application (a copy) corrected: no documents were changed, inserted or deleted: an exact copy was delivered properly paperclipped. The Department itself admits it does not know this for it claims instead that our submittal is “purportedly correctly formatted” (emphasis added). Is a copy of an application a new application? Therefore, we propose that it is reasonable to believe that providing a correctly formatted copy is not a “new application” and the Department’s position is factually incorrect and should be disregarded/waived.
 - b. **The rules, as applied by the Department, are circular and thus unenforceable (“Catch-22”):** We understand the need for corrections, which are permitted by the Department under 10.201(7) and (8)(B), but no means are provided or even suggested. Thus the rule and its appeal are circular since no solution could possibly exist as any response will be “new” information precluded by 10.201(1)(A). In fact, all purported appealable conditions are thus excluded meaning no listed appealable item can ever be successfully appealed as all require “new” information. This would mean that any information or corrections sought by the Department in the past on any application whatsoever are likely “new applications” or portions thereof and thus not allowed. To apply the rules evenly and fairly, Manor Lane should be permitted what any other applications in all years previous have been permitted regarding clarifications or corrections. The rule, or at least the Department’s enforcement of it is empty on its own merits or unfairly applied to this particular applicant, and hence to the low income citizens of Medina County. Our waiver request is thus warranted.

- c. **Our request of June 10, 2014 qualifies us to pass threshold pursuant to section 10.201 (8).** According to this rule, the applicant may call matters to staff's attention, but no deadline or sequence of such disclosure is referenced. Thus a correction post-notification by staff is permitted, which our correction achieved. Again a properly formatted copy is not a new application. Staff admits our submittal is "purportedly correct" showing they don't in fact know if it is a "new application" or a "copy of an original" with the admitted corrections.

As a practical matter we understand the Department's concern surrounding potential abusive behavior. It is possible, I suppose, that some parties may make material changes to applications and try to insert them in subsequent submittals. We have not done this. We do have three satisfactory suggestions to ensure this:

- a. Allow us to provide the corrected copy with an affidavit/certification of "no material change" or something to this effect.
- b. Sit with staff at the Departments offices and make the corrections as they witness the activity and reimburse the Department their time and expenses;
- c. Provide and pay for a third party auditor of the Department's choosing to examine and attest to the sameness of our presented correction

THIRD ARGUMENT

3. **Region 9's only opportunity for 2014 rural development is MANOR LANE SENIOR APARTMENTS which meets the Department mission of a broad regional distribution of housing credits:** Our third argument is an appeal for an exception in this particular instance of Manor Lane. Presented for your consideration is that this project is exceptional for it serves the broader goal stated in the QAP that seeks the broader distribution of resources evenly throughout the state. This waiver request is consistent with and supports the rationale of the implementation of Regional Set Asides. If Manor Lane is not permitted, Region 9 will receive no share of tax credits. This denies region nine rural of its entitled share of 2014 tax credit resources. It seems contrary to common sense to allow a clerical error by a minion of the public interest, ourselves, to have an impact of this magnitude the burden of which will ultimately be borne by the deserving low income seniors of Medina County. There has not been a single senior development in Medina County in 27 years since tax credit program began in 1987 (!). To put the matter in even more breathtaking scale consider that since 1990 six metropolitan areas (Austin, Dallas, El Paso, Fort Worth, Houston and San Antonio) have received over **Four Hundred Fifty-Eight Million Dollars (\$458,329,090)** versus **Zero (\$0)** for Medina County's seniors. I think we all need to work a little more cooperatively with each other and not be so rigid and help the needy low income seniors of Region Nine and Medina County get a smidgen of this state's housing credits. It is our understanding that a precedence for this type of action was established when the board exercised its authority and reached below higher scoring applicants of 2012 to fund a nonprofit applicant in order to meetsTDHCA's nonprofit set aside.

Similar action is called for today to meet the Region 9 rural set aside. Please grant the applicant a waiver.

SUMMARY

1. The applicant was denied its due process under section 10.201(7)(A) Administrative Deficiency.
2. The applicant did not submit a new application but a corrected copy.
3. Rural Region 9 will be denied any housing opportunity for 2014 unless Manor Lane is permitted to proceed.

All this, because of a paperclip error.

REQUEST FOR WAIVER

I believe these arguments have clearly illustrated the justification of a waiver. Therefore, on the basis of any one of the three arguments presented today, the board may grant the applicant the waiver sought and permit the much neglected low income seniors of Medina County and Region 9, the ultimate beneficiaries of your decision, this much needed housing opportunity. Thank you.

Attachments:

1. Rule 10.201(7)(A)
2. Rule 10.201(8)(B)
3. 10.902 Appeals Process
4. TDHCA threshold failure letter June 4, 2014
5. PACES appeal letter June 10, 2014
6. TDHCA denial of appeal letter June 19, 2014
7. TDHCA published list of 2014 final projects: Region 9 rural

those that are not subject to the same constraints. In general, any non-Competitive Housing Tax Credit Applications received during the competitive tax credit round will take longer to process due to the statutory constraints on the award and allocation of competitive tax credits.

(7) Administrative Deficiency Process. The purpose of the Administrative Deficiency process is to allow staff to request that an Applicant provide clarification, correction, or non-material missing information to resolve inconsistencies in the original Application or to assist staff in evaluating the Application. Staff will request such information via a deficiency notice. The review may occur in several phases and deficiency notices may be issued during any of these phases. Staff will send the deficiency notice via an e-mail, or if an e-mail address is not provided in the Application, by facsimile to the Applicant and one other contact party if identified by the Applicant in the Application. The time period for responding to a deficiency notice commences on the first business day following the deficiency notice date. Deficiency notices may be sent to an Applicant prior to or after the end of the Application Acceptance Period and may also be sent in response to reviews on post-award submissions. A review of the response provided by the Applicant may reveal that issues initially identified as an Administrative Deficiency are actually determined to be beyond the scope of an Administrative Deficiency process, meaning that they in fact implicated matters of a material nature not susceptible to being resolved. Department staff may in good faith provide an Applicant confirmation that an Administrative Deficiency response has been received or that such response is satisfactory. Communications from staff that the response was satisfactory do not establish any entitlement to points, eligibility status, or to any presumption of having fulfilled any requirements. Final determinations regarding the sufficiency of documentation submitted to cure an Administrative Deficiency as well as the distinction between material and non-material missing information are reserved for the Director of Multifamily Finance, Executive Director, and Board.

(A) Administrative Deficiencies for Competitive HTC Applications. Unless an extension has been timely requested and granted, if an Administrative Deficiency is not resolved to the satisfaction of the Department by 5:00 p.m. on the fifth business day following the date of the deficiency notice, then (5 points) shall be deducted from the selection criteria score for each additional day the deficiency remains unresolved. If Administrative Deficiencies are not resolved by 5:00 p.m. on the seventh business day following the date of the deficiency notice, then the Application shall be terminated. An Applicant may not change or supplement any part of an Application in any manner after the filing deadline or while the Application is under consideration for an award, and may not add any set-asides, increase the requested credit amount, revise the Unit mix (both income levels and Bedroom mixes), or adjust their self-score except in response to a direct request from the Department to do so as a result of an Administrative Deficiency. (§2306.6708(b); §2306.6708) To the extent that the review of Administrative Deficiency documentation alters the score assigned to the Application, Applicants will be re-notified of their final adjusted score.

(B) Administrative Deficiencies for all other Applications or sources of funds. If Administrative Deficiencies are not resolved to the satisfaction of the Department by 5:00 p.m. on the fifth business day following the date of the deficiency notice, then an Administrative Deficiency Notice Late Fee of \$500 for each business day the deficiency remains unresolved will be assessed, and the Application will not be presented to the Board for consideration until all outstanding fees have been paid. Applications with unresolved deficiencies after 5:00 p.m. on the tenth day following the date of the deficiency notice may be terminated. The Applicant will be responsible for the payment of fees accrued pursuant to this paragraph regardless of any termination. Department staff may not assess an Administrative Deficiency Notice Late Fee for or terminate Applications for Tax-Exempt Bond Developments during periods when private activity bond volume cap is undersubscribed. Applicants should be prepared for additional time needed for completion of staff reviews as described in paragraph (2)(B) of this section.

(8) Limited Priority Reviews. If, after the submission of the Application, an Applicant identifies an error in the Application that would generally be the subject of an Administrative Deficiency, the Applicant may request a limited priority review of the specific and limited issues in need of clarification or correction. The issue may not relate to the score of an Application. This limited priority review may only cover the specific issue and not the entire Application. If the limited priority review results in the identification of an issue that does indeed need correction or clarification, staff will request such through the Administrative Deficiency process as stated in paragraph (7) of this section, if deemed appropriate. A limited priority review is intended to address:

(A) clarification of issues that Department staff would have difficulty identifying due to the omission of information that the Department may have access to only through Applicant disclosure, such as a prior removal from a tax credit transaction or participation in a Development that is not identified in the previous participation portion of the Application; or

(B) technical correction of non-material information that would cause an Application deemed non-competitive to be deemed competitive and, therefore, subject to a staff review. For example, failure to mark the Nonprofit Set-Aside in an Application that otherwise included complete submission of documentation for participation in the Nonprofit Set-Aside.

(9) Challenges to Opposition for Tax-Exempt Bond Developments. Any written statement from a Neighborhood Organization expressing opposition to an Application may be challenged if it is contrary to findings or determinations, including zoning determinations, of a municipality, county, school district, or other local Governmental Entity having jurisdiction or oversight over the finding or determination. If any such comment is challenged, the challenger must declare the basis for the challenge and submit such challenge by the Challenges to Neighborhood Organization Opposition Delivery Date as identified in §10.4 of this chapter. The Neighborhood Organization expressing opposition will be given seven (7) calendar days to provide any information related to the issue of whether their assertions are contrary to the findings or determinations of a local Governmental Entity. All such materials and the analysis of the Department's staff will be provided to a fact finder, chosen by the Department, for review and a determination of the issue presented by this subsection. The fact finder will not make determinations as to the accuracy of the statements presented, but only with regard to whether the statements are contrary to findings or determinations of a local Governmental Entity. The fact finder's determination will be final and may not be waived or appealed.

§10.202. Ineligible Applicants and Applications. The purpose of this section is to identify those situations in which an Application or Applicant may be considered ineligible for Department funding and subsequently terminated. If such ineligibility is determined by staff to exist, then prior to termination the Department may send a notice to the Applicant and provide them the opportunity to explain how they believe they or their Application is eligible. The items listed in this section include those requirements in §42 of the Internal Revenue Code, Texas Government Code, Chapter 2306, and other criteria considered important by the Department, and does not represent an exhaustive list of ineligibility criteria that may otherwise be identified in applicable rules or a NOFA specific to the programmatic funding.

(1) Applicants. An Applicant shall be considered ineligible if any of the criteria in subparagraphs (A) - (N) of this paragraph apply to the Applicant. If any of the criteria apply to any other member of the Development Team, the Applicant will also be deemed ineligible unless a substitution of that Development Team member is specifically allowable under the Department's rules and sought by the Applicant or appropriate corrective action has been accepted and approved by the Department. An Applicant is ineligible if the Applicant:

month the first building is placed in service. Compliance fees may be adjusted from time to time by the Department.

(20) Public Information Request Fee. Public information requests are processed by the Department in accordance with the provisions of the Texas Government Code, Chapter 552. The Department uses the guidelines promulgated by the Office of the Attorney General to determine the cost of copying and other costs of production.

(21) Adjustment of Fees by the Department and Notification of Fees. (§2306.6716(b)) All fees charged by the Department in the administration of the tax credit and HOME programs will be revised by the Department from time to time as necessary to ensure that such fees compensate the Department for its administrative costs and expenses. Unless otherwise determined by the Department, all revised fees shall apply to all Applications in process and all Developments in operation at the time of such revisions.

§10.902.Appeals Process (§2306.0321; §2306.6715).

(a) An Applicant or Development Owner may appeal decisions made by the Department pursuant to the process identified in this section. Matters that can be appealed include:

- (1) A determination regarding the Application's satisfaction of applicable requirements, Subchapter B of this chapter (relating to Site and Development Requirements and Restrictions) and Subchapter C of this chapter (relating to Application Submission Requirements, Ineligibility Criteria, Board Decisions and Waiver of Rules or Pre-clearance for Applications), pre-application threshold criteria, underwriting criteria;
- (2) The scoring of the Application under the applicable selection criteria;
- (3) A recommendation as to the amount of Department funding to be allocated to the Application;
- (4) Misplacement of an Application or parts of an Application, mathematical errors in scoring an Application, or procedural errors resulting in unequal consideration of the Applicant's proposal;
- (5) Denial of a change to a Commitment or Determination Notice;
- (6) Denial of a change to a loan agreement;
- (7) Denial of a change to a LURA;
- (8) Any Department decision that results in the erroneous termination of an Application; and
- (9) Any other matter for which an appeal is permitted under this chapter.

(b) An Applicant or Development Owner may not appeal a decision made regarding an Application filed by or an issue related to another Applicant or Development Owner.

(c) An Applicant or Development Owner must file its appeal in writing with the Department not later than seven (7) calendar days after the date the Department publishes the results of any stage of the Application evaluation or otherwise notifies the Applicant or Development Owner of a decision subject to appeal. The

appeal must be signed by the person designated to act on behalf of the Applicant or an attorney that represents the Applicant. For Application related appeals, the Applicant must specifically identify the Applicant's grounds for appeal, based on the original Application and additional documentation filed with the original Application as supplemented in accordance with the limitations and requirements of this chapter.

(d) The Executive Director may respond in writing not later than fourteen (14) calendar days after the date of actual receipt of the appeal by the Department. If the Applicant is not satisfied with the Executive Director's response to the appeal or the Executive Director does not respond, the Applicant may appeal directly in writing to the Board. While additional information can be provided in accordance with any rules related to public comment before the Board, the Department expects that a full and complete explanation of the grounds for appeal and circumstances warranting the granting of an appeal be disclosed in the appeal documentation filed with the Executive Director. Full disclosure allows the Executive Director to make a fully informed decision based on a complete analysis of the circumstances, and verification of any information that may warrant a granting of the appeal in the Applicant's or Development Owner's favor.

(e) An appeal filed with the Board must be received by Department staff not more than seven (7) days after a response from the Executive Director and at least seven (7) days prior to the applicable Board meeting or if the period for an Executive Director response has elapsed the appeal can be heard by the Board if filed at least three (3) days prior to the applicable meeting.

(f) Board review of an Application related appeal will be based on the original Application.

(g) The decision of the Board regarding an appeal is the final decision of the Department.

(h) The Department will post to its website an appeal filed with the Department or Board and any other document relating to the processing of an Application related appeal. (§2306.6717(a)(5))

§10.903. Adherence to Obligations. (§2306.6720) Any Applicant, Development Owner, or other Person that fails to adhere to its obligations with regard to the programs of the Department, whether contractual or otherwise, made false or misleading representations to the Department with regard to an Application, request for funding, or compliance requirements, or otherwise violated a provision of Texas Government Code, Chapter 2306 or a rule adopted under that chapter, may be subject to:

(1) Assessment of administrative penalties in accordance with the Department's rules regarding the assessment of such penalties. Each day the violation continues or occurs is a separate violation for purposes of imposing a penalty; and/or

(2) in the case of the competitive Low Income Housing Tax Credit Program, a point reduction of up to ten (10) points for any Application involving that Applicant over the next two Application Rounds succeeding the date on which the Department first gives written notice of any such failure to adhere to obligations or false or misleading representations. Point reductions under this section may be appealed to the Board.

§10.904. Alternative Dispute Resolution (ADR) Policy. In accordance with Texas Government Code, §2306.082, it is the Department's policy to encourage the use of appropriate ADR procedures under the Governmental Dispute Resolution Act, Texas Government Code, Chapter 2010, to assist in resolving disputes under the Department's jurisdiction. As described in Civil Practices and Remedies Code, Chapter 154, ADR procedures include mediation. Except as prohibited by law and the Department's Ex Parte Communications policy, the Department encourages informal communications between Department staff and Applicants, and other interested persons, to exchange information and informally resolve disputes. The Department also has



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Robert D. Thomas

June 4, 2014

Writer's direct phone # 512-475-1676
Email: jean.latsha@tdhca.state.tx.us

Mr. Mark du Mas
The Paces Foundation, Inc.
2730 Cumberland Boulevard
Smyrna, GA 30080

RE: TERMINATION OF HTC APPLICATION #14106, MANOR LANE SENIOR, HONDO, TEXAS

Dear Mr. du Mas:


Pursuant to §10.201(1)(C) of the 2014 Uniform Multifamily Rules, the "Applicant must deliver one (1) CD-R containing a PDF copy and Excel copy of the complete Application to the Department. Each copy must be in a single file and individually bookmarked in the order as required by the Multifamily Programs Procedures Manual."

The Application for Manor Lane Senior Apartments was delivered to the Department on the Full Application Delivery Date, February 28, 2014 and did include a CD-R containing a PDF copy and Excel copy of the complete Application. However, upon further review, staff found that while the PDF copy appears at first glance to contain bookmarks (which, when properly formatted would enable staff or the public to find specific information presented in the application), there are 15 different sets of apparent bookmarks, not one of which is fully functioning. Because the Application submitted does not meet the requirements of §10.201(1)(C) of the 2014 Uniform Multifamily Rules, the Application is hereby terminated.

An appeals process exists for the Housing Tax Credit Program. The restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the 2014 Uniform Multifamily Rules. Should you choose to appeal this decision to the Executive Director, you must file your appeal, in writing, with the Department not later than seven calendar days after the date of this letter. If you are not satisfied with the decision of the Executive Director or the Executive Director does not respond, you may file a further appeal with the Board of Directors of the Texas Department of Housing and Community Affairs. Please review §10.902 of the 2014 Uniform Multifamily Rules for full instruction on the appeals process.

If you have any questions or concerns, please contact me at 512-475-1676 or by email at jean.latsha@tdhca.state.tx.us.

Sincerely,



Jean M. Latsha
Director of Multifamily Finance





THE PACES FOUNDATION

Sustainable Affordable Housing Developers

June 10, 2014

Mr. Tim Irvine
Executive Director
Texas Department of Housing &
Community Affairs
221 East 11th Street
Austin, Texas 78701

Re: HTC Application #14106
Manor Lane Senior Apartments
Hondo, Texas

Dear Mr. Irvine:

The Paces Foundation, Inc., in accordance with §10.902 of the 2014 Uniform Multifamily Rules, is appealing the termination of the above referenced application.

The letter received on June 4, 2014 indicates that the application was terminated as a result of non-functioning bookmarks. The bookmarks have been corrected and a CD-R containing the correctly formatted PDF copy of the application is enclosed.

We respectfully request that you direct staff to accept the corrected version and review this application.

Sincerely,

Mark M. du Mas
President

Enclosure



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June 19, 2014

Writer's direct phone # 512.475.3296
Email: tim.irvine@tdhca.state.tx.us

Mark M. du Mas
The Paces Foundation
2730 Cumberland Blvd. SE
Smyrna, GA 30080

RE: 14106 MANOR LANE APARTMENTS: TERMINATION APPEAL

Dear Ms. Du Mas:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your appeal, dated June 10, 2014, of the termination of the above referenced Application. This Application was terminated pursuant to §10.201(1)(C) of the 2014 Uniform Multifamily Rules ("Rule") because it was submitted without functioning bookmarks. Because the bookmarks are an integral part of the entire application, your appeal included a new application submission which is purportedly correctly formatted. However, pursuant to §10.201(1)(A) of the Rule, staff cannot accept an application, including one intended to be a replacement or substitute application, after the applicable deadline, which in this case was February 28, 2014. Therefore, the appeal is hereby denied.

You have indicated that you wish to appeal this decision directly to the Governing Board. Therefore, this appeal has been placed on the agenda for the next meeting scheduled for June 26, 2014. Should you have any questions, please contact Kathryn Saar, Competitive Tax Credit Program Administrator, at kathryn.saar@tdhca.state.tx.us or by phone at 512-936-7834

Sincerely,


Timothy K. Irvine
Executive Director

[JL]

cc: Donna Rickenbacker
Barry Palmer
Tamea A. Dula



14130

Tays

El Paso

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

Presentation, Discussion, and Possible Action on Timely Filed Appeals under any of the Department's Program Rules

RECOMMENDED ACTION

WHEREAS, a 2014 Competitive Housing Tax Credit Application was submitted for Tays (#14130);

WHEREAS, the application was terminated pursuant to 10 TAC §10.101(a)(4) of the 2014 Uniform Multifamily Rules ("Rules"), related to Undesirable Area Features, because the Development Site was determined to be located within 1,000 feet of a significant presence of blighted structures, significant criminal activity, and an active railway;

WHEREAS, the Applicant has timely appealed the termination;

WHEREAS, on further review staff determined that the undesirable area features identified do not represent a confluence of features that are of a nature that would not be typical in a neighborhood that would qualify under the Opportunity Index pursuant to §11.9(c)(4) of the 2014 Qualified Allocation Plan ("QAP") and that the implementation of a community revitalization plan provides mitigation for those undesirable features that do not exist; and

WHEREAS, staff does seek confirmation regarding the application with respect to how the proposed development accomplishes objectives of the City of El Paso in meeting its own obligations to affirmatively further fair housing;

NOW, therefore, it is hereby

RESOLVED, the appeal of the termination of Tays (#14130) is hereby granted; and

FURTHER RESOLVED, should the application for Tays be recommended for an award of housing tax credits, that the award be conditioned upon the Applicant obtaining a letter from the appropriate officials at HUD with authority to speak for Fair Housing and Equal Opportunity stating that this specific proposed transaction complies fully with the Fair Housing Act.

BACKGROUND

A 2014 Competitive Housing Tax Credit application was submitted for Tays, located in El Paso, urban region 13. Pursuant to §10.101(a)(4) of the Rules, the application included a request for pre-clearance

which indicated that the proposed development is located in the Chamizal Neighborhood, described as primarily residential with some commercial business, namely grocery stores, restaurants, repair shops, and retail. The request also included information regarding proximity to recycling centers that, according to the applicant should not be considered “heavy industrial.” It further addressed some instances of blight and crime but also stated that, “small locally owned businesses in the area speak to the opportunities for the revitalization of the area,” and that the “development site does not fall within an area that has an excessive issue with crime relative to the City as a whole and particularly the central part of the city.” Evidence to support these statements was included in the form of pictures of the surrounding area and data from the Neighborhood Scout Crime Index. The request further disclosed proximity to an active railway but explained that this railway served as a “geographic buffer” between residential and industrial areas. Finally the request alluded to the revitalization efforts of the City of El Paso and its focus on this neighborhood. Therefore, on May 13, 2014, staff granted pre-clearance for the site.

Subsequent to that action, staff’s review of a challenge to the Tays application prompted a site visit on May 30, 2014. The challenge contended that the site should be found ineligible pursuant to §10.101(a)(4) of the Rules (among other specific challenges to the application), and the applicant’s response to the challenge only provided limited information with respect to crime issues. Staff visited the site, along with several others proposed in El Paso, and also revisited the community revitalization plan (“CRP”) in order to better understand issues in the neighborhood that may have been addressed in the plan. Both the site visit and statements in the CRP raised concerns for staff, particularly statements in the CRP about “rampant” crime and “substandard” physical conditions of the neighborhood. Additional research regarding the demographics of the area, some of which were mentioned in the CRP, also added to staff’s concerns. Staff found that not only does the development site lie in one of the poorest census tracts in the state, that recent trends do not indicate a significant shift towards becoming an area of higher income or lower poverty. Although data does show a slight decrease in the percentage of the population are below the poverty level in the census tract that contains the subject, from 60.6% to 58.5% over a three year period (according to the American Communities Survey 5-year estimates in 2009 and 2012, respectively), these rates are still very high in general. In addition, the 2000 census data reflects a 53.1% poverty rate, 7.5% lower than the peak during the last decade. The 2000 census data also indicates 8.4% unemployment, which has increased to 12.6% unemployment according to the 2012 ACS 5-year estimate. The Chamizal Neighborhood Revitalization Strategy was adopted in 2008, and staff would typically expect to see more positive change in areas where revitalization efforts had been underway and successful. However, it is possible the data currently available does not reflect more recent positive change.

Subsequent to these reviews, representatives of the applicant met with staff in order to provide additional information about the site. Two of the undesirable features identified by staff are relatively tangible, those being proximity to a junkyard and an active railway. The applicant conceded proximity to the railway, and staff conceded that the junkyard in question is not a factor of eligibility, because, although it is within 1,000 feet of the site it is not within 300 feet of the site. The Rules only call for consideration of junkyards within 300 feet of the proposed site.

The other two features are more difficult to quantify, those being blight and crime. Attached are pictures of the surrounding area taken during staff’s site visit and included among those pictures are pictures taken from google maps at some earlier date. The applicant has explained that this is indeed a

poor area and that its residents do not have the resources to keep the structures in the neighborhood well-maintained. While this could be considered blight, which is defined in part as the “visible and physical decline...due to...the cost of maintaining the quality of older structures” under §10.101(a)(4)(A) of the Rules, staff did not find overwhelming evidence of “economic downturns [or] residents and businesses leaving the area,” which is the other aspect of that definition.

With respect to crime, staff did note that almost of the pictures taken within 1,000 feet or less of the site included some form of graffiti or tagging. In addition, when compared to photographs taken at an earlier date, it appears as though the tagging is recent; in at least one instance it appears as though a building was tagged in the past, cleaned up, and then tagged again more recently. Although not definitive evidence of high crime rates, it is enough to cause concern. While the applicant has provided some evidence that there has been a reduction in crime in the area, the levels of crime compared to those in neighborhoods that are considered high opportunity are still relatively high. The applicant, in their original request for preclearance, noted that according to Neighborhood Scout (an online service providing crime data), the neighborhood in which Tays is located had a higher “crime index” than the City of El Paso as a whole. (Crime index indicates the percentage of cities in the U.S. that are considered less safe than the subject, so a high crime index indicates a relatively safe neighborhood.) Upon further investigation of the same data, staff found that, although the statement in the pre-clearance request is true, that there are many neighborhoods in El Paso that are considered safer than the subject neighborhood, and the subject neighborhood is also surrounded by neighborhoods with relatively low crime indexes. However, this issue is mitigated through the Chamizal Neighborhood Revitalization Plan, which addresses crime; the applicant also provided evidence that crime rates are decreasing, which includes recent data and a letter from the El Paso Police Department, attached here.

Because the specific features initially identified as the reason for the termination have been addressed and have been determined either not to exist or are being mitigated through the implementation of a community revitalization plan, staff is recommending that the Board grant the appeal. However, as stated in the Executive Director’s letter denying the appeal of the termination, a major objective of the undesirable site and area features aspect of the rule was to promote the development of affordable housing in neighborhoods with overall features more in line with higher opportunity areas, and it is not entirely clear that this neighborhood does or will possess those characteristics typical of a neighborhood considered a high opportunity area. The facts presented here speak to issues of Fair Housing which were also raised in the appeal. Therefore, staff is recommending that should the application be recommended for an award of housing tax credits that the award be conditioned upon the applicant obtaining a letter from the appropriate officials at HUD with authority to speak for Fair Housing and Equal Opportunity stating that this specific proposed transaction complies fully with the Fair Housing Act.



Magoffin @ Willow



Address **2098 Magoffin Ave**

Address is approximate



Magoffin @ Willow - no graffiti on sign or fence in older picture from google



approx. 2244 Magoffin



Address **2238 Magoffin Ave**

Address is approximate



approx. 2244 Magoffin earlier picture
- more graffiti and no "for sale" sign



approx. 2200 Magoffin



Magoffin @ Walnut



Address **2198 Magoffin Ave**

Address is approximate



Magoffin @ Walnut - older picture from google showing graffiti that has since been removed and replaced



Tays (the proposed site)



Magoffin @ Palm St.



Magoffin @ Palm St.



approx. 2305 Magoffin



approx. 2305 Magoffin



Address **2305 Magoffin Ave**
El Paso, TX 79901



same picture taken previously by google - no graffiti



approx. 45 Palm St.



Address **43 Palm St**

Address is approximate



approx. 45 Palm St. - no graffiti in older picture by google



approx. 45 Palm
St.



S Williams St @ Olive Ave - more than 300 feet from site



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June 12, 2014

Writer's direct phone # 512-475-1676
Email: jean.latsha@tdhca.state.tx.us

Mr. Juan J. Olvera
Housing Authority of the City of El Paso
500 E. Paisano Dr.
El Paso, TX 79905

RE: TERMINATION OF HTC APPLICATION #14130, TAYS, EL PASO, TEXAS

Dear Mr. Olvera:

The Texas Department of Housing and Community Affairs (the "Department") has reviewed your request for pre-clearance of the site for the above referenced application in accordance with §10.101(a)(4) of the 2014 Uniform Multifamily Rules ("Rules"). The documentation submitted on behalf of the applicant as well as research by Department staff indicates that there are a number of blighted structures within 1,000 feet of the proposed site. Also in the vicinity is a significant amount of criminal activity that rises to the level of frequent police reports. Included in the documentation submitted as part of the application were statements regarding the "rampant" crime in the Chamizal Neighborhood and specific mention of drugs, prostitution, and gang activity. Staff also found evidence of industrial uses and facilities that appear to be junkyards near the site. Finally, the site is also within 1,000 feet of an active railway. Staff determined that these features are of a nature that would not be typical in a neighborhood that would qualify under the Opportunity Index, pursuant to §11.9(c)(4) of the 2014 Qualified Allocation Plan ("QAP"). Therefore, staff has determined that pursuant to §10.101(a)(4) of the Rules, the application for Tays is hereby terminated.

An appeals process exists for the Housing Tax Credit Program. The restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the 2014 Uniform Multifamily Rules. Should you choose to appeal this decision to the Executive Director, you must file your appeal, in writing, with the Department not later than seven (7) calendar days after the date of this letter. In an effort to increase the likelihood that appeals are heard by the Board of Directors at the meeting scheduled for June 26, 2014, any appeal of this termination will be automatically placed on the agenda for that meeting.

If you have any questions or concerns, please contact me at 512-475-1676 or by email at jean.latsha@tdhca.state.tx.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean M. Latsha", with a long horizontal flourish extending to the right.

Jean M. Latsha
Director of Multifamily Finance



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A Professional Corporation

BARRY PALMER
DIRECTOR

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June 19, 2014

Tim Irvine
Executive Director
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, Texas 78711

Re: Termination of #14130 Due to Undesirable Area Features

Dear Mr. Irvine:

This letter is in response to the termination notice issued by TDHCA on June 12, 2014. In that letter it was explained that the development was terminated for the following reasons:

- There are a number of blighted structures within 1,000 feet of the proposed site.
- In the vicinity is a significant amount of criminal activity that rises to the level of frequent police reports.
- Staff also found evidence of industrial uses and facilities that appear to be junkyards near the site; and
- Finally, the site is also within 1,000 feet of an active railway.

Staff determined that these features are of a nature that would not be typical in a neighborhood that would qualify under the Opportunity Index, pursuant to §11.9(c)(4) of the 2014 Qualified Allocation Plan ("QAP").

We intend to address each of these issues as none of them rise to the level that should result in the termination of this development. Furthermore, Section 42 of the Internal Revenue Code (the "Code"), the Inclusive Communities Project case ("ICP") Remedial Order and the QAP give preferences to revitalization, and the redevelopment of this site falls in line with such revitalization efforts, and does so without hindering fair housing efforts.

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Pre Clearance Approval was Obtained

Per the requirements of Section 10.101(a)(4) of the 2014 QAP, the Applicant submitted a pre-clearance request which outlined and addressed all of the items identified by staff in the termination notice. Please see the attached original pre-clearance submission and approval letter.

The Applicant received a pre-clearance letter dated May 20th from staff. After pre-clearance approval, staff conducted a site visit and issued a termination notice on June 12th citing the same issues that had initially received pre-clearance. For the reasons stated herein, TDHCA should not grant pre-clearance and subsequently rescind it.

Conflict between Undesirable Area Feature Rules and Community Revitalization Plan Incentive¹

The pre-clearance of undesirable area features found in Section 10.101(a)(4) of the Rules has an origin in the Remedial Plan proposed by TDHCA to the United States District Court in the Inclusive Communities Project case. In the Remedial Plan, TDHCA proposed to adopt rules that would provide a more robust consideration and pre-clearance process for undesirable area features. The Remedial Plan said:

An Applicant providing disclosure will be encouraged to provide any plans for mitigation of the present undesirable feature(s), which may include a concerted community revitalization plan

The Remedial Order in the ICP case expressly recognized the existence of a Community Revitalization Plan and active community revitalization as mitigating factors. Section 42(m)(1)(B)(ii) of the Code requires TDHCA to allocate tax credits pursuant to a qualified allocation plan that "gives preference" to projects that are located in qualified census tracts, "the development of which contributes to a concerted community revitalization plan." TDHCA includes a Revitalization Index in the QAP, providing points for proposed developments in qualified census tracts that contribute to a concerted community revitalization plan.

Thus, we have Section 10.101(a)(4) in the Rules for TDHCA to consider and potentially pre-clear a Development Site containing certain undesirable site features, and we have Section 11.9(d)(7) of the QAP, awarding points for a Development Site in an area with a targeted community revitalization plan. Interestingly, the surrounding conditions that TDHCA must consider under the two sections are similar - including blight, crime, railroads, industrial development, environmental hazards, and flooding. An Application can be disqualified under Section 10.101 (a)(4) if undesirable area features are present, yet the Application can receive points under Section 11.9(d)(7) if the same kinds of undesirable area features are present and the area is targeted for revitalization. If every Application with undesirable area features were disqualified under Section 10.101 (a)(4), an Application would never be able to achieve points

¹ The ideas and much of the language in this section is derived from the Cleme Manor termination appeal language authored by Cynthia Bast in her letter to TDHCA dated May 7, 2014, and is being used with her permission.

under Section 11.9(d)(7). Certainly, TDHCA intended these two rules to be able to co-exist. For these rules to work together effectively, **a Development Site surrounded by undesirable area features should be able to proceed if the Development will actually contribute to improving those conditions pursuant to a defined community revitalization plan.**¹

Mitigation

1. Community Revitalization. The Chamizal Neighborhood Revitalization Strategy, adopted in 2008, was found by TDHCA to be a legitimate revitalization plan, and the rehabilitation/redevelopment of apartment units within their community is one of the plan's goals. The revitalization plan satisfies the requirements of Section 11.9(d)(7) by addressing at least five of the required revitalization factors including blight, crime, environmental conditions, and economic and racial diversity. The redevelopment of Tays will be a making a major contribution to improving the conditions identified in the revitalization plan. Tays is the perfect example of a development in a QCT with legitimate revitalization that was envisioned in the Remedial Plan. The revitalization efforts and associated financial investment have been ongoing and substantial.

Please refer to the attached Chamizal Neighborhood Revitalization Update published by the City of El Paso for an overview of the accomplishments since the plan was adopted in 2008. From 2008 to the present, the City has invested/earmarked over \$23M to the improvement to the neighborhood. Eleven million of which is for the conversion of a building adjacent to the site to a community center and library. Additionally, in 2011 the City of El Paso Housing Authority (HACEP) completed the redevelopment of the Alamito Apartments HOPE VI development in this community, with a total investment of \$50M, \$20M of which came from HUD and the remaining portion through private capital investment. Adjacent to the neighborhood, HACEP developed the \$25M Paisano Green, the first NetZero, fossil fuels free, LEED Platinum, affordable housing community in the United States. This 73-unit senior development is on a site previously occupied by an abandoned housing community.

The City of El Paso's Chamizal and Segundo Barrio areas have seen significant private investments into commercial, residential and cultural segments. Examples of these include a \$75M construction of a baseball stadium, and well over \$200M invested to create the Texas Tech Health Sciences Center along with its Schools of Medicine and Nursing.

2. Area Features

(a) Blight. Section 10.101(a)(4) of the Uniform Multifamily Rules defines "blighted" as "being the visible and physical decline of a property or properties due to a combination of economic downturns, residents and businesses leaving the area, and the cost of maintaining the quality of older structures." It must be emphasized that the Chamizal Neighborhood is and has been a thriving community that houses generations of families. The presence of blight is one of the requirements in order to receive points under the Community Revitalization Plan scoring item. However, we disagree that the area has blight because of "downturns" or "residents and businesses leaving the area" or that the presence of any blight

risers to the level of being denied points under the Undesirable Area Features scoring item. The fact is that the Chamizal area is a low income QCT area and residents do not always have the financial means to continually upkeep their homes and businesses.

This is a historic area with many older homes. The Chamizal Neighborhood Revitalization Strategy addresses blight in the context of code violations and substandard physical conditions. The plan describes code enforcement sweeps and cleanups and even notes that many issued code violations were corrected by residents *on their own* prior to scheduled cleanups. While we understand that some properties in the area do not have the neatest exterior, residents can and do improve their properties. Additionally, Tays is a significant multifamily development centrally located within the Chamizal and has influence on the surrounding neighborhood. We believe that the redevelopment of Tays will become a catalyst for positive change in the appearance and conditions of the immediate area.

(b) Crime. We understand that staff referred to the community revitalization plan submitted with the full application to make their determination of “rampant” crime in the area. The Chamizal Neighborhood Revitalization Strategy was published in 2008 using crime statistics from the mid 2000s. At that time there were indications that gang and drug activity were primary contributors to crime in the area, and should be the highest priorities for law enforcement in this area. Please see the attached letter from the El Paso Police Department regarding crime and local efforts in the Chamizal Neighborhood around the Tays development site. Since gang activity has been curtailed, crime in the area has significantly declined since the community revitalization plan was published. Currently, this area is **not** one with a significant amount of criminal activity that rises to the level of frequent police reports.

Please refer to the attached crime statistics overview provided by the City of El Paso Police Department. You will note that there has been a significant improvement in the number of calls, to what was already considered a safe neighborhood. Utilizing Weed and Seed Grant funds from the Department of Justice a special emphasis on addressing the presence of gangs and drugs resulted in minimizing related activities such as aggravated assault, burglary, motor vehicle theft and robbery.

(c) Industrial Uses and Railroad Track. We understand that TDHCA staff found evidence of “industrial uses and facilities that appear to be junkyards” near the proposed Tays development site and also note that the site is within 1,000 feet of an active railway. Both of these items were disclosed in the pre-clearance request; however, the industrial use is not heavy and junkyard uses are not undesirable area features as listed in Section 10.101(a)(4) of the 2014 Uniform Multifamily Rules. Additionally, the railroad track should not preclude participation in the HTC Program.

The proposed Tays HTC development is a section of a much larger public housing development in downtown El Paso. The section to be redeveloped using tax credits is located at the southeast quadrant of E San Antonio Ave and Eucalyptus St. This section of the development is bordered by Douglas Elementary School to the west, another section of the larger

Tays development to the north, a planned community center and library to the east, and residential to the south. There are no industrial or junkyard uses within at least 700 feet of the boundaries of the proposed Tays HTC development site.

As shown in the attached City of El Paso Zoning Map and letter from the Zoning Department, the Tays HTC site is located within an A-2 Residential zoning district near Commercial and Light Industrial zoning districts. There are only Residential, Commercial, and Light Industrial land uses within 1,000 feet of the site. The Commercial and Light Industrial uses provide employment opportunities for the residents. The City of El Paso has a clear zoning ordinance that differentiates Light Industrial and Heavy Industrial uses and areas. There are no Heavy Industrial zoning districts or uses within 1,000 feet of the development site.

There are two facilities that appear to be junkyards within 1,000 feet of the site. The first is a metal recycling facility on the south side of Olive Ave and west of a railroad track, which is approximately 900 feet from the site. The second is a used auto parts retailer at the northwest corner of Magoffin Ave and Eucalyptus St, which is approximately 715 feet from the site. "Junkyards" are not a consideration under Section 10.101(a)(4) Undesirable Area Features, and because these facilities are located more than 300 feet from the site, they would not be a factor under Section 10.101(a)(3) Undesirable Site Features. Furthermore, these two facilities are located in Light Industrial and Commercial zoning districts, respectively, and would not be considered Heavy Industrial uses.

There is a single railroad track located approximately 800 feet to the west of the development site. We understand TDHCA's position is that the presence of a railroad track more than 300 feet but within 1,000 feet from a development site is not cause for concern in itself, but coupled with other undesirable area features may not be typical in a neighborhood that would qualify under the Opportunity Index. Please note that the railroad track is not visible from the site and serves to divide the residential and commercial area from the larger light industrial uses. The railroad and light industrial uses are buffered by commercial uses as well as an elementary school. We would like to emphasize that there is a current application that qualifies on the Opportunity Index and that is located within 1,000 feet of at least three active railroad tracks as well as industrial facilities larger than those near Tays that are actually zoned Heavy Industrial (wood manufacturing plant with dedicated railroad service, ConAgra Mills plant with dedicated railroad service, box manufacturing, and other industrial uses). Additionally, in Austin, the High Opportunity neighborhoods of Tarrytown and Clarksville are within 800 feet of the Mopac Railroad Line.

We believe that the presence of a single railroad track and light industrial uses approximately 800 feet from the Tays HTC site are of a nature that exist in many High Opportunity neighborhoods.

Fair Housing

In TDHCA's Brief of Appellants to the Fifth Circuit, the Attorney General argued:

The mandate to achieve racial balance also opens up Defendants to future litigation from individuals . . . who want a different distribution of credits than ICP. Take the district court's order [regarding High Opportunity Area as a tiebreaker]. It is not difficult to imagine a suit filed by a developer on the losing side of that tiebreaker, claiming the use of "HOA" was simply a proxy for race. . . . [T]he existence of a court order alone is no guarantee that Defendants would not be held liable.²

Here, TDHCA relies on proxies for areas of minority concentration – blight, high crime, etc. – and rescinds its preclearance because the neighborhood features are not typical of high-opportunity areas, a proxy for predominantly white neighborhoods. High-Opportunity areas do have similar undesirable area features and TDHCA should be reluctant to substitute its judgment for that of local elected officials for sites that have local support and are located in areas where there is an approved Community Revitalization Plan.

The Tays project in its current state is quite aged, but it remains occupied. Tenants live here and will continue to live here due to the high need for housing in the area, whether or not redevelopment occurs. The issue is not whether the site will be located here or another area, as this is already an existing public housing project and the residents will be living at Tays regardless. However, the circumstance under which they live is at issue. If funding is denied, the residents of Tays will remain in housing that is sub-par. On the other hand, approval of this Project will provide an opportunity for residents to live in new units built with high standards and modern amenities, something that is unavailable to them with the apartments in their current state. Fair Housing advocates have not targeted this area as a concern because the area is representative of the typical housing available in the area. El Paso is a city with unique characteristics due to its proximity to the US-Mexico border and the majority-minority demographics and average income level of the residents in the area. El Paso is largely made up of families with average incomes lower than that of the rest of Texas and the area is not very ethnically diverse by nature of it being a border town. It is important to note that this is not only a characteristic of the Project site, but of the City as a whole. This neighborhood where the Project will be located has job opportunities, schools and community amenities that are comparable to the rest of the area. If funds are denied to this Project due to undesirable area features, then much of the City would be red-lined out of funding availability simply by virtue of the characteristics normally found in El Paso, which is contradictory to the area's needs, desires of the residents and local government, and the goals of fair housing. A denial of investment to this area by TDHCA could ultimately result in a disparate impact on the Hispanic population.

Furthermore, the Fair Housing Act does not require TDHCA to abandon legacy public housing sites. HUD's FHEO guidance in the Public Housing program allows housing authorities to rebuild on-site as long as no more than 50% of the demolished units are enough to house residents who intend to return to the site. TDHCA should similarly exercise its discretion

² *The Inclusive Communities Project, Inc. v. TDHCA, et al.*, Brief of Appellants at 66-67.

consistent with the pre-clearance approval, to allow the application to proceed because of the existence of a Community Revitalization Plan.

The development of the Tays project, as shown by its approval to participate in the HUD Rental Assistance Demonstration Program (“RAD”), affirmatively furthers fair housing in accordance with HUD standards. The City and the Housing Authority of the City of El Paso are also obligated to affirmatively further fair housing and they fully support this Project. The conversion of the Public Housing Units to Tax Credit units through RAD will result in a more stratified income mix in the area by expanding the affordability restrictions from being entirely at 30% AMI to a range of mixed income units that cater to tenants up to 60% AMI.

Conclusion

All of the reasons stated for termination in the TDHCA Termination Letter had been previously disclosed during the pre-clearance process and the site was, in fact, previously approved. The features that warranted pre-clearance to prevent application termination under the Undesirable Area Features rules are the same ones incentivized under the Community Revitalization Plan scoring item where points are awarded based on plans recognizing such features as factors needing to be addressed. Blight, crime and industrial areas are all factors taken into account in the approved Community Revitalization Plan and in this instance they do not rise to the level necessitating termination of the application.

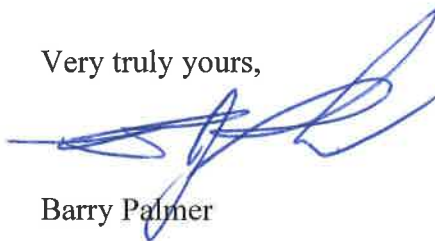
Tays, in its current state, is the kind of project the Federal, State and local governments are seeking to transform, and the proposed redevelopment will accomplish this goal and spur additional modernization in the surrounding area. This is precisely the intent of community revitalization. Fair Housing issues are not a concern because this kind of project is permitted by HUD and even encouraged, will lead to a better mix of higher income tenants, and a denial of funds has the potential to have the opposite effect and could result in the very action TDHCA is seeking to avoid.

The site is located in an area specifically delineated for revitalization and several efforts have already been completed and more are under way. Significant investment has been contributed so far and this Project only adds to the plans that are actively being executed. The construction of the new Tays development is a crucial component of the area’s revitalization strategy. The distinct nature of El Paso requires realistic expectations of what is common in the area. El Paso cannot be expected to look similar to other major Texas cities such as Houston and Dallas, especially when viewed in light of the historical evolution of the area. Taking all of these factors into account, we are requesting that you, as Executive Director, use your discretion in reinstating the Tays application and recognize the uniqueness of El Paso and the role the Project plays in the revitalization of the surrounding area. If you feel you cannot grant this request, we ask to be placed on the agenda for the next Board Meeting for consideration by the Board of Directors.

June 19, 2014
Page 8

Thank you for the opportunity to respond to these issues and for taking the time to meet with us in person earlier this week. Please feel free to contact me or Sarah Anderson directly at (512) 554-4721 if you have any additional questions or comments regarding any items in this response.

Very truly yours,



Barry Palmer

BP:elv
Attachments

cc: Gerald Cichon
Stan Waterhouse
Juan Olvera
Sara Anderson
Alyssa Carpenter
Andrea Hope J. Steel

Tays Development **Undesirable Area Features Disclosure**

Overview of the Area

The Tays Development is a public housing development, located at 2114 Magoffin Ave in El Paso, TX in a census tract that is a 2014 QCT. The development is comprised of 359 units that were constructed in approximately 1941. The Paisano Housing Redevelopment Corporation is proposing an initial development phase that will eventually result in the demolition and reconstruction of 198 units.

The development is located in the heart of the Chamizal Neighborhood and this area has identified by the City of El Paso as a revitalization area that they are intent on focusing resources to bring about change for the community.

Chamizal is a predominantly residential neighborhood with a mix of single family and multifamily housing, but also a mix of light to heavy commercial businesses. Businesses operate along Alameda Avenue, Texas Avenue, Piedras Street and Paisano Drive. Along Alameda and Texas you will find small grocery stores, convenience stores, bars, restaurants, bakery, appliance repair shops, furniture store, cabinet makers, and auto repair shops. Directly to the west of Eucalyptus, approximately 900 feet from the property site, the area is bisected by railroad tracts – the treats act as geographic buffer to what is a more industrial area.

The Housing Authority of the City of El Paso (HACEP) has a presence in the Chamizal Neighborhood, owning two large developments in the area. The Tays and Ruben Salazar housing communities take up 20 acres, which is 7.8% of the land area in the Chamizal neighborhood. The Tays complex holds 359 units and is the oldest public housing community in El Paso constructed in 1941 and recently renovated in 2003. The Salazar complex was built in 1973 with 286 units. HACEP has plans to redevelop both of these complexes utilizing the Tax Credits and the RAD Program.



Blighted Structures

This is an area that is a 2014 QCT. While there are incidences of blight in the area, the public housing properties are well maintained and the predominance of small locally owned businesses in the area speak to the opportunities for the revitalization of the area.

Single family homes to the south of the site.



Current Property



Offices in the neighborhood



Small businesses in the neighborhood.



Adjacent to the east of the property – the site of a proposed new Mercado for the neighborhood.



This is an area that the city identified as needing assistance and is investing in as evidenced by the Chamizal Neighborhood Revitalization Strategy Plan. The redevelopment of the Public Housing units will continue to spur progress for the community.

Industrial Uses Within 1000 Feet

All of these businesses are to the west of the development site. They are outside of 300 feet, but within 1000 feet. We do not believe them to be considered Heavy Industrial in nature.

Silver Recycling, Inc.: Full service recycling center. This business is the west of the development – outside of 300 feet, approximately 900 feet from the boundary of the site.

Mid-West Textile Co – Clothes and Shoes recycling center

Auto Part Re-Purposing/recycling at the NW corner of Magoffin and Eucalyptus

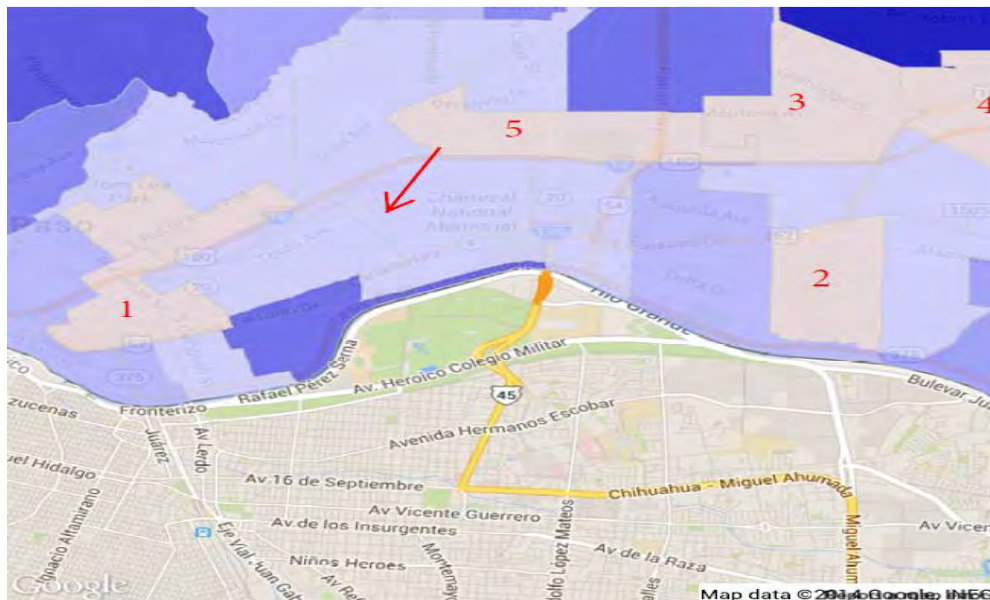


Active Railway

There is an active railway 800 feet to the west of the development boundary. The railway acts as a geographic buffer between the industrial and residential areas of this neighborhood.

Presence of Crime

Our crime preclearance research has led us to believe that the subject development site does not fall within an area that has an excessive issue with crime relative to the City as a whole and particularly the central part of the city. The site falls within the “E Paisano Dr / S Pierdas St” neighborhood of the city which has Crime Index of 29 (safer than 29% of the cities in the US). The City of El Paso, as a whole, has a Crime Index of 27, lower than the neighborhood containing the proposed site.



The Crime Index of the City Center area (1) is 8, while the crime index of the other marked areas (2-5) range from 19 to 22. Furthermore, the property crime rate in the neighborhood including the subject site is lower than the Texas average 32.62 (per 1,000 residents) vs. 33.62 (per 1,000 residents).

The data used for the Neighborhood Scout Crime Index are from the seven UCR crimes tracked by the FBI: Homicide, Forcible Rape, Armed Robbery, Aggravated Assault, Burglary, Larceny, and Motor Vehicle Theft. In order to compare statistical information on a national basis the FBI came up with a common definition for UCR crime comparison.

Summary

The Neighborhood surrounding the development site is versatile with uses ranging from industrial to residential. The industrial area is geographically set off from the neighborhood by the railroad tracks. It is a vibrant diverse neighborhood that offers its residents access to jobs or opportunities for small business ownership.

We do not believe any of the items addressed in this submission should rise to the level of undesirable area features.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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May 20, 2014

Writer's direct phone # 512.475.1676
Email: jean.latsha@tdhca.state.tx.us

Juan A. Olvera
Tays, LP
5300 E. Paisano Dr.
El Paso, TX 79905

RE: PRE-CLEARANCE OF POTENTIAL UNDESIRABLE AREA FEATURE (§10.101(a)(4)) FOR TAYS
(#14130)

Dear Mr. Olvera:

We have reviewed your request for pre-clearance with regard to the above named development's proximity to a potential undesirable area feature pursuant to §10.101(a)(4) of the Uniform Multifamily Rules. Staff determined that the presence of the features disclosed in your request would not preclude participation in the 2014 tax credit application round. Pre-clearance for the above named development site is granted.

This approval is limited in that it is based solely on the information provided in your request for staff pre-clearance. Should the fact pattern change, particularly with respect to the boundaries of the proposed site, or should additional relevant information come to light, this determination may be null and void. Moreover, additional information may be requested during the course of a program review or underwriting of the full application, should one be submitted. This determination does not bind the Department's Governing Board.

Should you have any additional questions or concerns, please feel free to contact me at jean.latsha@tdhca.state.tx.us.

Sincerely,

Jean Latsha
Director, Multifamily Finance

cc: Alyssa Carpenter



CHAMIZAL NEIGHBORHOOD REVITALIZATION SUMMARY

Chamizal NRSA Investment (2008-2013)

Project	Funding Source	Funding Amount
Affordable Multi-Family Housing	HOME	\$1,747,162
Social Services Collaborative	CDBG	\$550,000
Parks Improvements	CDBG	\$677,800
Neighborhood Cleanups	CDBG	\$40,000
Proactive Code Enforcement	CDBG	\$96,550
ADA Curb Cuts	CDBG	\$100,000
Mercado Mayapan Equip & Staffing Grants	CDBG	\$400,000
New Street Light Installation	El Paso Electric Co.	\$6,945
Project Vida Healthcare Facility	DHHS	\$6,000,000
Strengthening Communities Fund	DHHS ARRA	\$250,000
Weed and Seed	DOJ	\$403,000
PAHO Healthy Kids, Healthy Communities	RWJF	\$360,000
Camp Thunderbird	PAHO	\$5,000
St. Anne's Purchase and Rehab	City of El Paso CIP	\$250,000
Mercado Mayapan ED Loan	City of El Paso	\$250,000
39th Year Targeted CDBG (various projects)	CDBG	\$1,005,000
Chamizal Neighborhood Community Center	2012 QOL Bond	\$11,000,000
TOTAL INVESTMENT		\$23,141,457

Community Services Outcomes



In the first year of implementation (2008-2009) 1,101 residents of the Chamizal Neighborhood participated in at least one program or activity that was funded through the CDBG Social Services Collaborative. 1,156 residents participated in the second year, 1,556 in the third, and 1,880 in the fourth (2011-2012). Following is a breakdown of some of the services that Chamizal residents have utilized:

- 100 youths per year were expected to be provided with after school recreation programming. 705 youths have participated in this program in the first four years of implementation, with 192 of those being in the previous year (2011-2012).
- 20 residents per year were expected to enroll in GED classes. 252 residents have enrolled in classes in the first four years of implementation, with 78 of those being registered in the previous year.

- 20 youths per year were expected to be mentored through various programs. 135 youths have participated in the Girls Scouts mentoring program, with 33 of those being in the previous year.
- 1 job fair per year was expected to be hosted in the neighborhood. 5 job fairs have been conducted, with the one in the previous year having 295 residents in attendance.
- 1 community services/health fair was expected to be conducted each year. Numerous community events have been held each year with a total of attendance of 3,607 residents. 712 residents attended health fairs and community services fairs in the previous year.

In addition to those stated goals:

- Over the past four years, 128 youths have participated in the after school arts program;
- Over the past two years, 177 youths have received tutoring services;
- In the first two years of implementation, 384 families received Volunteer Income Tax Assistance returning a total of \$946,427 to residents of the neighborhood.
- 38 residents have taken ESL classes;
- 11 new youths have been enrolled in a latch-key program; and
- 10 businesses have received technical assistance.

Other Revitalization Efforts in the Chamizal NRSA

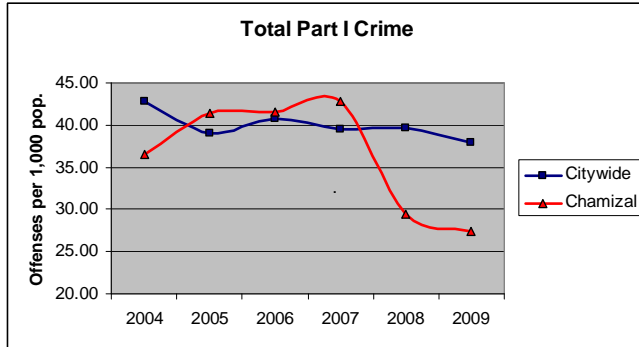


Four intensive cleanups have resulted in over 227 tons of trash and debris being removed from the neighborhood.

Code enforcement efforts in the neighborhood from 2008-2010 resulted in 2,659 correction notices and 309 citations, court cases, or referrals to Solid Waste. A marked decrease in the number of correction notices and citations from the first through to the final year indicates that conditions in the neighborhood have improved significantly.

The 3100 block of Findley has been identified as an area of special need. Two crumbling homes have been condemned and demolished and the Police Department is addressing a property where the tenants are causing regular nuisances for neighbors due to loud noise and other perceived law violations.





Weed and Seed efforts in both the Chamizal and Segundo Barrio from 2008-2010 have resulted in an overall Part I crime rate reduction of 36%. Resident participation on the Weed and Seed Steering Committee provided Police with intelligence and a prioritization of crime issues in the neighborhood.

The City-owned St. Anne's building at 600 S. Piedras has undergone asbestos abatement. An RFP has been issued for the sale or lease of the property to organizations or agencies looking to provide services to residents of the neighborhood.

Project Vida, a non-profit partner in this neighborhood revitalization effort, has received over \$1.7 million in HOME funds to construct affordable rental housing in the neighborhood. Project Vida has also received a U.S. Department of Health and Human Services (DHHS) grant totaling \$6 million for the construction of a new health care facility in the neighborhood.

Outreach for housing programs has been targeted into the neighborhood, and The Home Depot has assisted three elderly/disabled residents with rehabilitation, landscaping and façade improvements on their homes.

A bond election was held, and approved by voters in November 2012, that provides \$11 Million for a new community center (including a small library) in the Chamizal Neighborhood.

A majority of the City's 39th (2013-2014) Year CDBG allocation has been targeted into two areas, the Chamizal Neighborhood being one of them. Approved projects under this funding include alley paving, a new community garden, improvements to El Barrio Park, and curb cut, sidewalk and other improvements for pedestrians.

Dedicated to Outstanding Customer Service for a Better Community

SERVICE SOLUTIONS SUCCESS



June 18, 2014

Mr. Gerry Cichon
Executive Director
Housing Authority of the City of El Paso
P.O. Box 9895
El Paso, Texas 79995-2895

Dear Mr. Cichon:

The City of El Paso has earned the designation of the Safest City among cities with populations over 500,000 for the last four consecutive years. The recognition is a testament to the hard work, dedication and commitment of several agencies working together within the community to rid the City of crime and the elements associated.

To better serve the community the city and police department undertook several initiatives to reduce the fear associated with crime and victimization. One area addressed was the Chamizal Neighborhood and Segundo Barrio, which was incorporated to be the first Weed and Seed Community in El Paso County. The neighborhood had a population of 14,703 residents within a 2 square mile area. Since its inception in 2008, several agencies worked together for 3 years under the Weed and Seed concept to dramatically reduce crime. The area received a concentration of different police services, such as community policing initiatives, gang identification and enforcement, drug/gang-related awareness programs and extensive law enforcement patrols.

These police efforts, along with several non-profit agencies assisting to provide community support, have resulted in a safe community environment, which has resulted in a 30 percent decrease in Part 1 Index Crimes since 2003. Due to partnerships developed and a strong sense of community ownership, community involvement has been sustained.

The Chamizal area now holds several City-wide sponsored events, such as Music Under the Stars, which brings in several different styles of musical entertainment to the area. The Chamizal area has and will continue to thrive under the philosophy of community based partnership. The law enforcement community continues to stay committed to this area with our community based policing philosophy.



911 N. Raynor
El Paso, Texas 79903
(915) 564-7000 – www.eppd.org

Mayor
Oscar Leeser

City Council

District 1
Ann Morgan Lilly

District 2
Larry Romero

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Eddie Holguin Jr.

District 7
Lily Limón

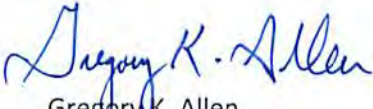
District 8
Cortney C. Niland

Interim City Manager
Sean P. McGlynn

Chief of Police
Gregory K. Allen

The Housing Authority of the City of El Paso has been a vibrant and economically sound partner with new infrastructures within the revitalized community. Their continued partnership and development of available housing communities is welcomed to maintain the familial environment being established.

Sincerely,



Gregory K. Allen
Chief of Police

Attachment 1



911 N. Raynor
El Paso, Texas 79903
(915) 564-7000 – www.eppd.org

Updated Crime Statistics for the Chamizal Neighborhood

Part I Crimes	Chamizal W&S					
	*2003	*2004	*2005	**2012	**2013	**2014 YTD
Aggravated Assault	55	60	72	48	35	27
Arson	3	5	4	0	1	0
Burglary	140	136	184	59	59	18
Larceny/Theft	180	218	182	235	189	99
Motor Vehicle Theft	68	65	102	53	31	26
Murder	0	1	0	0	1	0
Rape	10	8	14	5	5	0
Robbery	23	26	28	22	12	7
Total Part 1 Crimes	479	519	586	422	333	177
Percentage Change YoY	-	8.35%	12.91%	-27.99%	-21.09%	-46.85%

change from 2005

*Numbers associated for 2003, 2004 and 2005, were obtained from the Weed and Seed Grant

**Obtained using Targeted Districts in LEM System, overlaying the W&S grant to current sub-districts and obtained from EPPD ILEADS Records

Dedicated to Outstanding Customer Service for a Better Community

S E R V I C E S O L U T I O N S S U C C E S S

City Development Department

June 18, 2014



Housing Authority of the City of El Paso
5300 E. Paisano Drive
El Paso, TX 79905

Attention: Juan Olvera

Re: Two Parcels, Tays Housing Project, El Paso, Texas
C & D Bassett, All of Blocks and 3 & 4, 120 Bassett, City of El Paso, El Paso County, Texas

Mr. Olvera:

In response to your request concerning zoning districts within 1,000 feet of the referenced property, there are seven zone districts, as demonstrated on the zoning map provided with this letter:

1. The purpose of the A-3 district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.
2. The purpose of the A-O district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.
3. The purpose of C-1 district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.
4. The purpose of the C-3 district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each

Mayor

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Interim City Manager

Sean P. McGlynn

City Development Department
801 Texas Avenue | El Paso, Texas 79901 | (915) 212-0088

EL PASO. IT'S ALL GOOD.

other and to provide for a wide range of types of commercial activity, including light automobile related uses.

5. The purpose of the C-4 district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the district are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.
6. The purpose of the M-1 district is to provide locations for light-intensity industries involving manufacturing, assembling, distributing and warehousing. It is intended that the districts will serve the entire city and will permit supporting commercial uses. The regulations of the districts are intended to preserve a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.
7. The purpose of the S-D district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

Actual land uses in the subject area may be nonconforming due to their existence prior to 1955, the effective date of the City of El Paso Zoning Code. Please note that the C-4 zoned parcel abutting the referenced property at the northeasterly property line is owned by the City of El Paso and is proposed to be developed as a City of El Paso community center and library; Liza Ramirez-Tobias, City of El Paso Capital Assets Manager, can be contacted at (915) 212-1719 regarding the proposed development.

The El Paso Municipal Code, Title 20, Zoning, is available online at <http://www.elpasotexas.gov/virtual.asp>. Please also refer to Appendices A, B and C: the Tables of Permissible Uses, Density and Dimensional Standards and Parking Requirements and Standards.

If you have any questions regarding this letter, please call me at (915) 212-1611.

Sincerely,

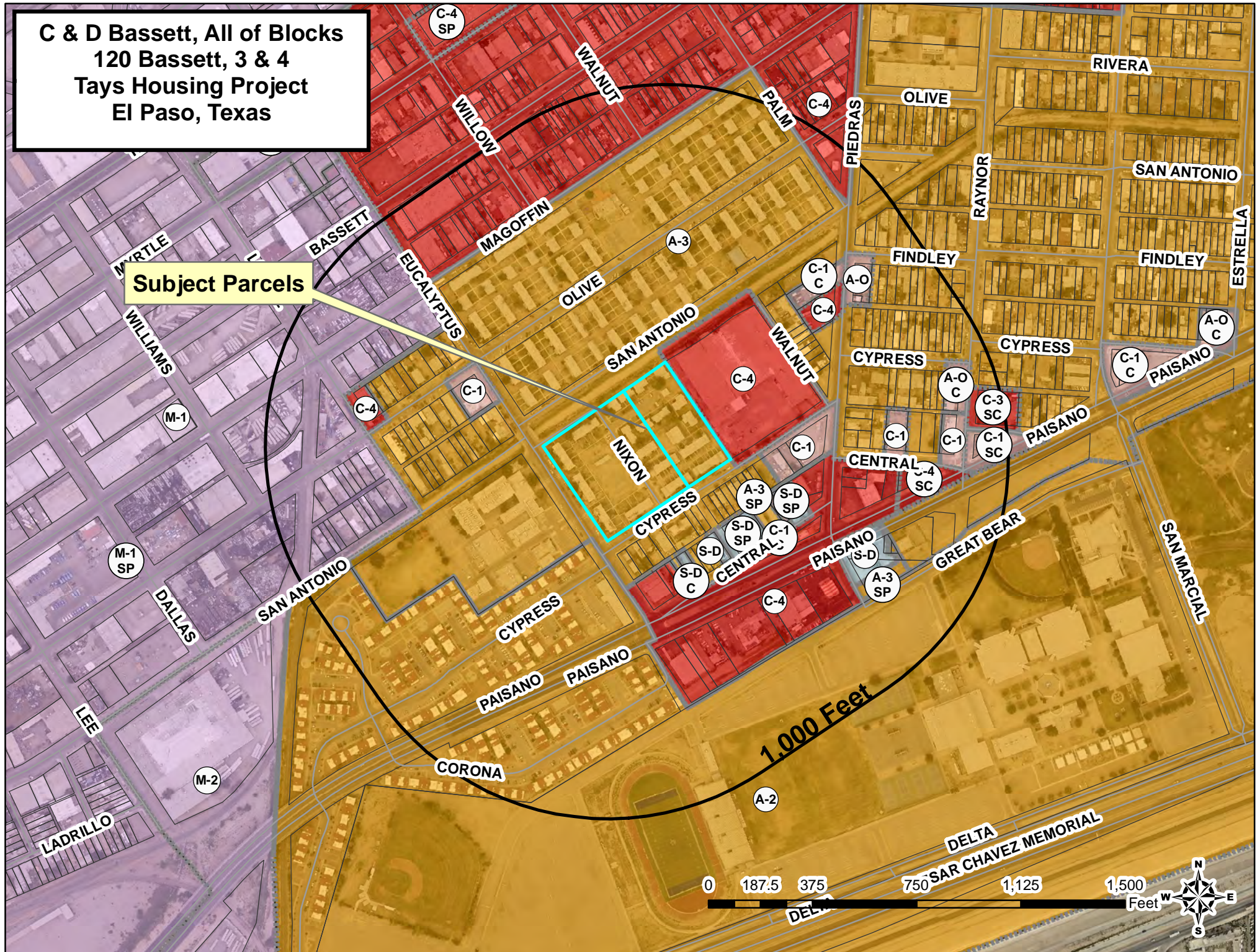


Linda Castle
Senior Planner

Enclosure: Zoning Map

**C & D Bassett, All of Blocks
120 Bassett, 3 & 4
Tays Housing Project
El Paso, Texas**

Subject Parcels

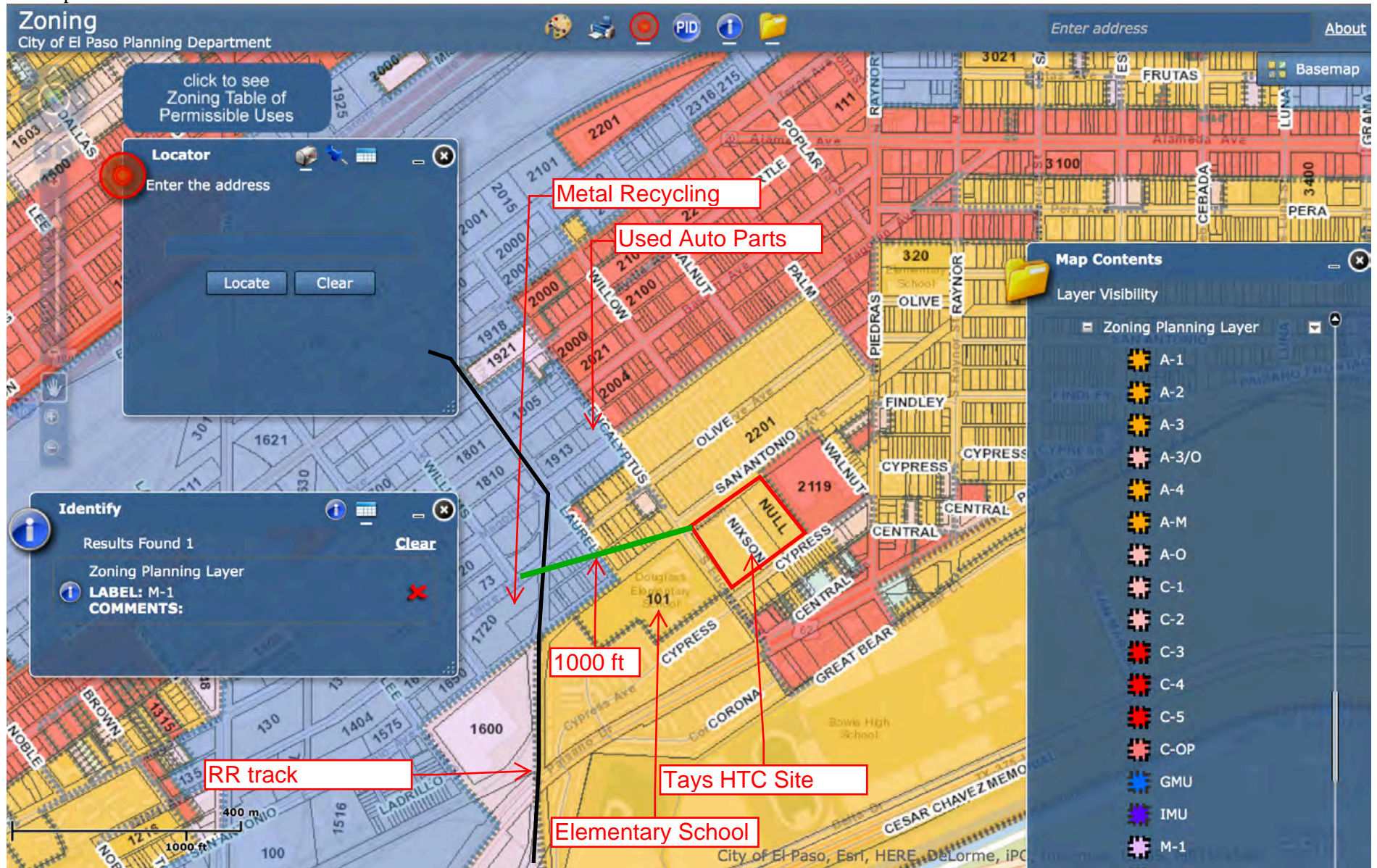


1,000 Feet

0 187.5 375 750 1,125 1,500 Feet



Blue area on map is zoning M-1, which is light manufacturing. Yellow on map are zoning A-2 and A-3, which are residential. Red area on map is zoning C-4, which is commercial. Pink area with "1600" on the map is zoning M-2, which is heavy industrial; however, that area is over 1,000 feet from the Tays HTC development site.



Introduction

Please refer to the following:

- **Explanation** of the various zone districts
- **Table of Permissible Uses**, organized by
 - **categories of uses.** For example, 1.00 Agricultural and related uses, 2.00 Commercial storage and processing, etc., and by
 - **zone district.** Look at the column headings for the zone district.

Disclaimer: Every effort is being made to keep the Table current but it is subject to change. If more specific information is required or if an official determination of permitted uses is needed, please contact the Planning Division at (915) 541-4024.

ZONING CATEGORIES

RESIDENTIAL DISTRICTS

Light Density Residential Districts

“R-1, R-2, R-2A, R-3 and R-3A”	Residential Districts
“R-4, R-5”	Residential Districts
“RMH”	Residential Mobile Home District

Low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations, permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

Medium Density Residential Districts

“A-1”	Apartment District
“A-2”	Apartment District
“A-3”	Apartment District
“A-O”	Apartment/Office District

Medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. Permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain non-residential uses and support facilities.

High Density Residential Districts

“A-4”	Planned Apartment District
“A-3/O”	Apartment/Office High Density District
“A-M”	Apartment/Mobile Home Park District

A diversity of residential dwelling types at the highest densities and to provide for the integration of compatible business and professional office uses to complement the areas and to allow for concentrations of population through the use of multi-story facilities. Permit site diversification for high-density residential development in which adequate public facilities are available for present and future needs.

COMMERCIAL DISTRICTS

Neighborhood Commercial Districts

“C-OP”	Office Park District
“C-1”	Commercial District

Provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.

Community Commercial Districts

“C-2” Commercial District

“C-3” Commercial District

Establishments providing goods or rendering services which are used in support of the community’s trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

Regional Commercial Districts

“C-4” Commercial District

“C-5” Central Business District

Commercial uses intended to serve the entire City to permit heavy commercial uses characterized by automotive and light warehousing. Provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the Central Business District, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.

INDUSTRIAL AND MANUFACTURING DISTRICTS

Light Industrial Districts

“M-1” Light Manufacturing District

Light-intensity industries involving manufacturing, assembling, distribution and warehousing while supporting commercial uses and to preserve a light industrial nature particularly with regard to noise, smoke, odors, dust, vibrations and other noxious conditions.

Heavy Industrial Districts

“Q” Quarry District

“M-2” Heavy Manufacturing District

“M-3” Unrestricted Manufacturing District

Industrial uses which may be characteristic of nuisance or hazardous conditions, regulations will require reasonable standards for the protection and preservation of the compatibility of such uses and adjacent areas.

SPECIAL PURPOSE DISTRICTS

“R-F” Ranch & Farm District

Primarily fallow or agricultural areas within the City, protect and conserve these areas within and adjacent to urban development and intended to afford areas where semi-rural (very-low density) residential and agricultural uses can be maintained without impairment from higher density residential, commercial or industrial development. Designed to protect, stabilize and enhance the development of agricultural resources and to prohibit those activities that would adversely affect the urban-rural characteristics of this district.

“PMD” Planned Mountain Development District

Significant natural features of the mountain development and hillside area within the City. Provide design alternatives which help to minimize disturbances to the natural character of the area and which enhance the open space and aesthetic qualities of the land and to protect, stabilize and enhance the development of these environmentally sensitive lands and to preserve them from the encroachment of more intensive forms of development.

“S-D” Special Development District

Mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. Designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. Older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.

“U-P”

Union Plaza District

Mixed-use environment with the provision of standards and guidelines designed to encourage the preservation of existing building architecture; ensure that reconstruction of existing buildings or new construction projects is consistent with the architectural and design guidelines adopted for the Union Plaza District; and encourage a variety of commercial and residential uses that coexist in a mixed-use area.

“P-R I”

Planned Residential District I

Planned developments that create a superior living environment through unified planning and building operations at lower residential densities; encourage a variety in housing needed to meet changing housing demands; provide adequate community facilities well-located with respect to needs; protect the natural beauty of the landscape; encourage preservation and more efficient use of open space; offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

“P-R II”

Planned Residential District II

Planned developments that create a superior living environment through unified planning and building operations at higher residential densities; encourage variety in housing needed to meet changing housing demands; provide adequate community facilities well-located with respect to needs; protect the natural beauty of the landscape; encourage preservation and more efficient use of open space; offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

“P-C”

Planned Commercial District

Retail shopping and personal service facilities of integrated design in appropriate locations to serve residential neighborhoods, developed as a unit according to an approved plan, adaptable to shopping centers of various sizes, as well as development of general business properties where the use of shared parking and access.

“P-I”

Planned Industrial District

Establish an industrial environment for certain types of manufacturing, business or industrial uses which are compatible with any adjacent land use by performance, appearance, and general operating characteristics. Regulations are designed so that all operations and activities, specifically including but not limited to, the storage of materials of all kinds are conducted within a building or appropriately screened.

“SRR”

Special Residential Revitalization District

Developments approved, shall be designed to eliminate potential use conflicts through creative design methods, to allow mixing residential environments with workplaces and services and must accommodate transportation systems, surrounding environments and pedestrian movements.

“R-MU”

Residential Mixed Use District

Neighborhood-serving residential and commercial land uses, that provide service to a neighborhood with uses compatible with the residential areas that the uses serve, and to allow flexibility and encourage more creative, efficient and aesthetically desirable design and placement of land uses.

“G-MU”

General Mixed Use District

Large-scale developments that are able to function as individual neighborhoods, as small-scale developments requiring flexibility because of unique design characteristics, or as transitional areas between dissimilar land uses.

“I-MU”

Industrial Mixed Use District

Commercial and industrial land uses with good access and high visibility that are designed to create compatibility between diverse uses and adjacent zoning districts.

“NOS”

Natural Open Space District

Preserve and protect natural features of the mountain and hillside, arroyo, and desert flatland areas. Shall remain undeveloped, except allowed and in accordance with an approved detailed site plan and any approved special permit.

“URD”

Urban Reserve District

Area that has development value with open space opportunities, preserving the land for sustainable transit served, form based code development and redevelopment when such land becomes necessary to serve growth in the region. May have instinctive value as open space and may contain such features as scenic corridors, view sheds, arroyos, steep slopes, or protected habitat that should remain in its natural state once development occurs.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

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Rick Perry
GOVERNOR

July 3, 2014

Writer's direct phone # 512-475-3296
Email: tim.irvine@tdhca.state.tx.us

Barry Palmer
Coats Rose
3 E. Greenway Plaza, Suite 2000
Houston, TX 77046

RE: APPEAL OF TERMINATION OF HTC APPLICATION #14130 TAYS, EL PASO

Dear Mr. Palmer:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your appeal, dated June 19, 2014, of the termination of the above referenced Application. The Application was terminated on June 12, 2014, due to a number of undesirable area features, including blighted structures within 1,000 feet of the proposed site, criminal activity that rises to the level of frequent police reports, industrial uses and facilities that appear to be junkyards near the site, and an active railway within 1,000 feet of the site.

In order to understand this appeal a recital of facts that have lead to this point is useful. The applicant sought pre-clearance for these features and the Department staff granted that pre-clearance request on May 20, 2014, subject to the *caveats* and other language in the letter advising of pre-clearance. The granting of pre-clearance at that time was based solely on the documentation submitted in the pre-clearance request. A challenge to the site prompted a more thorough reassessment of these issues, and staff went to El Paso for an onsite visit. Following that visit representatives of the applicant came and met with staff to provide additional background on these matters. The termination was based on the totality of the information. In order for me to grant the appeal it is necessary for me to find, based upon all of the information in the record, that the site is eligible, I am not able to do so, and accordingly I must deny the appeal. However, the additional information which the applicant has provided has contributed to a far better understanding of the site and area, and in order to facilitate the Board's possible consideration of an appeal I am going to try to lay out my assessment of the site and area issues which are blight, crime, junkyard, and railway. It is also essential to analyze these in the context of the information regarding a community revitalization plan.

Blight: The applicant contends that what was observed is not actually blight but the condition of an area of significant poverty. Blight is described by the Qualified Allocation Plan as "the visible and



physical decline of a property or properties due to a combination of economic downturns, residents, and businesses leaving the area, and the cost of maintaining the quality of older structures.” (10 TAC §10.101(a)(4)(B)) ~~The area in question has been represented by applicants as an area that continues to thrive in terms of residents and businesses remaining in the area and continuing to occupy homes and businesses, but where property owners and tenants merely lack the resources to maintain their properties in the same manner as would be encountered in areas of greater wealth. In other words, while it may be true that some residents find it prohibitively costly to maintain their older structures, it is not an area of downturn and loss of residents; it is merely an area beset by poverty. Photographs of the area appear to support this position. The area lacks the many boarded-up and apparently abandoned structures that typify the blighted areas described by the rules. These structures do not present the same declining condition described by the rule. Based upon applicant’s representations, Staff believes that if the application is reinstated this issue should be considered cleared.~~

Crime: The applicant has described a significant community revitalization plan (“CRP”). Among the factors the CRP is intended to address is a significant level of criminal activity. This is an area where the information has not been sufficiently developed for us to conclude whether it should be deemed cleared or not. If the applicant chooses to appeal this termination to the Board, in that appeal the applicant should present and the Board should consider whether the level of criminal activity in this area will or will not be in line with the level of criminal activity in a high opportunity area.

Junkyard: The phases of the development were explained and it was demonstrated to our satisfaction that this feature is not within 300 feet of the proposed site. Accordingly, staff believes that if the application is reinstated this issue should be considered cleared.

Railroad: The development site is within 1,000 feet of an active railway, a fact which the applicant does not dispute. Staff believes that, should all other issues be considered cleared, this feature alone would not be sufficient cause enough to deem the site ineligible.

General: A major objective of the undesirable site and area features aspect of the rule was to promote the development of affordable housing in neighborhoods with overall features more in line with higher opportunity areas. Similarly, the objective of CRPs is to use a resident driven process to identify and address features to restore the neighborhood to a “vital” status where the problems identified are systematically addressed with significant dedicated resources to the end that they will no longer be of a disproportionate nature compared to a similar site in a higher opportunity area.

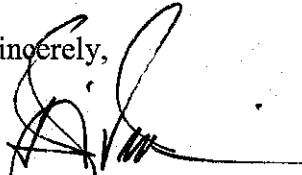
The appeal letter also points out the conflicting nature of §10.101(a)(4) of the Uniform Multifamily Rules (“Rules”), which deals with undesirable area features and §11.9(d)(7) of the 2014 Qualified Allocation Plan, which awards points for Development Sites in an area with a targeted community revitalization plan, and states that because a legitimate Community Revitalization Plan exists that mitigates the undesirable area features, the preclearance should stand and the application should be reinstated.

While the appeal does address the issues raised by the application concerning §10.101(a)(4) of the Rule (undesirable area features), the Department still has general concern with respect to the surrounding area. While issues of blight and crime may not be as pronounced as originally assessed, the area does not have characteristics typical of a neighborhood that would be considered a high opportunity area. The proposed development is located in a census tracts with a poverty rate of almost 62% (for individuals) and a median household income of \$14,551; only 36 of over 5,200 census tracts in Texas

has a lower median household income. These facts speak to the issues of Fair Housing which were also raised in the appeal, and it is with respect to these issues that the Department staff still has concerns. A demonstration as to how the proposed development accomplishes objectives of the City of El Paso in ~~meeting its own obligation to affirmatively further fair housing would be very helpful.~~ Information about the impact of the CRP on income and poverty levels in the area would be especially relevant.

It is the Department's understanding that the applicant does wish to appeal this termination to the Board, and the item will be placed on the agenda for the meeting scheduled for July 31, 2014. If you have any questions, please contact Jean Latsha, Director of Multifamily Finance, at 512-475-1676 or by email at jean.latsha@tdhca.state.tx.us

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Irvine', with a horizontal line extending to the right from the end of the signature.

Timothy K. Irvine
Executive Director

JML

COATS | ROSE

A Professional Corporation

July 17, 2014

Mr. Tim Irvine
Executive Director
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, TX 78711

RE: Response to Executive Director Appeal for TDHCA #14130 (Tays)

Dear Mr. Irvine:

I am writing this letter to follow up on to your determination regarding TDHCA #14130 (Tays) located in El Paso, TX. In your letter you cleared the items regarding blight, and proximity to a railroad and junk yard. Thank you for your careful review and determination of those items. You also mentioned that you would like additional information related to the following:

- 1) Whether the level of criminal activity is in line with those of higher opportunity areas.
- 2) How the Chamizal Neighborhood Revitalization Strategy has impact the income and poverty levels in the area.
- 3) How the proposed development affirmatively furthers fair housing

Below we have attempted to answer each of those items.

Criminal Activity

In our original response to termination, we submitted crime statistics provided by the City of El Paso Police Department, which showed that there had been a significant improvement in the number of calls, to what was already considered a safe neighborhood. Utilizing Weed and Seed Grant funds from the Department of Justice a special emphasis on addressing the presence of gangs and drugs resulted in minimizing related activities such as aggravated assault, burglary, motor vehicle theft and robbery.

Attached you will also find a letter from the El Paso Police Department confirming that there are high opportunity tracts in El Paso that have similar or higher crime statistics as the area where the Tays development is located. The Chief of Police points out that high opportunity areas such as Loma Terrace has a higher crime rate than the Chamizal neighborhood. Attached you will also find statistics that show the levels of crime in other large Texas cities compared to El Paso, showing again why El Paso is considered the safest city of its size the country.

3 East Greenway Plaza, Suite 2000 Houston, Texas 77046-0307
Phone: 713-651-0111 Fax: 713-651-0220
Web: www.coatsrose.com

In summary, the crime in this area has been addressed and reduced significantly. Additionally, the rate of crime in the area surrounding our site is no greater than in high-opportunity areas in the City of El Paso. Crime should not be a reason to terminate the application.

Revitalization Plan's Impact on Income and Poverty

Please refer to the attached letter from the City of El Paso which outlines the Impact the Chamizal Neighborhood Revitalization Strategy has had on the area surrounding the development. As shown in the letter, the area has seen a 12.5% increase in the median household income from 2009 to 2012. Additionally, the poverty rate declined 3.5% from 2009 to 2012 and 7% from 2010 to 2012, and the median home value increased 31.2% from 2009 to 2012.

In our previous response to you, we outlined the substantial investment (approximately \$23M) the City has made in the Chamizal Neighborhood. We believe that the figures outlined above show that there has been a significant positive impact on the community as a result of the revitalization efforts.

Fair Housing

Your letter points out that while many of the initial concerns – blight, junkyard, and railroad – are now to be considered cleared, but that with respect to issues of Fair Housing, Department staff still has concerns. The Department should not terminate this application on Fair Housing grounds because (1) the QAP does not authorize TDHCA to do so, and (2) the application does affirmatively further fair housing.

The court order in the *Inclusive Communities Project v. TDHCA* lawsuit resulted in significant changes to the QAP and uniform multifamily rules, but those concerns should not cause the Department to terminate an application in El Paso. Many of the changes in the Department's rules were not compelled by the court's order, which was geographically focused only on the Dallas region. Dallas is a majority-minority city with majority-white suburbs. When the Department extends those remedial measures to the state's border with Mexico, the fair housing obligation becomes less clear. The City of El Paso is 76.6% Hispanic. El Paso County is 82% Hispanic. The fair housing logic of "high-opportunity area," which TDHCA itself argued to the Fifth Circuit is a term that is merely a proxy for non-Hispanic white area, breaks down along the border. Moreover, the text of the QAP does not authorize TDHCA to terminate an application because of the income or racial demographics of a neighborhood.

The attached letter from the City of El Paso specifically outlines how this development helps the City to address its obligation to affirmatively further fair housing. The City points out there is no concentration of public housing in certain parts of El Paso. Affirmatively furthering fair housing means preventing segregation, and the city's letter states clearly that "public housing units in El Paso are equitably distributed throughout the city."

HUD's site and neighborhood standards – the official federal guidance on affirmatively furthering fair housing—allow public housing to be replaced on-site so long as the number of public housing units being constructed is the minimum number needed to house current residents who want to remain at the site (24 CFR 941.202(c)(2)(ii), attached). The Chamizal public

July 17, 2014

Page 3

housing redevelopment plan satisfies this HUD standard and does affirmatively further fair housing.

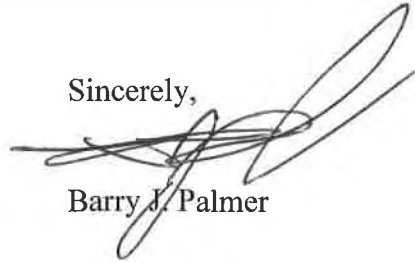
We would also like to reiterate that this development is being undertaken using HUD's RAD program, which is intended to privatize and increase the length of affordability of existing public housing units. The development was part of a portfolio application that went through a competitive application process, was thoroughly reviewed by HUD, and was subsequently awarded by HUD. We believe that any fair housing implications have already been addressed by HUD in this review process.

Conclusion

We appreciate the opportunity to address the remaining questions regarding the Tays development and are confident that all of these remaining items have been adequately addressed. We would again ask that this termination be overturned at the Executive level. In the event that this cannot be done at this time, we ask that the item be taken to the Board with a staff recommendation to approve the reversal of the termination and allow this development to be reinstated.

Thank you for your attention to this matter. Please feel free to contact me directly if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry J. Palmer", is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Barry J. Palmer



El Paso Police Department

Mayor

Oscar Leeser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lily Limón

District 8

Cortney C. Niland

City Manager

Tommy Gonzalez

July 18, 2014

Tim Irvine

Executive Director

Texas Department of Housing and Community Affairs

P.O. Box 13941

Austin, TX 78711

Dear Mr. Irvine:

This letter is in response to your July 3, 2014, letter regarding the proposed Tays redevelopment in the Chamizal Neighborhood of El Paso. We understand that your department is unsure how crime in this neighborhood compares to crime in a "high opportunity area."

We previously provided a letter regarding the significant decrease in crime in the Chamizal Neighborhood due to local police efforts, such as the Weed and Seed Program. Looking at 2012 crime data, the Chamizal Neighborhood/Census Tract 28 reported approximately 43 total crimes per 1,000 residents. This rate is similar to Census Tract 43.14 in the Montwood/George Dieter area and less than Census Tract 41.07 in the Loma Terrace area. We understand that Census Tracts 43.14 and 41.07 would be considered "high opportunity areas." Our data shows that the Chamizal/Census Tract 28 area that includes the proposed Tays redevelopment has a similar overall crime rate to other census tracts within El Paso that would be considered "high opportunities areas." Therefore, the Chamizal/Census Tract 28 area does not have a higher crime rate or more frequent police reports than what may be found in certain "high opportunity area" census tracts.

El Paso has earned the designation of the Safest City among cities with populations over 500,000 for the last four consecutive years. In 2012, for the City overall, El Paso reported approximately 30 crimes per 1,000 residents. This is much lower than other large Texas cities, such as Houston with approximately 61 crimes per 1,000 residents and San Antonio with approximately 68 crimes per 1,000 residents. We believe that the crime rate of the Chamizal/Census Tract 28 would be comparable or better than some "high opportunity area" census tracts one might find in these larger cities.

Thank you for the opportunity to provide additional clarification regarding the crime statistics in the area. We look forward to continuing the hard work, dedication, and commitment to further reduce crime in the City of El Paso.

Sincerely,

Peter F. Pacillas

Assistant Chief of Police

Gregory K. Allen, Chief of Police

911 N. Raynor | El Paso, Texas 79903 | (915) 564-7000

Dedicated to Outstanding Customer Service for a Better Community

El Paso Crime Compared to Other Texas Cities

City of El Paso

2011 Population: 640066

	*2012	*2013	*2014 YTD
Aggravated Assault	2181	1879	805
Burglary	1826	1771	706
Larceny/Theft	13425	12993	4962
Motor Vehicle Theft	1160	794	334
Murder	23	10	6
Rape	184	176	151
Robbery	471	457	185
Total Part 1 Crimes	19270	18080	7149

30.1 | 2012 Crimes/1000 residents

*2014 May

*EPPD Records Data

Houston Police Department

2011 Population: 2089090

	*2012	*2013	*2014 YTD
Aggravated Assault	11343		
Burglary	26630		
Larceny/Theft	67978		
Motor Vehicle Theft	13070		
Murder	217		
Rape	665		
Robbery	9385		
Total Part 1 Crimes	129288		

61.9 | 2012 Crimes/1000 residents

<http://www.city-data.com/city/Houston-Texas.html>

WEBSITE

San Antonio Police Department

2011 Population: 1313155

	*2012	*2013	*2014 YTD
Aggravated Assault	4441	5901	1035
Burglary	15668	14850	3221
Larceny/Theft	60633	58567	13805
Motor Vehicle Theft	6367	6577	1983
Murder	89	72	19
Rape	549	663	245
Robbery	1864	2192	442
Total Part 1 Crimes	89611	88822	20750

68.2 | 2012 Crimes/1000 residents

* March 2014

<http://www.city-data.com/city/San-Antonio-Texas.html>

<http://www.sanantonio.gov/sapd/UniformCrimeReports.aspx#lt-3026621-2014>

WEBSITE



Office of the City Manager

July 10, 2014

Mayor

Oscar Leeser

City Council

District 1

Ann Morgan Lilly

District 2

Larry Romero

District 3

Emma Acosta

District 4

Carl L. Robinson

District 5

Dr. Michiel R. Noe

District 6

Eddie Holguin Jr.

District 7

Lily Limón

District 8

Cortney C. Niland

City Manager

Tommy Gonzalez

Tim Irvine, Executive Director
Texas Department of Housing and Community Affairs
PO Box 13941
Austin, Texas 78711

Dear Mr. Irvine:

I am writing this letter to respond to your letter of July 3, 2014 regarding the termination of the Tays development due to fair housing concerns with regard to financing a development in a low income census tract with high poverty. You asked how the proposed development accomplished the objectives of the City of El Paso in meeting its obligation to affirmatively further fair housing and to provide information regarding the impact of revitalization efforts in the community.

Fair Housing

The census tract you reference is located in the Chamizal Neighborhood. Residents take pride in the neighborhood and choose to live there for reasons including ethnic heritage, tight-knit social fabric, family bonds, location and many others.

Revitalization Planning: The concentration of lower income minority populations can be reflective of historic patterns of housing discrimination and segregation. The Chamizal Neighborhood was identified as an area that might be impacted by these patterns, and should be revitalized as a result. The community-based neighborhood revitalization efforts undertaken as part of the *Chamizal Neighborhood Revitalization Strategy* provide an excellent opportunity to provide fair housing education and outreach at the grassroots level. Eliminating housing discrimination is a key aspect of creating neighborhoods of opportunity and reversing vestiges of official policies that promoted discrimination and segregated housing patterns. Creation of new housing choice and the reconstruction or rehabilitation of existing housing stock, directly addresses the affordable housing goals outlined in the Plan.

Lack of Affordable Housing and its Disparate Impact: Affordable housing issues can become fair housing issues if the lack of affordable housing has a disparate impact on protected classes. In addition affordable housing is often a fair housing issue because minorities often have lower incomes and have greater affordable housing needs. For El Paso, the fair housing implication of this development is not about its placement, but its lack of funding. El Paso has a severe lack of affordable housing. Almost half of renters and one-third of homeowners are cost burdened. El Paso residents are 2.25 times more likely to live in overcrowded/severely overcrowded conditions compared to the nation. Affordable housing is a fair housing issue in El Paso because the lack of affordable housing has a disparate impact on Hispanics (members of a protected class) because Hispanics earn significantly less than non-Hispanic whites. Affordable housing is a fair housing issue based on El Paso's demographic profile. Supporting the investment of funds and extending the life of affordable housing in any part of the city furthers our obligation to further fair housing.

Office of the City Manager

City 1 | 300 N. Campbell | El Paso, Texas 79901 | (915) 212-0000 or 3-1-1

Dedicated to Outstanding Customer Service for a Better Community



Concentration: The development in question is currently a public housing development that is 100% rent restricted to Extremely Low Income populations. Once the property is redeveloped the income base of the population will actually expand and allow for higher income residents, resulting in less concentration of lower income populations.

Housing Choice: When choice is a factor in maintaining a higher percentage of minorities or other protected classes in certain neighborhoods, it is not problematic unless choice is restricted in other areas for these residents. In the case of the residents of the existing development, it is my understanding that when offered the opportunity to relocate to other areas of town, including higher income areas, over eighty percent (80+%) have indicated that they intend to return to the community when construction is complete. Understanding that the City’s public policies can affect minority concentrations I would like to point out that the city’s Section 8 vouchers, public housing, and Low Income Housing Tax Credit (LIHTC) units are appropriately distributed throughout the city and provide housing choice not only to the residents of the existing development, but the neighborhood as a whole should they choose to relocate to other parts of the City. Finally, existing public housing units in El Paso are equitably distributed throughout the city. Also note that the tax credit developments awarded in the last 10 years indicate that housing choice has been and continues to be made available in higher income census tracts, as well as other areas of the city.

Neighborhood Revitalization Strategy

You requested information on the impact of the Chamizal Neighborhood Revitalization Strategy on the income and poverty levels in this area. The City adopted the Chamizal Neighborhood Revitalization Strategy in January 2008 and over \$23 million has been invested in the neighborhood in accordance with that strategy. This investment has had a demonstrable positive impact in the neighborhood. The following figures are US Census American Community Survey (ACS) 5-Year Estimates for each data year from 2009 through 2012. The most recent 2012 data figures clearly indicate that the Chamizal neighborhood has a trend of decreasing poverty, increasing incomes, and increasing home values.

Poverty, Income, and Home Values for Chamizal Neighborhood/Census Tract 28

Year	Poverty Rate		Median Household Income		Owner-Occupied Median Home Value	
2008-2012 ACS	58.5%	3.5% Decrease in Poverty from 2009 to 2012. 7% Decrease from 2010-2012	\$15,409	12.5% Increase in Income from 2009 to 2012	\$70,600	31.2% Increase in Median Home Value from 2009 to 2012
2007-2011 ACS	61.9%		\$14,551			
2006-2010 ACS	62.9%		\$13,787			
2005-2009 ACS	60.6%		\$13,691			

In conclusion, the Neighborhood Revitalization Strategies on the Chamizal Neighborhood have positively impacted the community and redevelopment of Tays will help the City of El Paso in meeting its obligation to affirmatively further fair housing.

Sincerely,

Tommy González
City Manager

Office of the City Manager
City Hall | 300 N. Campbell | El Paso, Texas 79901 | (915) 212-0000 or 3-1-1

HACEP Property Distribution



HOUSING AUTHORITY
of the City of El Paso, Texas

§ 941.202

24 CFR Ch. IX (4-1-11 Edition)

public housing units, the PHA so classified shall engage a HUD-approved program manager to develop and implement the PHA's proposal. HUD shall review the solicitation and the selection before award of a contract is made by such a PHA.

(d) *Local cooperation.* The PHA must provide a cooperation agreement between the PHA and the applicable local governing body for the area in which the public housing project is to be located as evidence that the local governing body will provide the local cooperation required by HUD pursuant to the Act. This local cooperation shall include exemption from real and personal property taxes, acceptance of PHA payments in lieu of taxes, and the provision at no cost or at no greater cost by the local governing body of the same public services and facilities normally furnished to others in the community.

[45 FR 60838, Sept. 12, 1980. Redesignated at 49 FR 6714, Feb. 23, 1984, as amended at 61 FR 38017, July 22, 1996]

§ 941.202 **Site and neighborhood standards.**

Proposed sites for public housing projects to be newly constructed or rehabilitated must be approved by the field office as meeting the following standards:

(a) The site must be adequate in size, exposure and contour to accommodate the number and type of units proposed, and adequate utilities (e.g., water, sewer, gas and electricity) and streets must be available to service the site.

(b) The site and neighborhood must 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.

(c)(1) The site for new construction projects must not be located in:

(i) An area of minority concentration unless (A) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration, or (B) the project is necessary to meet overriding housing needs which cannot oth-

erwise feasibly be met in that housing market area. An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, religion, creed, sex, or national origin renders sites outside areas of minority concentration unavailable; or

(ii) A racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(2) Notwithstanding any other provision of this paragraph (c), public housing units constructed after demolition of public housing units may be built on the original public housing site, or in the same neighborhood, if one of the following criteria is satisfied:

(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.

(d) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(e) The site 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. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable elements predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(f) The site must comply with any applicable conditions in the local plan approved by HUD.

(g) The 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.

(h) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for low-income workers, must not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(i) The project may not be built on a site that has occupants unless the relocation requirements referred to in § 941.207 are met.

(j) The project may not be built in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

[45 FR 60638, Sept. 12, 1980. Redesignated at 49 FR 6714, Feb. 23, 1984, as amended at 61 FR 38017, July 22, 1996]

§ 941.203 Design and construction standards.

(a) Physical structures shall be designed, constructed and equipped so as to improve or harmonize with the neighborhoods they occupy, meet contemporary standards of modest comfort and liveability, promote security, and be attractive and marketable to the people they are intended to serve. Building design and construction shall strive to encourage in residents a proprietary sense, whether or not homeownership is intended or contemplated.

(b) Projects must comply with:

(1) A national building code, such as Uniform Building Code, Council of American Building Officials Code, or Building Officials Conference of America Code;

(2) Applicable State and local laws, codes, ordinances, and regulations; and

(3) Other Federal requirements, including any Federal fire-safety requirements and HUD minimum property standards (e.g., 24 CFR part 200, subpart S, and § 941.208).

(c) Projects for families with children shall consist to the maximum extent practicable of low-density housing (e.g., non-elevator structures, scattered sites or other types of low-density developments appropriate in the community).

(d) High-rise elevator structures shall not be provided for families with children regardless of density, unless the PHA demonstrates and HUD determines that there is no practical alternative. High-rise buildings for the elderly may be used if the PHA demonstrates and HUD determines that such construction is appropriate, taking into consideration land costs, the safety and security of the prospective occupants, and the availability of community services.

[61 FR 38017, July 22, 1996]

§ 941.205 PHA contracts.

(a) *ACC requirements.* In order to be considered as eligible project expenses, all development related contracts entered into by the PHA shall provide for compliance with the provisions of the ACC.

(b) *Contract forms.* HUD may prescribe the form of any development related contracts, and the PHA shall use such forms. If a form is not prescribed, the PHA may develop its own form; however, it must contain all applicable federal requirements.

(c) *When HUD approval is required.* The PHA is authorized to execute all development-related contracts without prior HUD review or approval with the exception of:

(1) All forms of site or property acquisition contracts regardless of development method; and

(2) Contracts whose amount exceeds a contract approval threshold established by HUD for that PHA; and

(3) A contract for the selection of a program manager to develop and implement the PHA's proposal (see § 941.201(c)).

(d) Each PHA shall certify before executing any contract with a contractor that the contractor is not suspended,

July 11, 2014

Housing Authority of the City of El Paso
Mr. Stan Waterhouse
5300 E. Paisano
El Paso Tx 79905-2931

RE: Brokers Opinion of Value regarding Tays

Mr. Waterhouse at your request we have studied the area around the El Paso Housing Authority's property known as the Tays Complex at 2174 Magoffin Drive, El Paso, Texas, to determine viability of the area for future development and to prove or disprove HUD's assumption that the area is blighted. The definition of blight is "something that is in a ruined state". However, we understand that for purposes of HUD's analysis blight means an area where flight is taking place. In other words, more people are moving out than moving in, and generally the area is in poor condition and declining. We will show by demographics and real estate statistics in the area, the means by which we have drawn our conclusion.

Our real estate analysis focused on the area bordered by Interstate 10 on the North, Paisano on the South, Cotton Street on the West and Piedras Street to the East. In researching the sales of single family homes in the area through the Multiple Listing Service of the El Paso Board of Realtors we found that only ten homes have been sold in that area from 2004 though April of 2014. Presently there are no homes available for sale and no sales pending in the area.

Of the homes that sold in the last ten years, one of them was sold, remodeled and sold again. So, there were actually only nine different houses sold. The "Days on Market", or DOM, which measures the length of time it took to sell these homes ranged from 37 to 157 days. The most recent two sales were on the market 37 and 69 days respectively. Normally, in a tight "Sellers Market" where the availability of homes is low and demand is high the average DOM would be 60 days. In more normal times when the supply and demand is balanced the average DOM would be 120 to 180 days. So, homes in this area seem to sell faster than the norm.

Our conclusion, based on the sale and availability of single-family homes in the immediate area of the Tays complex, is that the public demand for housing in the area is high and the supply is low. Following the statistics for the area to the natural conclusion, we would suggest that more housing could be built and quickly absorbed in the area.

Personal Opinion:

Many people from outside of the El Paso community see numerous areas of “Old El Paso” as poor, not attractive to live in, and even “blighted”. However, having lived in El Paso for over 60 years I can tell you first hand that the residents of El Paso do not consider these areas as blighted. The people of Hispanic culture, which is prevalent in El Paso, especially in the South and Southeast portions of the community, prefer to purchase their homes with cash or very little financing. They tend to pay off their homes quickly. And, inevitably, they pass those homes on the generations of descendants. Rarely, does the family sell. And, many times when they do it is to find a larger home in the area, not to move out of the area. Family, and the proximity to family, is more important to many of these people than re-locating.

Therefore, what some might consider “Blight” is actually stability of neighborhoods with residents who like where they live, have no desire to move, and stay in their homes for generations. As a result, and because of their low income and general financial status, they do not keep their homes in first quality condition as some other affluent areas of the city. But, you will find that pride of home ownership is no less in these poor areas than it is in the more affluent areas.

Population census from 2010

The U.S. Census Bureau’s census from 2010 reveals many interesting facts that seem to support our conclusion. On the attached Profiles you will see that the population within a one-mile radius of the Tays complex has decreased a slight .75% from 2000-2010. And, the population in a 3-mile radius has decreased .85%. In our opinion this is due to natural attrition. As the younger generation grows older and more educated they may tend to move out of the area. But less than one percent in ten years does not imply “flight”. In our opinion, if more single and multi-family housing units were built in the area this trend would reverse itself, as people would move into, or return, to the area. Even the Census Bureau’s own projection as seen on the attached Executive Summary, predicts the area will grow from now until 2018 by 1.27% annually and has already grown .85% annually since 2010. The median age is lower at 32.9 than the national median age of 37.3 demonstrating that younger people are either staying or continuing to move into this area.

The attached Population Growth Chart shows that the area surrounding Tays was in slight decline from 2000 to 2010, but is now on an upswing and is expected to continue growing.



Eddie W. Karam

eddie@wfkaram.com

Conclusion

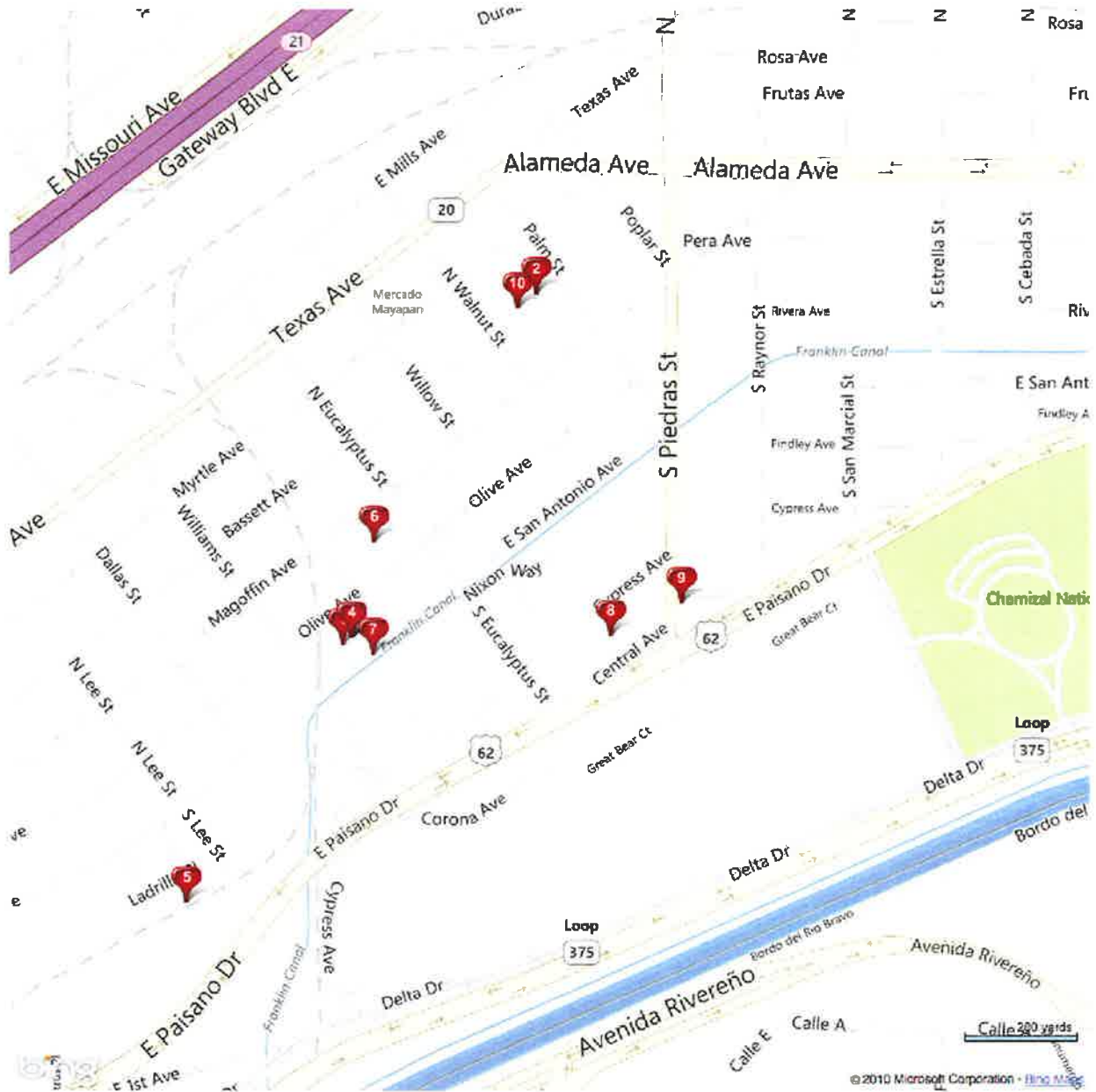
Respectfully, we submit to you and HUD that the area surrounding the Tays complex is stable, beginning to grow again, and still attractive to a large portion of the El Paso population. Rather than be considered as blighted we consider it an opportunity for rehabilitation of older homes and apartments and re-development of properties that have reached the end of their economic life. As more of the younger generation who grew up in that area get older and more educated they will desire to move close to family. Thereby, the Tays location will remain in strong demand for the foreseeable future.

Sincerely,
W.F.Karam, Inc.

By: Eddie W. Karam, President

RES Default Grid

#	ML#	Address	ST	City	St	Area	SqFt	Bd	FB	HB	3QB	List S	LP/SF	Firm#	LOFFC LA ID	DT	PT	VT	Img	List Date
1	375789	1804 OLIVE	S	EL PASO	TX	02	1,701	4	1	0	0	\$23,900	\$14.05	6690	6690 5197	DET	RS	Y	6	05/26/2009
2	229294	2223 BASSETT	S	EL PASO	TX	02	884	3	1	0	1	\$35,000	\$39.59	1164	1164 2683	DET	RS			02/10/2004
3	397522	1812 OLIVE	S	EL PASO	TX	02	700	2	1	0	0	\$36,000	\$51.43	6690	6690 5197	DET	RS	Y	8	10/03/2010
4	396249	1812 OLIVE	S	EL PASO	TX	02	700	2	1	0	0	\$39,900	\$57.00	6690	6690 5197	DET	RS	Y	1	09/08/2010
5	305914	1612 LADRILLO	S	EL PASO	TX	02	1,380	3	1	2	0	\$45,000	\$32.61	70	70 3797	DET	RS		5	12/31/2004
6	534864	1916 MAGOFFIN	S	EL PASO	TX	02	1,260	3	1	0	1	\$48,000	\$38.10	870	870 3093	DET	RS	Y	1	04/16/2013
7	549590	1831 SAN ANTONIO A	S	EL PASO	TX	02	2,046	3	1	0	0	\$48,000	\$23.46	1654	1654 4864	DET	RS	Y	11	02/04/2014
8	324171	2108 CYPRESS	S	EL PASO	TX	02	1,136	1	1	0	0	\$57,000	\$50.18	1800	1800_1 2961	DET	RS		1	05/19/2006
9	360761	2901 CENTRAL	S	EL PASO	TX	02	742	2	0	0	1	\$59,900	\$80.73	222	222 222	DET	RS		6	06/20/2008
10	375079	2211 BASSETT AVE	S	EL PASO	TX	02	1,008	3	1	0	0	\$95,000	\$94.25	1132	1132 3322	DET	RS	N	4	05/12/2009



RES 375789 S

1804 OLIVE, El Paso TX 79901

LP \$ 23,900

SP: \$23,000

List: Jorge Leon 915-726-7637 (F) 915-779-4658 of Vision Realty 915-594-1012

Firm: 6690 Agt: 5197

Sell: Jorge Leon 915-726-7637 915-779-4658 of Vision Realty 915-594-1012

Firm: 6690 Agt: 5197

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
Subdivision: BASSETT
Mapsco: 735V
Listing Type: ER
Taxes Apx : \$ 493
Exemptions: HMSTED
School District: EL PASO
Middle School: NONE
Parcel ID: B20299901902600
Builder Name:
Vacant Property: Y

Area / Zone: 02
Unit #:
Property Class: DET
Zoning: R1
Tax Year: 2008
Defects: OWNER NOT AWARE
Elem School: BASSETT
High School: BOWIE
Bk Up Offers Acpt:
Water District: OTHER

Legal Desc: 19 BASSETT 7 & 8

Bedrms: 4 **Full Baths:** 1 **Half Baths:** 0 **3/4 Baths:** 0 **MBR:** **M-Desc:**
Maids Rm: N **Fireplaces:** **Year Blt:** 1912 **2BD:** **2-Desc:**
Apx SF Main: 1,701 **SqFt 2:** **Measured:** Appraiser CAD **3BD:** **3-Desc:**
Acres: 0.140 **Acres Range:** 0-0.5 **4BD:** **4-Desc:**
5BD: **5-Desc:**

Construtn Phase: **Completion:**
Detached Propert Type: RESALE **LP/SqFt:** \$ 14.051 **House** N **Laundry Rm:** None
Attached Property Type: OTHER **Units:** 1 **Location:** **Stories/Prop:** 1 **#Sty/Bldg:**
Manufactured Prop Width: **Length:** **Model:** **P-Fdtn:**
Int Features: Other See Remarks

Ext Features: Back Yard Access

Appliances: Range Hood
Specil Notes: None
Lighting:
Kitchen Sinks:

Kitchen Counter Tops

Bath Vanities Cabinets:

Style: 1 Story
Roof: Flat
Heating: Gas
Cooling: None
Pool: No
Garage: Sgl Car Port

Land Use: Subdivided
Construction: Adobe
Water/Sewer: City Water
Landscape: None
Flooring: Carpet, Vinyl
Lot Desc: Standard Lot
Lot Size: 0

Windows/Treatmtns: No Treatments
Showing Instru: Appt with LA

Financing Considered Cash, Conventional

HOA Covers: None
HOA Y/N: N **HOA Dues/Mo:** **HOA Required:** **Rented Y/N:** **Rent/Mo:**
HOA Name: **HOA Ph:** **Tenant Stays:**

Public Remarks: CENTRAL LOCATION GREAT INVESTMENT OPPORTUNITY SITUATED IN TWO LOTS. PLEASE VERIFY ALL INFORMATION. RENTAL OPPORTUNITY, SOLD ` AS IS ` .DON`T MISS THIS OPPORTUNITY. PRICED TO SELL FAST!!!

Internet OK: N Internet Addr: N IDX Broker Recip: Y VOW AVM Y/N: N VOW Comnts: N

Seller Name: EMMA & JESUS LOPEZ

Tenant Name:

Seller Phone: 915-726-7637

Seller Ph 2:

Tenant Phone:

Confidential Remarks: House is not liveable. Vacant on lock box. Please make sure to properly secure the house.

Byr Broker Fee: 3 **Sub Agent Flat Fee:** **Var Rate Comm:** N **Cancelled Date :**
List Date: 05/26/09 **Seller Assist Offered:** N **Lkbox:** N **Wthdr/Off Mkt Date:**
Expiration Date : 11/30/09 **HER Index:** 0 **Active w. Ctngcy:** **Pend/Contrct Date:** 08/19/09
DOM/CDOM: 85 / 92 **Sold Price /** \$13.52 **Option:** **Begin Date:**
Sold/Lsd Price: \$ 23,000 **Terms Of Sale:** CASH **Flat Fee:** **End Date:**
Loan Term #: **Cash Down:** **Concessn:** **Projected Cls Date:**
Appraiser SqFt: **Concession YN:** **Sold/Leased Date:** 08/26/09
Orig List Price: \$30,000 **Loan Ofcr Email:**
Title Company: SIERRA TITLE **Title Officer:** KRISTEN
Title Co. Address: MESA & SHADOW MOUNTAIN **Title Co. Ph:** 915-584-9451

RES 229294 S

2223 BASSETT, El Paso TX 79901

LP \$ 35,000

SP: \$35,000

List: TODD HOUTKOOPER 915-630-7557 of eRealty Network 915-592-6900

Firm: 1164 Agt: 2683

Sell: TODD HOUTKOOPER 915-630-7557 of 1st Choice Real Estate 915-629-7355

Firm: 954 Agt: 2683

Co L-Agt:

Co S-Agt:

No Photo Available	County:	EL PASO	Area / Zone:	02
	Subdivision:	BASSETT	Unit #:	
	Mapsc:	733r	Property Class:	DET
	Listing Type:	ER	Zoning:	R1
	Taxes Apx :	\$ 74	Tax Year:	3
	Exemptions:	HMSTED	Defects:	OWNER NOT AWARE
	School District:	EL PASO	Elem School:	BEALL
	Middle School:	GUILLEN	High School:	BOWIE
	Parcel ID:	B20299903909100	Bk Up Offers Acpt:	
	Builder Name:	unknown	Water District:	NONE
Vacant Property:				

Media Viewer

Legal Desc: 39 BASSETT LOT 28 (3000 SQ FT)

Bedrms: 3	Full Baths: 1	Half Baths: 0	3/4 Baths: 1	MBR:	M-Desc:
Maids Rm: N	Fireplaces:	Year Blt: 1949		2BD:	2-Desc:
Apx SF Main: 884	SqFt 2:	Measured: Other		3BD:	3-Desc:
Acres: 0.000	Acres Range: 0-0.5			4BD:	4-Desc:
				5BD:	5-Desc:

Construtn Phase:	Completion:	House	Laundry Rm: None
Detached Propert Type: RESALE	LP/SqFt: \$ 39.593	Stories/Prop:	#Sty/Bldg:
Attached Propert Type:	Units: Location:	Model:	P-Fdtn:
Manufactured Prop Width:	Length:		
Int Features: Ceiling Fan(s), Live In Room			

Ext Features: Security Wrought Iron

Appliances: Dryer HU, Freestanding Gas Range, Range Hood, Washer HU

Spec'l Notes: Environmental Hazards

Lighting:	Kitchen Counter Tops	Bath Vanities
Kitchen Sinks:		Cabinets:

Style: 1 Story	Land Use:
Roof: Flat	Construction: Slump Rock, Stucco
Heating: Radiant	Water/Sewer:
Cooling: 2+ Units, Evaporative	Landscape: None
Pool: No	Flooring: Carpet, Vinyl
Garage: Sgl Detached	Lot Desc: Standard Lot
	Lot Size: 0

Windows/Treatmts:

Showing Instru: Appt with LA

Financing Considered: Cash, Conventional

HOA Covers:	HOA Y/N: N	HOA Dues/Mo:	HOA Required:	Rented Y/N: N	Rent/Mo:
HOA Name:		HOA Ph:		Tenant Stays: N	
Public Remarks: FIXER UPPER'S DREAM! TAKE A LOOK AT THIS HOUSE. THE HOUSE CONTAINS ANOTHER ROOM THAT CAN BE RENTED OUT.					

Internet OK: N Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: HERRERA JOSE L

Tenant Name:

Seller Phone: CALL LA

Seller Ph 2:

Tenant Phone:

Confidential Remarks: LISTING INFORMATION IS GATHERED FROM SOURCES DEEMED RELIABLE. INFORMATION IS HOWEVER, SUBJECT TO ERRORS, OMISSIONS, AND CHANGES WITHOUT PRIOR NOTICE.

Byr Broker Fee: 3	Sub Agent Flat Fee:	Var Rate Comm N	Cancelled Date :
List Date: 02/10/04	Seller Assist Offered:	Lkbox:	Wthdr/Off Mkt Date:
Expiration Date : 08/31/04	HER Index: 0	Active w. Ctnqcy:	Pend/Contrct Date: 02/12/04
DOM/CDOM: 2 / 131	Sold Price / \$39.59	Option:	Begin Date:
Sold/Lsd Price: \$ 35,000	Terms Of Sale: CASH	Flat Fee:	End Date:
Loan Term #:	Cash Down:	Concessn:	Projected Cls Date:
Appraiser SqFt:	Concession YN:		Sold/Leased Date: 06/20/04
Orig List Price: \$35,000	Loan Ofcr Email:		
Title Company: 1ST AMRICAN MWD		Title Officer: Sammie Munoz	
Title Co. Address		Title Co. Ph:	

RES 396249 S

1812 OLIVE, El Paso TX 79901

LP \$ 39,900

SP: \$27,000

List: Jorge Leon 915-726-7637 (F) 915-779-4658 of Vision Realty 915-594-1012

Firm: 6690 Agt: 5197

Sell: Jorge Leon 915-726-7637 915-779-4658 of Vision Realty 915-594-1012

Firm: 6690 Agt: 5197

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
Subdivision: BASSETT
Mapsco: 735V
Listing Type: ER
Taxes Apx : \$ 200
Exemptions: 65+
School District: EL PASO
Middle School: GUILLEN
Parcel ID: B20299901901600
Builder Name:
Vacant Property: Y

Area / Zone: 02
Unit #:
Property Class: DET
Zoning: A1
Tax Year: 2010
Defects: OWNER NOT AWARE
Elem School: BASSETT
High School: BOWIE
BK Up Offers Acpt:
Water District: OTHER

Legal Desc: 19 Bassett lot 5

Bedrms: 2 Full Baths: 1 Half Baths: 0 3/4 Baths: 0 MBR:
Maids Rm: N Fireplaces:0 Year Blt: 1912 2BD:
Apx SF Main: 700 SqFt 2: Measured: Appraiser CAD 3BD:
Acres: Acres Range: 0-0.5 4BD: 5BD:
M-Desc:
2-Desc:
3-Desc:
4-Desc:
5-Desc:

Construtn Phase:FINISH Completion:
Detached Property Type: RESALE LP/SqFt: \$ 57.0 House N Laundry Rm: None
Attached Property Type: Units: Location: Stories/Prop: #Sty/Bldg:
Manufactured Prop Width: Length: Model: P-Fdtm:
Int Features: Basement

Ext Features: Back Yard Access

Appliances: Refrigerator
Spec Notes: None
Lighting: Kitchen Counter Tops Bath Vanities
Kitchen Sinks: Cabinets:

Style: 1 Story Land Use: Subdivided
Roof: Composition Construction: Adobe
Heating: Central Forced Air, Gas Water/Sewer: City Water
Cooling: Evaporative Landscape: None
Pool: No Flooring: Carpet, Vinyl
Garage: None Lot Desc: Standard Lot
Lot Size: 3,000

Windows/Treatmts: Other See Remarks
Showing Instru: Appt with LA

Financing Considered Cash

HOA Covers: None
HOA Y/N: N HOA Dues/Mo: HOA Required: Rented Y/N: Rent/Mo:
HOA Name: HOA Ph: Tenant Stays:

Public Remarks: Take advantage of this inexpensive home centrally located with easy access to Paisano and Freeway. House needs minor repairs but it is liveable. Call me today for more information.

Internet OK: N Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: Mrs. Lopez Tenant Name:
Seller Phone: Seller Ph 2: Tenant Phone:

Confidential Remarks: Please verify all information before taking action. Subject to errors and omissions.

Byr Broker Fee: 3 Sub Agent Flat Fee: Var Rate Comm N Cancelled Date :
List Date: 09/08/10 Seller Assist Offered: N Withdr/Off Mkt Date:
Expiration Date : 03/01/11 HER Index: 0 Active w. Ctnegy: Pend/Contract Date: 09/09/10
DOM/CDOM: 1 / 12 Sold Price / \$38.57 Option: Begin Date:
Sold/Lsd Price: \$ 27,000 Terms Of Sale: CASH Flat Fee: End Date:
Loan Term #: Cash Down: Projected Cls Date:
Appraiser SqFt: Concession YN: Concessn: Sold/Leased Date: 09/20/10
Orig List Price: \$35,000 Loan Ofcr Email:
Title Company: Sierra Title Title Officer: Kristen
Title Co. Address Mesa and Shadow Mountain Title Co. Ph:

RES 397522 S

1812 OLIVE, El Paso TX 79901

SP: \$34,000

List: Jorge Leon 915-726-7637 (F) 915-779-4658 of Vision Realty 915-594-1012

Firm: 6690 Agt: 5197

Sell: Jorge Leon 915-726-7637 915-779-4658 of Vision Realty 915-594-1012

Firm: 6690 Agt: 5197

Co L-Agt: Co S-Agt:



Media Viewer

County: EL PASO
 Subdivision: BASSETT
 Mapsco: 735V
 Listing Type: ER
 Taxes Apx : \$ 250
 Exemptions: UNKNWN
 School District: EL PASO
 Middle School: BASSETT
 Parcel ID: B20299901901600
 Builder Name:
 Vacant Property: Y

Area / Zone: 02
 Unit #:
 Property Class: DET
 Zoning: A1
 Tax Year: 2009
 Defects: OWNER NOT AWARE
 Elem School: BASSETT
 High School: BOWIE
 Bk Up Offers Acpt:
 Water District: OTHER

Legal Desc: 19 Bassett Lot 5

Bedrms: 2 Full Baths: 1 Half Baths: 0 3/4 Baths: 0 MBR: M-Desc:
 Maids Rm: N Fireplaces: Year Blt: 1912 2BD: 2-Desc:
 Apx SF Main: 700 SqFt 2: Measured: Appraiser CAD 3BD: 3-Desc:
 Acres: Acres Range: 0-0.5 4BD: 4-Desc:
 5BD: 5-Desc:

Construtn Phase: Completion:
 Detached Propert Type: RESALE LP/SqFt: \$ 51.429 House Laundry Rm: None
 Attached Propert Type: Units: Location: Stores/Prop: #Sty/Bldg:
 Manufactured Prop Width: Length: Model: P-Fdtn:
 Int Features: Basement, Breakfast Area

Ext Features: Back Yard Access

Appliances: Refrigerator, Cooktop-Gas

Spec'l Notes: None

Lighting:

Kitchen Counter Tops

Bath Vanities
 Cabinets:

Style: 1 Story
 Roof: Composition
 Heating: Other See Remarks
 Cooling: Evaporative
 Pool: No
 Garage: None

Land Use: Subdivided
 Construction: Adobe
 Water/Sewer: City Water
 Landscape: None
 Flooring: Carpet
 Lot Desc: Other See Remarks
 Lot Size: 0

Windows/Treatmts: Security Bars
 Showing Instru: Appt with Owner

Financing Considered Cash

HOA Covers: None
 HOA Y/N: N HOA Dues/Mo: HOA Required: Rented Y/N: Y Rent/Mo: 500
 HOA Name: HOA Ph: Tenant Stays: Y

Public Remarks: Great Opportunity for your client to buy this property in Central El Paso. It features 2 bedrooms, basement, living room, breakfast area kitchen. Refrigerator and new stove purchased Oct 22, 2010. House is currently being rented on a month to month basis for \$ 500.

Internet OK: N Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: Rivera

Tenant Name: Luis Retana

Seller Phone:

Seller Ph 2:

Tenant Phone: 915-867-5570

Confidential Remarks: Great return on investment on this property. Low taxes, good rent and great price!

Byr Broker Fee: 3.0 Sub Agent Flat Fee: Var Rate Comm N Cancelled Date :
 List Date: 10/03/10 Seller Assist Offered: Lkbox: Y Wthdr/Off Mkt Date:
 Expiration Date : 03/31/11 HER Index: 0 Active w. Ctngcy: Pend/Contrct Date: 12/05/10
 DOM/CDOM: 63 / 73 Sold Price / \$48.57 Option: Begin Date:
 Sold/Lsd Price: \$ 34,000 Terms Of Sale: CASH Flat Fee: End Date:
 Loan Term #: Cash Down: Projected Cls Date:
 Appraiser SqFt: Concession YN: Sold/Leased Date: 12/15/10
 Orig List Price: \$39,950 Loan Ofcr Email:
 Title Company: Sierra Title Title Officer: Kristen
 Title Co. Address: Mesa & Shadow Mountain Title Co. Ph:

RES 305914 S

1612 LADRILLO, El Paso TX 79901

LP \$ 45,000

SP: \$40,000

List: Cynthia Trujillo 915-276-4246 of Century 21 APD & Associates 915-779-5611

Firm: 70 Agt: 3797

Sell: Paul Barraza 915-691-9580 915-858-8888 of Rio Grande Real Estate 915-691-9580

Firm:731_1 Agt: 2443

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
Subdivision: HEAFIELD AND HUDP
Mapsco: 735v
Listing Type: ER
Taxes Apx : \$ 717
Exemptions: UNKNWN
School District: EL PASO
Middle School: GUILLEN
Parcel ID: H21199900404100
Builder Name:
Vacant Property:

Area / Zone: 02
Unit #:
Property Class: DET
Zoning: M1
Tax Year: 2004
Defects: OWNER NOT AWARE
Elem School: HART
High School: BOWIE
Bk Up Offers Acpt:
Water District: OTHER

Legal Desc: LOT 10 BLOCK 4 HEAFIELD AND HUDSPETH

Bedrms: 3 Full Baths: 1 Half Baths: 2 3/4 Baths: 0
Maids Rm: N Fireplaces: Year Blt: 1964
Apx SF Main: 1,380 SqFt 2: Measured: Appraiser CAD
Acres: 0.060 Acres Range: 0-0.5

MBR: M-Desc:
2BD: 2-Desc:
3BD: 3-Desc:
4BD: 4-Desc:
5BD: 5-Desc:

Construtn Phase: Completion:
Detached Property Type: RESALE LP/SqFt: \$ 32,609
Attached Property Type: Units: Location:
Manufactured Prop Width: Length:
Int Features: Breakfast Area

House Laundry Rm: Common
Stories/Prop: #Sty/Bldg:
Model: P-Fdtn:

Ext Features: Patio open

Appliances: Dryer HU, Washer HU

Spec'l Notes: None

Lighting: Kitchen Counter Tops
Kitchen Sinks: Bath Vanities
Cabinets:

Style: 1 Story
Roof: Composition
Heating: Gas
Cooling: Evaporative
Pool: No
Garage: Other See Remarks

Land Use: Other See Remarks
Construction: Block
Water/Sewer: City Water
Landscape: Other See Remarks
Flooring: Concrete, Vinyl
Lot Desc: Standard Lot
Lot Size: 0

Windows/Treatmts: Other See Remarks

Showing Instru: Vacant on Lockbox

Financing Considered Cash, Owner

HOA Covers: None

HOA Y/N: N HOA Dues/Mo: HOA Required: Rented Y/N: N Rent/Mo:
HOA Name: HOA Ph: Tenant Stays: N

Public Remarks: MOTHER IN LAW QUARTERS, FIXER UPPER, VERY SPACIOUS. SOLD AS IS OWNER WILLING TO OWNER-FINANCE WITH 5 DOWN. OWNER LOOKING AT ALL OFFERS.

Internet OK: N Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: RAMON AND RAFAELA ORTIZ

Tenant Name:

Seller Phone:

Seller Ph 2:

Tenant Phone:

Confidential Remarks: VACANT ON LOCKBOX. PLEASE ENTER THROUGH PATIO DOOR, DOORS IN BACK OF HOUSE ARE OPEN, MOTHER IN LAW QUARTER IS ALSO OPEN, PUSH IN. BRING OFFERS!!!

Byr Broker Fee: 3
List Date: 12/31/04
Expiration Date : 07/30/05
DOM/CDOM: 147 / 181
Sold/Lsd Price: \$ 40,000
Loan Term #:
Appraiser SqFt:
Orig List Price: \$45,000
Title Company: STEWART
Title Co. Address

Sub Agent Flat Fee:
Seller Assist Offered:
HER Index: 0
Sold Price / \$28.99
Terms Of Sale: CONVENTIONAL
Cash Down:
Concession YN:
Loan Ofcr Email:

Var Rate Comm N
Lkbox:
Active w. Ctngcy:
Option:
Flat Fee:
Concessn:

Cancelled Date :
Wthdr/Off Mkt Date:
Pend/Contract Date: 05/27/05
Begin Date:
End Date:
Projected Cls Date:
Sold/Leased Date: 06/30/05

Title Officer: -
Title Co. Ph:

RES 534864 S

1916 MAGOFFIN, El Paso TX 79901

LP \$ 48,000

SP: \$44,000

List: Geraldine Parra 915-588-3802 (F) 915-834-4054 of Coldwell Banker De Wetter Hovi 915-834-4000

Firm: 870 Agt: 3093

Sell: Anna Cosgrove 915-875-4701 915-877-3739 of KB Realty 915-857-6800

Firm: 2740 Agt: 4104

Co L-Agt:

Co S-Agt:



County: EL PASO
 Subdivision: BASSETT
 Mapsco:
 Listing Type: ER
 Taxes Apx : \$ 2,354
 Exemptions: UNKNWN
 School District: EL PASO
 Middle School: GUILLEN
 Parcel ID: B20299902900600
 Builder Name:
 Vacant Property: Y

Area / Zone: 02
 Unit #:
 Property Class: DET
 Zoning: M1
 Tax Year: 2013
 Defects: OWNER NOT AWARE
 Elem School: DOUGLASS
 High School: BOWIE
 Bk Up Offers Acpt:
 Water District:

Media Viewer

Legal Desc: 29 Bassett 6 & E 1/2 of 7 & 29 Bassett 8 & W 1/2

Bedrms: 3 Full Baths: 1 Half Baths: 0 3/4 Baths: 1 MBR: M-Desc:
 Maids Rm: N Fireplaces: Year Blt: 1912 2BD: 2-Desc:
 Apx SF Main: 1,260 SqFt 2: 805 Measured: Appraiser CAD 3BD: 3-Desc:
 Acres: 0.103 Acres Range: 0-0.5 4BD: 4-Desc:
 5BD: 5-Desc:

Construtn Phase: Completion:
 Detached Propert Type: RESALE LP/SqFt: \$ 38,095 House Laundry Rm: Util Room
 Attached Propert Type: Units: Location: Stories/Prop: #Sty/Bldg:
 Manufactured Prop Width: Length: Model: P-Fdtn:
 Int Features: Breakfast Area

Ext Features: Back Yard Access

Appliances: Freestanding Gas Range

Spec'l Notes: Fixer Upper

Lighting: Kitchen Counter Tops
 Kitchen Sinks: Bath Vanities
 Cabinets:

Style: 1 Story Land Use: Subdivided
 Roof: Composition, Pitched Construction: Brick, Stucco
 Heating: Wall Unit Water/Sewer: City Water, Sewer-City
 Cooling: Other See Remarks Landscape: None
 Pool: No Flooring: Hardwood, Vinyl
 Garage: None Lot Desc: Standard Lot
 Lot Size: 4,500

Windows/Treatm'ts: Wood, No Treatments

Showing Instru: Appt with LA

Financing Considered: Cash

HOA Covers: None
 HOA Y/N: N HOA Dues/Mo: HOA Required: Rented Y/N: Rent/Mo:
 HOA Name: HOA Ph: Tenant Stays:

Public Remarks: Great opportunity in this large double lot. Main home has 1260 sq ft; back home has 805 sq ft. Seller does not know if back home is structurally sound. Neighboring properties are zoned commercial. Great priced "AS IS" and potential to transform for several different uses. This is an estate, so seller does not know the condition of the home.

Internet OK: Y Internet Addr: Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: Call Listing Agent

Tenant Name:

Seller Phone:

Seller Ph 2:

Tenant Phone:

Confidential Remarks: This is 1916 & 1918 Magoffin. Probably won't be approved for financing; cash or hard money loan. Sq. ft. and taxes are combined for both homes and lots.

Byr Broker Fee: 3 Sub Agent Flat Fee: Var Rate Comm: N Cancelled Date:
 List Date: 04/16/13 Seller Assist Offered: Lkbox: Wthdr/Off Mkt Date:
 Expiration Date: 10/16/13 HER Index: Active w. Ctngcy: Pend/Contrct Date: 04/29/13
 DOM/CDOM: 13 / 37 Sold Price / \$34.92 Option: Begin Date:
 Sold/Lsd Price: \$ 44,000 Terms Of Sale: OTHER Flat Fee: End Date:
 Loan Term #: Cash Down: Concessn: Projected Cls Date:
 Appraiser SqFt: Concession YN: N Concessn: Sold/Leased Date: 05/23/13
 Orig List Price: \$48,000 Loan Ofcr Email:
 Title Company: El Paso Title Title Officer: Suzi Phillips
 Title Co. Address: 1201 N. Mesa Title Co. Ph:

↓ LP \$ 48,000

RES 549590 S

1831 SAN ANTONIO AVE, El Paso TX 79901

SP: \$40,000

List: Yolanda Moran 915-760-3962 (F) 915-599-0099 of El Paso Real Estate Consultant 915-474-0041

Firm: 1654 Agt: 4864

Sell: Andy Truett 915-500-9105 915-307-5218 of Keller Williams Realty 915-603-5293

Firm: 411 Agt: 4322

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
 Subdivision: BASSETT
 Mapsco:
 Listing Type: ER
 Taxes Apx : \$ 280
 Exemptions: 65+,HMSTED
 School District: EL PASO
 Middle School: DOUGLAS
 Parcel ID: B20299901909100
 Builder Name:
 Vacant Property: Y

Area / Zone: 02
 Unit #:
 Property Class: DET
 Zoning: M1
 Tax Year: 2013
 Defects: OWNER NOT AWARE
 Elem School: BEALL
 High School: BOWIE
 Bk Up Offers Acpt:
 Water District:

Legal Desc: 19 BASSETT 29 & 30 (6000 SQ FT)

Bedrms: 3 Full Baths: 1 Half Baths: 0 3/4 Baths: 0 MBR: M-Desc:
 Maids Rm: N Fireplaces: Year Blt: 1912 2BD: 2-Desc:
 Apx SF Main: 2,046 SqFt 2: Measured: Appraiser CAD 3BD: 3-Desc:
 Acres: 0.138 Acres Range: 0-0.5 4BD: 4-Desc:
 5BD: 5-Desc:

Construtn Phase: Completion:
 Detached Property Type: RESALE LP/SqFt: \$ 23.46 House N Laundry Rm: None
 Attached Property Type: Units: 1 Location: Stories/Prop: #Sty/Bldg:
 Manufactured Prop Width: Length: Model: P-Fdtn:
 Int Features: 2+ Living Areas, Den, Country Kitchen

Ext Features: Workshop, Fenced All

Appliances: Other See Remarks

Spec Notes: Fixer Upper

Lighting:

Kitchen Counter Tops

Bath Vanities
 Cabinets:

Kitchen Sinks:

Style: 1 Story
 Roof: Flat
 Heating: Wall Unit
 Cooling: Evaporative
 Pool: No
 Garage: None

Land Use: Subdivided
 Construction: Stucco
 Water/Sewer: Sewer-City
 Landscape: Lawn Grass
 Flooring: Tile, Laminate
 Lot Desc: Standard Lot
 Lot Size: 6,000

Windows/Treatmts: Blinds
 Showing Instru: Lockbox Call First

Financing Considered Cash, Conventional

HOA Covers:

HOA Y/N: N

HOA Dues/Mo:

HOA Required:

Rented Y/N:

Rent/Mo:

HOA Name:

HOA Ph:

Tenant Stays:

Public Remarks: Great investment Rental property, gated for security, pecan trees, Fixer upper, Near downtown, 3 bedrooms Living room, Den, 1 bath, Fixer upper

Internet OK: Y Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: BELLEZA GERVACIO

Tenant Name:

Seller Phone:

Seller Ph 2:

Tenant Phone:

Confidential Remarks: Vacant on Lock box -(code 0118) There is a man living in back room but house is vacant on Lockbox. Driving instructions: S. Cotton, turn left on Texas, Right on Williams, Left on Olive and Right on Laurel, it is in alley road ymoran2005@yahoo.com

Byr Broker Fee: 3 Sub Agent Flat Fee: Var Rate Comm Y
 List Date: 02/04/14 Seller Assist Offered: Lkbox:
 Expiration Date: 10/31/14 HER Index: Active w. Ctngcy: Pend/Contrct Date: 04/07/14
 DOM/CDOM: 62 / 69 Sold Price / \$19.55 Option: Begin Date:
 Sold/Lsd Price: \$ 40,000 Terms Of Sale: CASH Flat Fee: End Date:
 Loan Term #: Cash Down: Concessn: Projected Cls Date:
 Appraiser SqFt: Concession YN: N Sold/Leased Date: 04/14/14
 Orig List Price: \$54,000 Loan Ofcr Email:
 Title Company: Sierra Title Company Title Officer: Kristen Gonnell
 Title Co. Address 120 Shadow Mountain Title Co. Ph:

RES 324171 S

2108 CYPRESS, El Paso TX 79905

LP \$ 57,000

SP: \$59,360

List: Joaquin Santoyo 915-630-7600 (F) 915-603-3057 of N thuz 4 real estate 915-440-0532

Firm: 1800_1 Agt: 2961

Sell: Eva Antillon 915-740-1073 915-581-8497 of Prudential BKB, REALTORS 915-581-5316

Firm: 5880 Agt: 1650

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
Subdivision: BASSETT
Mapsc: 736N
Listing Type: ER
Taxes Apx : \$ 900
Exemptions: UNKNWN
School District: EL PASO
Middle School: DOUGLAS
Parcel ID: B202999000B3400
Builder Name:
Vacant Property:

Area / Zone: 02
Unit #:
Property Class: DET
Zoning: A3
Tax Year: 2005
Defects: OWNER AWARE
Elem School: BEALL
High School: BOWIE
Bk Up Offers Acpt:
Water District: NONE

Legal Desc: B Bassett LOT 22 (2750SQ FT)

Bedrms: 1 Full Baths: 1 Half Baths: 0 3/4 Baths: 0 MBR:
M-Desc:
Maids Rm: N Fireplaces: Year Blt: 1912 2BD:
2-Desc:
Apx SF Main: 1,136 SqFt 2: Measured: Appraiser CAD 3BD:
3-Desc:
Acres: Acres Range: 0-0.5 4BD:
4-Desc:
5BD:
5-Desc:

Construtn Phase: Completion:
Detached Propert Type: RESALE LP/SqFt: \$ 50,176 House
Attached Propert Type: Units: Location: Stories/Prop: Laundry Rm: Util Room
Manufactured Prop Width: Length: Model: #Sty/Bldg:
Int Features: Breakfast Area, Dining Rm P-Fdtn:

Ext Features: Back Yard Access, Fenced Backyard

Appliances: Dryer HU, Washer HU
Spec'l Notes: None, Owner Agent
Lighting: Kitchen Counter Tops
Kitchen Sinks:

Bath Vanities
Cabinets:

Style: 1 Story
Roof: Pitched
Heating: Central Forced Air
Cooling: Evaporative
Pool: No
Garage: None, Other See Remarks
Land Use: Other See Remarks
Construction: Adobe-Part
Water/Sewer: City Water
Landscape: None
Flooring: Hardwood, Terrazzo Ceramic
Lot Desc: Standard Lot
Lot Size: 2,750

Windows/Treatmts: No Treatments
Showing Instru: Vacant on Lockbox

Financing Considered Cash, Conventional

HOA Covers: None
HOA Y/N: N HOA Dues/Mo: HOA Required: Rented Y/N: N Rent/Mo:
HOA Name: HOA Ph: Tenant Stays: N

Public Remarks: Beautifull samal house totally remodeled shows very good ,conviniently located, priced to sell!!!

Internet OK: N Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: Tenant Name:

Seller Phone: Seller Ph 2: Tenant Phone:

Confidential Remarks: -None of the furniture conveys with the property,(washer, dryer, refrigerator etc...) seller will pick up as soon as needed

Byr Broker Fee: 2.5 Sub Agent Flat Fee: Var Rate Comm N Cancelled Date :
List Date: 05/19/06 Seller Assist Offered: Lkbox: Withdr/Off Mkt Date:
Expiration Date : 05/19/07 HER Index: 0 Active w. Ctngrcy: Pend/Conctct Date: 10/23/06
DOM/CDOM: 157 / 157 Sold Price / \$52,25 Option: Begin Date:
Sold/Lsd Price: \$ 59,360 Terms Of Sale: CONVENTIONAL Flat Fee: End Date:
Loan Term #: Cash Down: Concesssn: Projected Cls Date:
Appraiser SqFt: Concession YN: Y Loan Ofcr Email: Sold/Leased Date: 10/23/06
Orig List Price: \$57,000 Title Officer: Irma white
Title Company: Del Norte Title Title Co. Ph:
Title Co. Address

RES 360761 S

2901 CENTRAL, El Paso TX 79905

LP \$ 59,900

SP: \$54,000

List: Dona Stout 915-276-4116 (F) 915-584-2219 of RE/MAX Homes Plus, Inc. 915-584-2200

Firm: 222 Agt: 222

Sell: Dona Stout 915-276-4116 915-584-2219 of RE/MAX Homes Plus, Inc. 915-584-2200

Firm: 222 Agt: 222

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
 Subdivision: GARDEN
 Mapsco: 736q
 Listing Type: ER
 Taxes Apx: \$ 119
 Exemptions: 65+
 School District: EL PASO
 Middle School: GUILLEN
 Parcel ID: G12699900301100
 Builder Name:
 Vacant Property:

Area / Zone: 02
 Unit #:
 Property Class: DET
 Zoning: A1
 Tax Year: 2008
 Defects: OWNER NOT AWARE
 Elem School: BEALL
 High School: BOWIE
 Bk Up Offers Acpt:
 Water District: NONE

Legal Desc: P-2 Garden S 62 ft of 1&2

Bedrms: 2 Full Baths: 0 Half Baths: 0 3/4 Baths: 1 MBR: M-Desc:
 Maids Rm: N Fireplaces: Year Blt: 1940 2BD: 2-Desc:
 Apx SF Main: 742 SqFt 2: Measured: Appraiser CAD 3BD: 3-Desc:
 Acres: 0.070 Acres Range: 0-0.5 4BD: 4-Desc:
 5BD: 5-Desc:

Construtn Phase: Completion:
 Detached Property Type: RESALE LP/SqFt: \$ 80.728 House S Laundry Rm: Room
 Attached Property Type: Units: Location: Stories/Prop: #Sty/Bldg:
 Manufactured Prop Width: Length: Model: P-Fdtn:
 Int Features: Handicap Access, Smoke Alarm(s)

Ext Features: Fenced All, Security Wrought Iron

Appliances: Dryer HU, Freestanding Gas Range, Range Hood, Washer HU

Spec Notes: None

Lighting:

Kitchen Sinks:

Kitchen Counter Tops

Bath Vanities
 Cabinets:

Style: 1 Story Land Use: Subdivided
 Roof: Shingle Construction: Stucco
 Heating: Wall Unit Water/Sewer: City Water
 Cooling: Evaporative Landscape: None
 Pool: No Flooring: Carpet, Vinyl
 Garage: Car Pad Lot Desc: Corner
 Lot Size: 0

Windows/Treatmts: Blinds

Showing Instru: Vacant on Lockbox

Financing Considered Cash, Conventional, FHA, Tx Veteran, VA

HOA Covers: None

HOA Y/N: N

HOA Dues/Mo:

HOA Required:

Rented Y/N:

Rent/Mo:

HOA Name:

HOA Ph:

Tenant Stays:

Public Remarks: This home has great potential for commercial or residential purposes. Don't let this one get away.

Internet OK: Y Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: Y VOW Comnts: Y

Seller Name: Alicia Aldana and Inez Martinez

Tenant Name:

Seller Phone: 915-598-8887

Seller Ph 2:

Tenant Phone:

Byr Broker Fee: 3

Sub Agent Flat Fee:

Var Rate Comm N

Cancelled Date :

List Date: 06/20/08

Seller Assist Offered:

Lkbox:

Wthdr/Off Mkt Date:

Expiration Date : 12/20/08

HER Index: 0

Active w. Ctngcy:

Pend/Contract Date: 08/11/08

DOM/CDOM: 52 / 97

Sold Price / \$72.78

Option:

Begin Date:

Sold/Lsd Price: \$ 54,000

Terms Of Sale: CONVENTIONAL

Flat Fee:

End Date:

Loan Term #:

Cash Down:

Concessn:

Projected Cls Date:

Appraiser SqFt:

Concession YN:

Sold/Leased Date: 09/25/08

Orig List Price: \$59,900

Loan Ofcr Email:

Title Officer: Claudia Hampton

Title Company: Sierra Title

Title Co. Ph: 915-584-9451

Title Co. Address 120 Shadow Mountain

LP \$ 95,000

RES 375079 S

2211 BASSETT AVE, El Paso TX 79901

SP: \$80,000

List: Monica Paz 915-549-7639 of Barraza Realty 915-774-4222

Firm: 1132 Agt: 3322

Sell: Guy Da Prato 915-731-1118 of GDP Realty 915-731-1118

Firm: 1499 Agt: 2373

Co L-Agt:

Co S-Agt:



Media Viewer

County: EL PASO
 Subdivision: BASSETT
 Mapsco: 0
 Listing Type: ER
 Taxes Apx :
 Exemptions: HMSTED
 School District: EL PASO
 Middle School: GUILLEN
 Parcel ID: B20299903906100
 Builder Name:
 Vacant Property: N

Area / Zone: 02
 Unit #:
 Property Class: DET
 Zoning: C4
 Tax Year: 2009
 Defects: OWNER NOT AWARE
 Elem School: BEALL
 High School: BOWIE
 Bk Up Offers Acpt:
 Water District: OTHER

Legal Desc: 33 BASSETT LOT 22 AND 23

Bedrms: 3 Full Baths: 1 Half Baths: 0 3/4 Baths: 0 MBR: M-Desc:
 Maids Rm: N Fireplaces:1 Year Blt: 1912 2BD: 2-Desc:
 Apx SF Main: 1,008 SqFt 2: Measured: Appraiser CAD 3BD: 3-Desc:
 Acres: Acres Range: 0-0.5 4BD: 4-Desc:
 5BD: 5-Desc:

Construtn Phase: Completion:
 Detached Property Type: RESALE LP/SqFt: \$ 94,246 House Laundry Rm: Kitchen
 Attached Property Type: Units: Location: Stories/Prop: #Sty/Bldg:
 Manufactured Prop Width: Length: Model: P-Fdtn:
 Int Features: Basement, Live In Room

Ext Features: Back Yard Access

Appliances: Freestanding Gas Range, Washer HU

Spec Notes: None

Lighting:

Kitchen Counter Tops

Bath Vanities
 Cabinets:

Kitchen Sinks:

Style: 1 Story
 Roof: Shingle
 Heating: Gas
 Cooling: Evaporative
 Pool: No
 Garage: None

Land Use: Subdivided
 Construction: Stucco
 Water/Sewer: City Water
 Landscape: Front
 Flooring: Terrazzo Ceramic
 Lot Desc: Other See Remarks
 Lot Size: 0

Windows/Treatmts: Bars WO Release

Showing Instru: Appt with LA, Lockbox Call First, Other See Remarks

Financing Considered: Cash, Conventional

HOA Covers: None

HOA Y/N: N

HOA Dues/Mo:

HOA Required: N

Rented Y/N: N

Rent/Mo:

HOA Name:

HOA Ph:

Tenant Stays: N

Public Remarks: NICE HOUSE SITTING IN COMMERCIAL PROPERTY ZONE C-4 ... WITH ADDITIONAL LOT.... CLOSE TO DOWN-TOWN VERY CENTRALLY LOCATED. 1 STORY 3BD, 1BATHROOM LIVING ROOM, DINING, FIREPLACE AND BASEMENT. IF YOU WANT TO START A BUSINESS HERE IT IS DON'T LOOK NO MORE.....

Internet OK: Y Internet Addr Y IDX Broker Recip: Y VOW AVM Y/N: N VOW Comnts: N

Seller Name: GUADALUPE R AGUILAR

Tenant Name:

Seller Phone: 915-544-2640

Seller Ph 2:

Tenant Phone:

Confidential Remarks: OWNER IS AN ELDERLY PERSON MOST OF THE TIME AT HOME PLEASE CALL HER IF SHE DOESN'T ANSWER KNOCK DOOR THEN USE LOCK BOX.

Byr Broker Fee: 2.5

Sub Agent Flat Fee:

Var Rate Comm N

Cancelled Date :

List Date: 05/12/09

Seller Assist Offered: N

Lkbox: Y

Withdr/Off Mkt Date:

Expiration Date : 05/11/10

HER Index: 0

Active w. Ctnegy:

Pend/Contrct Date: 07/12/09

DOM/CDOM: 61 / 108

Sold Price / \$79.37

Option:

Begin Date:

Sold/Lsd Price: \$ 80,000

Terms Of Sale: CONVENTIONAL

Flat Fee:

End Date:

Loan Term #:

Cash Down:

Concessn:

Projected Cls Date:

Appraiser SqFt:

Concession YN:

Sold/Leased Date: 08/28/09

Orig List Price: \$95,000

Loan Ofcr Email:

Title Officer: Thelma Padilla

Title Company: Lone star title

Title Co. Ph:

Title Co. Address: Zaragoza



2010 Census Profile

Tays Housing
 2174 Magoffin Ave, El Paso, Texas, 79901,
 Ring: 1 mile radius

Prepared by Michael Okies

Latitude: 31.761185
 Longitude: 105.412236

	2000	2010	2000-2010 Annual Rate
Population	15,566	14,443	-0.75%
Households	5,047	4,955	-0.18%
Housing Units	5,666	5,368	-0.54%

Population by Race

	Number	Percent
Total	14,442	100.0%
Population Reporting One Race	14,134	97.9%
White	11,880	82.3%
Black	201	1.4%
American Indian	118	0.8%
Asian	18	0.1%
Pacific Islander	4	0.0%
Some Other Race	1,913	13.2%
Population Reporting Two or More Races	308	2.1%

Total Hispanic Population 13,719 95.0%

Population by Sex

Male	6,820	47.2%
Female	7,623	52.8%

Population by Age

Total	14,442	100.0%
Age 0 - 4	1,278	8.8%
Age 5 - 9	1,255	8.7%
Age 10 - 14	1,227	8.5%
Age 15 - 19	1,210	8.4%
Age 20 - 24	967	6.7%
Age 25 - 29	845	5.9%
Age 30 - 34	766	5.3%
Age 35 - 39	782	5.4%
Age 40 - 44	786	5.4%
Age 45 - 49	782	5.4%
Age 50 - 54	892	6.2%
Age 55 - 59	850	5.9%
Age 60 - 64	713	4.9%
Age 65 - 69	553	3.8%
Age 70 - 74	476	3.3%
Age 75 - 79	418	2.9%
Age 80 - 84	361	2.5%
Age 85+	282	2.0%
Age 18+	9,937	68.8%
Age 65+	2,090	14.5%

Median Age by Sex and Race/Hispanic Origin

Total Population	32.9
Male	30.8
Female	34.6
White Alone	33.2
Black Alone	33.0
American Indian Alone	30.8
Asian Alone	43.8
Pacific Islander Alone	47.5
Some Other Race Alone	31.1
Two or More Races	34.2
Hispanic Population	32.1

Data Note: Hispanic population can be of any race. Census 2010 medians are computed from reported data distributions.
Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri converted Census 2000 data into 2010 geography.



2010 Census Profile

Tays Housing
 2174 Magoffin Ave, El Paso, Texas, 79901,
 Ring: 3 mile radius

Prepared by Michael Okies

Latitude: 31.47017272
 Longitude: 106.4642518

	2000	2010	2000-2010 Annual Rate
Population	97,750	89,757	-0.85%
Households	32,450	31,993	-0.14%
Housing Units	35,886	34,468	-0.40%

Population by Race

	Number	Percent
Total	89,758	100.0%
Population Reporting One Race	87,623	97.6%
White	74,183	82.6%
Black	1,376	1.5%
American Indian	671	0.7%
Asian	475	0.5%
Pacific Islander	67	0.1%
Some Other Race	10,851	12.1%
Population Reporting Two or More Races	2,135	2.4%
Total Hispanic Population	80,316	89.5%

Population by Sex

Male	42,848	47.7%
Female	46,909	52.3%

Population by Age

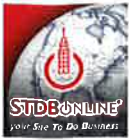
Total	89,758	100.0%
Age 0 - 4	6,464	7.2%
Age 5 - 9	6,361	7.1%
Age 10 - 14	6,408	7.1%
Age 15 - 19	7,122	7.9%
Age 20 - 24	7,080	7.9%
Age 25 - 29	5,845	6.5%
Age 30 - 34	4,732	5.3%
Age 35 - 39	4,896	5.5%
Age 40 - 44	4,905	5.5%
Age 45 - 49	5,507	6.1%
Age 50 - 54	5,913	6.6%
Age 55 - 59	5,255	5.9%
Age 60 - 64	4,478	5.0%
Age 65 - 69	3,688	4.1%
Age 70 - 74	3,225	3.6%
Age 75 - 79	3,016	3.4%
Age 80 - 84	2,602	2.9%
Age 85+	2,261	2.5%
Age 18+	66,362	73.9%
Age 65+	14,792	16.5%

Median Age by Sex and Race/Hispanic Origin

Total Population	35.9
Male	33.0
Female	38.5
White Alone	37.0
Black Alone	25.5
American Indian Alone	31.6
Asian Alone	29.5
Pacific Islander Alone	24.8
Some Other Race Alone	31.4
Two or More Races	35.3
Hispanic Population	35.5

Data Note: Hispanic population can be of any race. Census 2010 medians are computed from reported data distributions.

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri converted Census 2000 data into 2010 geography.



Executive Summary

Tays Housing
 2174 Magoffin Ave, El Paso, Texas, 79901,
 Rings: 1, 3, 5 mile radii

Prepared by Michael Okies

	1 mile	3 miles	5 miles
Population			
2000 Population	15,566	97,750	150,407
2010 Population	14,443	89,757	144,812
2013 Population	14,847	91,270	146,577
2018 Population	15,816	95,863	153,445
2000-2010 Annual Rate	-0.75%	-0.85%	-0.38%
2010-2013 Annual Rate	0.85%	0.52%	0.37%
2013-2018 Annual Rate	1.27%	0.99%	0.92%
2013 Male Population	47.3%	47.8%	49.0%
2013 Female Population	52.7%	52.2%	51.0%
2013 Median Age	33.4	36.3	32.9

In the identified area, the current year population is 146,577. In 2010, the Census count in the area was 144,812. The rate of change since 2010 was 0.37% annually. The five-year projection for the population in the area is 153,445 representing a change of 0.92% annually from 2013 to 2018. Currently, the population is 49.0% male and 51.0% female.

Median Age

The median age in this area is 32.9, compared to U.S. median age of 37.3.

Race and Ethnicity

2013 White Alone	81.9%	82.3%	80.6%
2013 Black Alone	1.5%	1.6%	2.8%
2013 American Indian/Alaska Native Alone	0.9%	0.8%	0.8%
2013 Asian Alone	0.1%	0.5%	0.8%
2013 Pacific Islander Alone	0.0%	0.1%	0.1%
2013 Other Race	13.4%	12.3%	12.0%
2013 Two or More Races	2.1%	2.4%	2.8%
2013 Hispanic Origin (Any Race)	95.2%	90.0%	84.6%

Persons of Hispanic origin represent 84.6% of the population in the identified area compared to 17.4% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 51.9 in the identified area, compared to 62.1 for the U.S. as a whole.

Households

2000 Households	5,047	32,450	50,293
2010 Households	4,955	31,993	51,280
2013 Total Households	5,134	32,774	52,279
2018 Total Households	5,529	34,796	55,335
2000-2010 Annual Rate	-0.18%	-0.14%	0.19%
2010-2013 Annual Rate	1.10%	0.75%	0.60%
2013-2018 Annual Rate	1.49%	1.20%	1.14%
2013 Average Household Size	2.82	2.70	2.67

The household count in this area has changed from 51,280 in 2010 to 52,279 in the current year, a change of 0.60% annually. The five-year projection of households is 55,335, a change of 1.14% annually from the current year total. Average household size is currently 2.67, compared to 2.69 in the year 2010. The number of families in the current year is 34,096 in the specified area.

Data Note: Income is expressed in current dollars

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018. Esri converted Census 2000 data into 2010 geography.



Executive Summary

Tays Housing
 2174 Magoffin Ave, El Paso, Texas, 79901,
 Rings: 1, 3, 5 mile radii

Prepared by Michael Okies

	1 mile	3 miles	5 miles
Median Household Income			
2013 Median Household Income	\$15,697	\$21,131	\$23,345
2018 Median Household Income	\$15,839	\$23,506	\$25,717
2013-2018 Annual Rate	0.18%	2.15%	1.95%
Average Household Income			
2013 Average Household Income	\$23,634	\$34,719	\$35,910
2018 Average Household Income	\$26,654	\$40,227	\$41,688
2013-2018 Annual Rate	2.43%	2.99%	3.03%
Per Capita Income			
2013 Per Capita Income	\$8,700	\$13,065	\$13,715
2018 Per Capita Income	\$9,808	\$15,162	\$15,873
2013-2018 Annual Rate	2.43%	3.02%	2.97%

Households by Income

Current median household income is \$23,345 in the area, compared to \$51,314 for all U.S. households. Median household income is projected to be \$25,717 in five years, compared to \$59,580 for all U.S. households

Current average household income is \$35,910 in this area, compared to \$71,842 for all U.S. households. Average household income is projected to be \$41,688 in five years, compared to \$83,667 for all U.S. households

Current per capita income is \$13,715 in the area, compared to the U.S. per capita income of \$27,567. The per capita income is projected to be \$15,873 in five years, compared to \$32,073 for all U.S. households

Housing

2000 Total Housing Units	5,666	35,886	55,612
2000 Owner Occupied Housing Units	1,453	14,616	21,621
2000 Renter Occupied Housing Units	3,594	17,833	28,672
2000 Vacant Housing Units	619	3,437	5,319
2010 Total Housing Units	5,368	34,468	55,075
2010 Owner Occupied Housing Units	1,379	14,029	20,963
2010 Renter Occupied Housing Units	3,576	17,964	30,317
2010 Vacant Housing Units	413	2,475	3,795
2013 Total Housing Units	5,514	35,371	56,405
2013 Owner Occupied Housing Units	1,352	13,798	20,553
2013 Renter Occupied Housing Units	3,783	18,976	31,726
2013 Vacant Housing Units	380	2,597	4,126
2018 Total Housing Units	5,826	37,454	59,596
2018 Owner Occupied Housing Units	1,477	14,803	22,085
2018 Renter Occupied Housing Units	4,052	19,993	33,251
2018 Vacant Housing Units	297	2,658	4,261

Currently, 36.4% of the 56,405 housing units in the area are owner occupied; 56.2%, renter occupied; and 7.3% are vacant. Currently, in the U.S., 56.4% of the housing units in the area are owner occupied; 32.3% are renter occupied; and 11.3% are vacant. In 2010, there were 55,075 housing units in the area - 38.1% owner occupied, 55.0% renter occupied, and 6.9% vacant. The annual rate of change in housing units since 2010 is 1.07%. Median home value in the area is \$118,132, compared to a median home value of \$177,257 for the U.S. In five years, median value is projected to change by 4.47% annually to \$147,022.

Data Note: Income is expressed in current dollars

Source: U.S. Census Bureau, Census 2010 Summary File 1. Esri forecasts for 2013 and 2018. Esri converted Census 2000 data into 2010 geography.

June 19, 2014



Population Growth Chart

Tays Housing
2174 Magoffin Ave, El Paso, Texas, 79901,
Ring: 1 mile radius

Prepared by Michael Okies

Latitude: 31.770136752

Longitude: -106.4647736

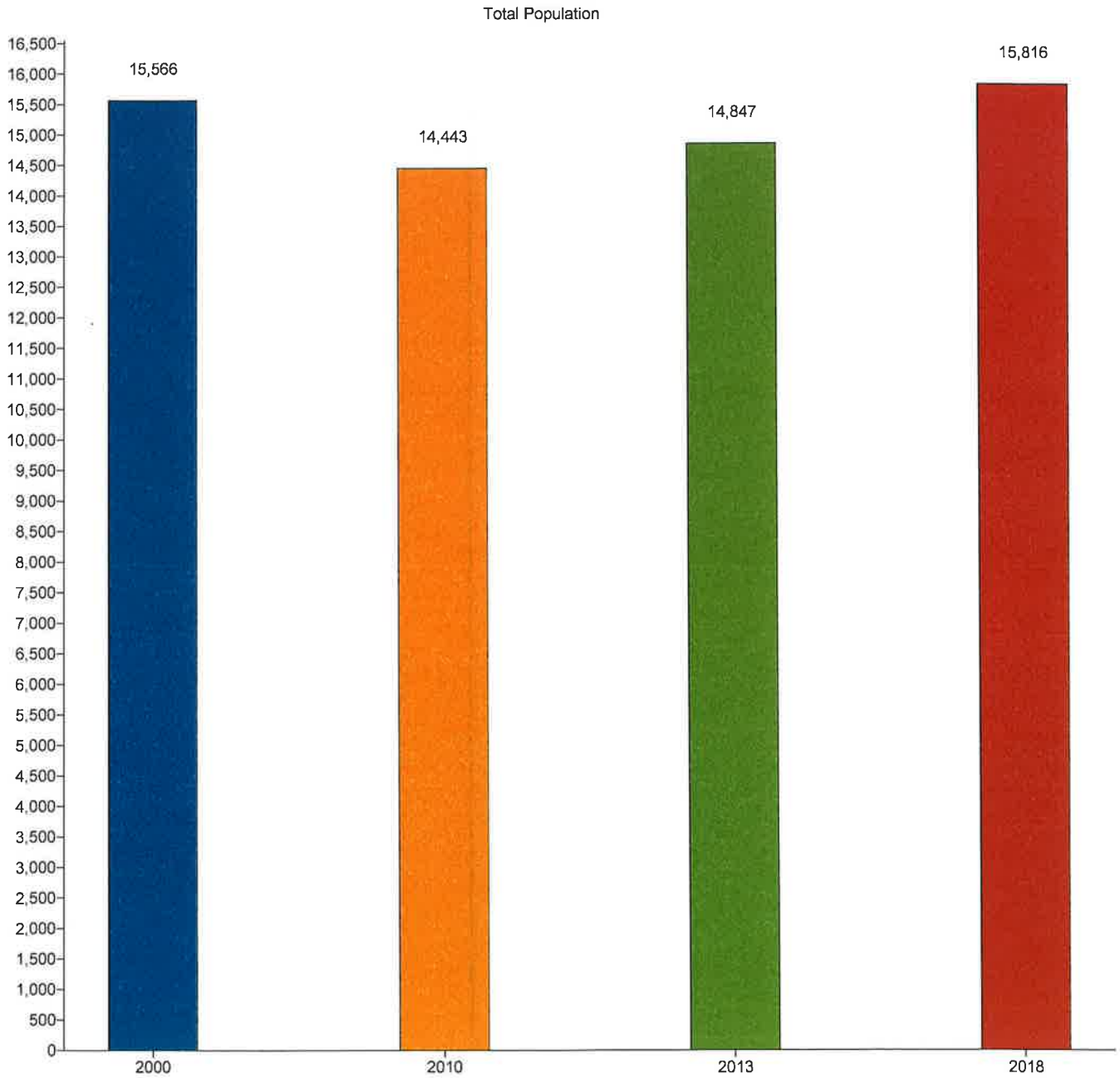
2010-2013 Grwth Rt: Population

1 mile

2013-2018 Grwth Rt: Population

0.85%

-0.75%



Source: Esri forecasts for 2013.

June 19, 2014



Population Growth Chart

Tays Housing
2174 Magoffin Ave, El Paso, Texas, 79901,
Ring: 3 mile radius

Prepared by Michael Okies

Latitude: 31.7014875

Longitude: -104.134833

3 miles

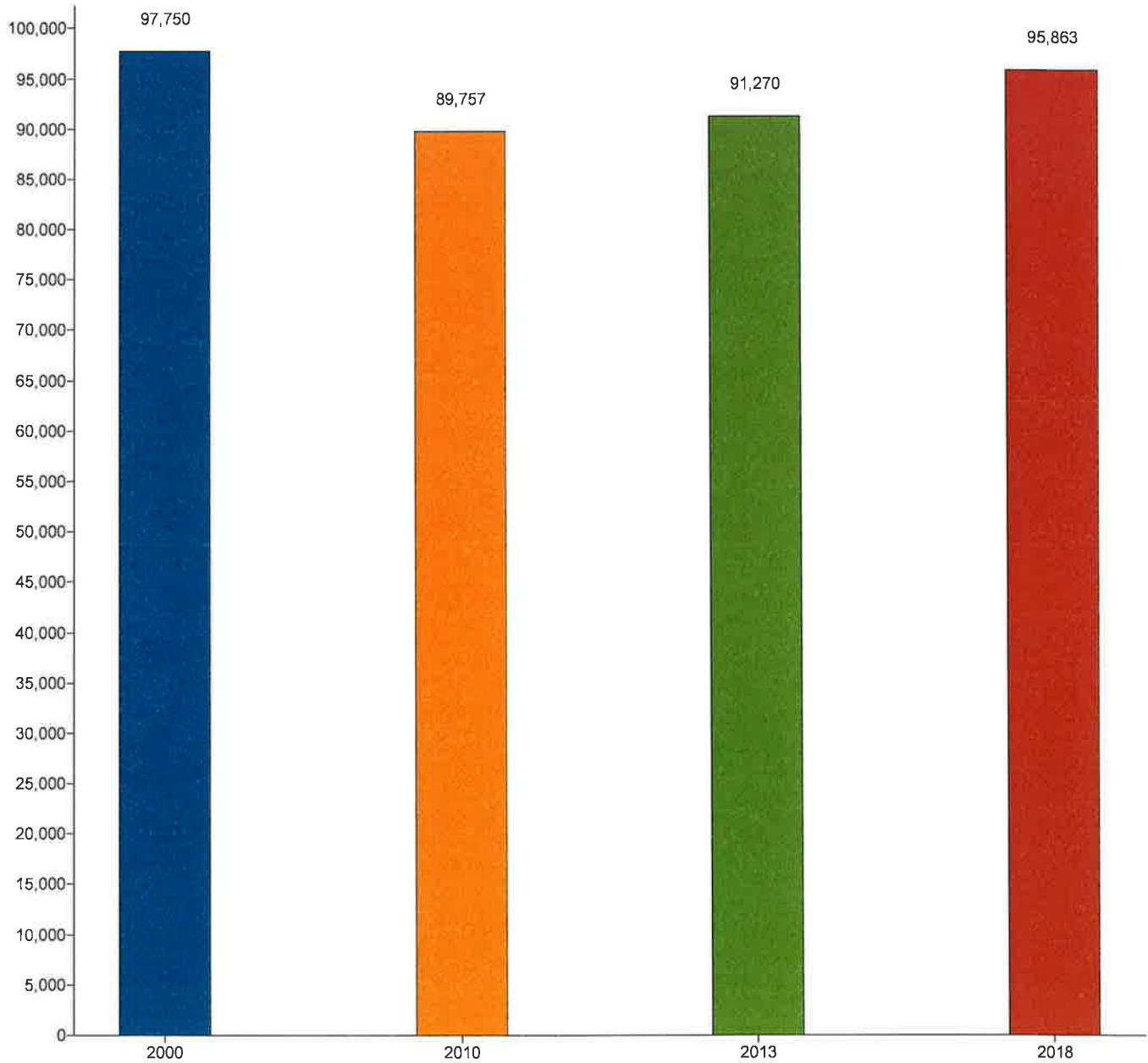
2010-2013 Grwth Rt: Population

0.52%

2013-2018 Grwth Rt: Population

-0.85

Total Population



Source: Esri forecasts for 2013

June 19, 2014



Population Growth Chart

Tays Housing
2174 Magoffin Ave, El Paso, Texas, 79901,
Ring: 5 mile radius

Prepared by Michael Okies

Latitude 31.770116752

Longitude -106.4542032

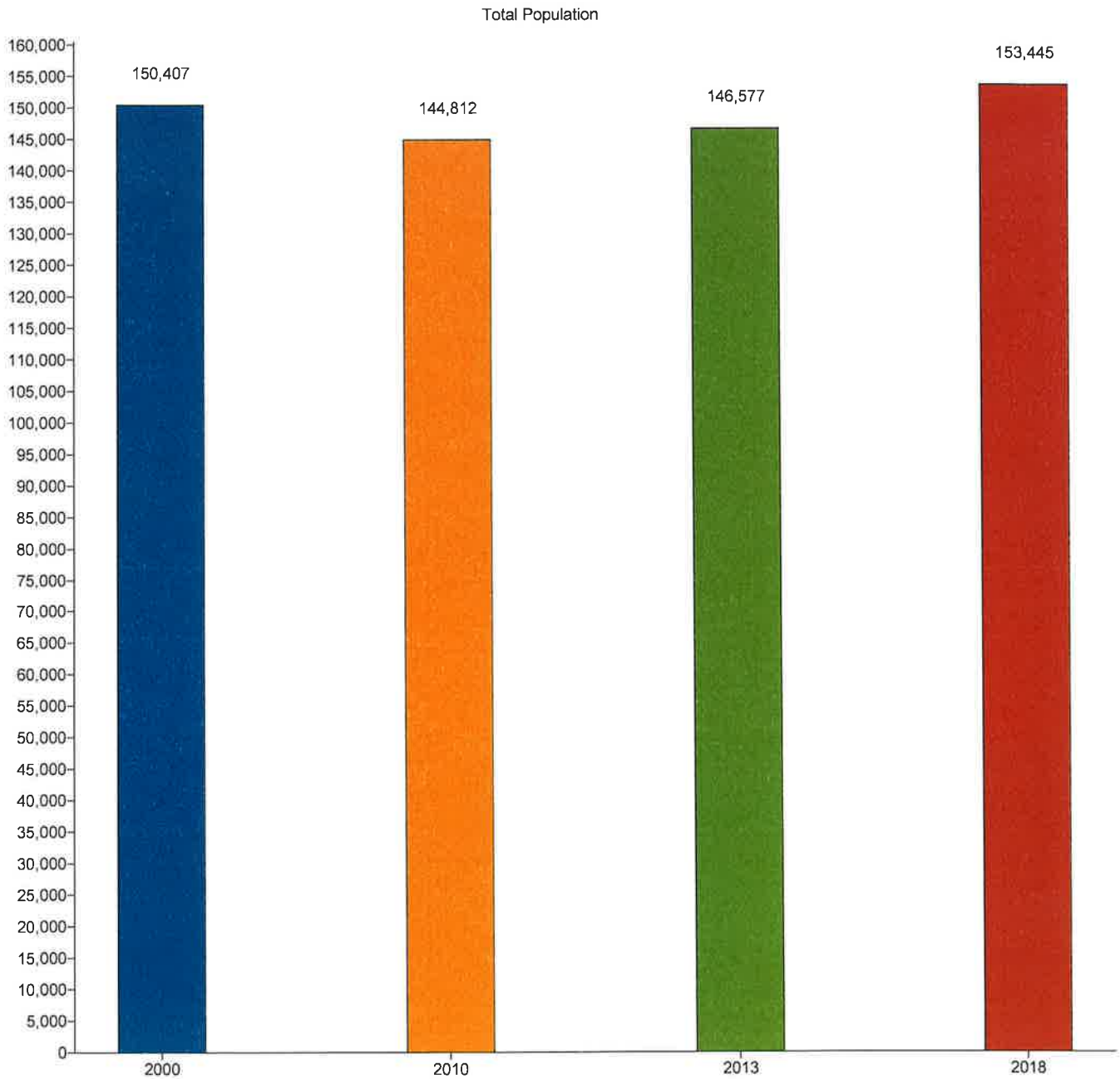
5 miles

2010-2013 Grwth Rt: Population

0.37%

2013-2018 Grwth Rt: Population

-0.38



Source: Esri forecasts for 2013.

June 19, 2014

14181

The Trails on
Mockingbird Lane
Abilene

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

Presentation, Discussion, and Possible Action on Timely Filed Appeals and Waivers under of the Department's Program or Underwriting Rules

RECOMMENDED ACTION

WHEREAS, a 2014 competitive housing tax credit scoring notice was provided to the Applicant for The Trails on Mockingbird Lane (#14181);

WHEREAS, staff identified 6 points that the Applicant elected but that the Application did not qualify to receive under 10 TAC §11.9(d)(7) of the 2014 Qualified Allocation Plan ("QAP") related to Community Revitalization Plan;

WHEREAS, the Applicant appealed the scoring notice and requests that the Board award the 6 points under §11.9(d)(7) of the QAP;

WHEREAS, the Cobb Park Area Revitalization Plan (the "Plan") was adopted by the City of Abilene on February 27, 2014, and included in its budget \$7,000,000 associated with the cost of building Martinez Elementary School;

WHEREAS, the opening of Martinez Elementary School pre-dated the plan by two years;

WHEREAS, staff was unable to determine how expenditures already incurred for the new school could relate to issues identified as needing to be addressed in the Plan;

WHEREAS, the remaining budget totaled \$2,650,000 which does not meet the minimum threshold for point eligibility under this scoring item; and

WHEREAS, in order to grant the appeal, the construction of Martinez Elementary School must be found to directly contribute to the issues identified in the Plan as needing to be addressed.

NOW, therefore, it is hereby,

RESOLVED, the Applicant's appeal of the scoring notice for The Trails on Mockingbird Lane (#14181) is hereby denied.

BACKGROUND

An Application was submitted under the At-Risk set-aside for The Trails on Mockingbird Lane, located in Abilene. The Applicant requested 6 points under §11.9(d)(7) of the Qualified Allocation Plan (“QAP”), related to Community Revitalization Plan, based on the Cobb Park Area Revitalization Plan (the “CRP”). This CRP was adopted by the City of Abilene on February 27, 2014 and identified the following five factors as needing to be addressed within the target area: adverse environmental conditions (relating to areas of flooding), presence of blight (pockets of blighted buildings, vacant tracts, and underutilized commercial areas), presence of inadequate transportation or infrastructure (inadequate pedestrian infrastructure), lack of employment opportunities (within the city core), and a need to promote diversity (reinvestment to ensure long term stability).

In order for an application to qualify for points under §11.9(d)(7)(B)(i) of the QAP, the applicant must demonstrate not only that a community revitalization plan was adopted in accordance with the requirements of the QAP and addressed the requisite factors, but that it also has a total budget or projected economic value of at least \$4,000,000. Section 11.9(d)(7)(A)(i)(5) of the QAP does allow for applicants to demonstrate that budget or value by including expenditures that occurred within 4 years prior to the beginning of the application acceptance period (January 2010) as long as those expenditures were made within the applicable target area and served to accomplish some purpose of the community revitalization plan. In this case, the CRP included in its budget \$7,000,000 associated with the costs of building Martinez Elementary School; the remaining budget totaled \$2.65 million. Martinez Elementary School was built on the former site of Franklin Middle School, which had been vacant since 2007 and was demolished in 2010. The new Martinez Elementary School opened in 2012, two years prior to the adoption of the CRP. At the time the CRP was being developed and considered, the new school was already an established part of the neighborhood and is even cited in the CRP as one of three “key community facilities within the neighborhood.” As such, staff determined that its construction would not remedy conditions addressed by the CRP and therefore did not include the cost as part of the CRP’s total budget. Without consideration of the cost of building the new school, the total budget associated with the Plan is less than \$4,000,000, the minimum threshold for qualifying the application for points. Therefore, the Application was denied points under §11.9(d)(7) of the QAP because the CRP did not include a “planned budget and uses of funds to accomplish its purposes within the applicable target area” in an amount sufficient to qualify for points.

The applicant, in its appeal, argues that, although the Cobb Park Area Revitalization Plan was adopted in 2014, the planning efforts that led to the adoption of the CRP began long before, with the adoption of the city’s comprehensive plan in 2004. Although the applicant did not provide a copy of that comprehensive plan, the applicant did submit a letter from the City of Abilene that also mentions it as the parent document of the CRP. The applicant explains that the comprehensive plan called for revitalization of the Cobb Park area and that the more specific plan for Cobb Park was adopted (at least in part) to satisfy the requirements of the QAP. The applicant points out that previous discussions regarding community revitalization in other parts of the state have shown an interest on the part of the

Department that the efforts under these plans are already underway; staff understands that the applicant is trying to urge that not only should the cost of the school be included as part of the CRP's budget but that it should serve as evidence that these efforts have been underway for some time.

While staff appreciates that broader planning efforts may have been in place before the adoption of the CRP, the QAP calls for staff to distinguish between such efforts and those of a concerted revitalization plan, stating that "revitalization will be considered distinct and separate from broader economic development efforts." The CRP that was adopted and presented in the application in order to qualify for points does appropriately list very specific issues that were identified as problems in a very specific area. However, the solution to any one of those issues does not appear to be the construction of a new school. On the contrary, the assessment performed in adopting this plan refers to Martinez Elementary School as an existing asset, not a solution to an existing problem. It is clear that the assessment performed with respect to adopting the CRP took place after the adoption of the city's comprehensive plan since the larger planning document was referenced in the CRP itself. The CRP also states that it "is not intended to be static but recognizes the need for periodic revision and is intended to expand upon the original goals and strategies of the citywide Comprehensive Plan." While the applicant might argue that this statement compels staff to consider earlier assessments performed during the development of the comprehensive plan, staff reads this statement to imply that the assessment performed to develop this particular plan is current and relevant to February 2014. Therefore, it is not the intent of the Rule to consider the costs associated with the construction of Martinez Elementary School, which predate the Plan by two years, as contributing to the budget associated with the Cobb Park Area Revitalization Plan.

Staff recommends denial of the appeal.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2014 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Gene Reed

Phone #: (325) 676-6385

Email: gene.reed@abileneha.org

Second Email: whenderson@carletonrp.com

Date: July 2, 2014

**THIS NOTICE WILL ONLY BE
TRANSMITTED VIA EMAIL**

**RE: 2014 Competitive Housing Tax Credit (HTC) Application for Trails on Mockingbird, TDHCA
Number: 14181**

The Texas Department of Housing and Community Affairs has completed its program review of the Application referenced above as further described in the 2014 Qualified Allocation Plan ("QAP"). This scoring notice provides a summary of staff's assessment of the application's score. The notice is divided into several sections.

Section 1 of the scoring notice provides a summary of the score requested by the Applicant followed by the score staff has assessed based on the Application submitted. You should note that three scoring items are not reflected in this scoring comparison but are addressed separately.

Section 2 of the scoring notice includes each of the three scoring criteria for which points could not be requested by the Applicant in the application self-score form and include: §11.9(d)(1) Local Government Support, §11.9(d)(4) Quantifiable Community Participation, §11.9(d)(5) Community Support from State Representative, and §11.9(d)(6) Input from Community Organizations.

Section 3 provides information related to any point deductions assessed under §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules.

Section 4 provides the final cumulative score in bold.

Section 5 includes an explanation of any differences between the requested and awarded score as well as any penalty points assessed.

The scores provided herein are merely informational at this point in the process and may be subject to change. For example, points awarded under §11.9(e)(2) "Cost of Development per Square Foot" and §11.9(e)(4) "Leveraging of Private, State, and Federal Resources" may be adjusted should the underwriting review result in changes to the Application that would affect these scores. Likewise, if an Application was awarded points under §11.9(d)(2) "Commitment of Development Funding by Local Political Subdivision" and should that Application receive an award of tax credits, the Applicant must provide a firm commitment of funds as a condition of the Commitment Notice. Applicants may substitute qualifying sources only if no points were elected under §11.9(d)(2)(C). If a scoring adjustment is necessary, staff will provide the Applicant a revised scoring notice.

Be further advised that if the Applicant failed to properly disclose information in the Application that could have a material impact on the scoring information provided herein, the score included in this notice may require adjustment and/or the Applicant may be subject to other penalties as provided for in the Department's rules.

This preliminary scoring notice is provided by staff at this time to ensure that an Applicant has sufficient notice to exercise any appeal process provided under §10.902 of the Uniform Multifamily Rules. All information in this scoring notice is further subject to modification, acceptance, and/or approval by the Department's Governing Board.



MULTIFAMILY FINANCE PRODUCTION DIVISION
Housing Tax Credit Program - 2014 Application Round
Scoring Notice - Competitive Housing Tax Credit Application

Page 2 of Final Scoring Notice: 14181, Trails on Mockingbird

Section 1:

Score Requested by Applicant (Does not include points for §11.9(d)(1)(4), (5), or (6) of the 2014 QAP):	125
Score Awarded by Department staff (Does not include points for §11.9(d)(1)(4), (5), or (6) of the 2014 QAP):	119
Difference between Requested and Awarded:	6

Section 2:

Points Awarded for §11.9(d)(1) Local Government Support:	17
Points Awarded for §11.9(d)(4) Quantifiable Community Participation:	4
Points Awarded for §11.9(d)(5) Community Support from State Representative:	8
Points Awarded for §11.9(d)(6) Input from Community Organizations:	4

Section 3:

Points Deducted for §11.9(f) of the QAP or §10.201(7)(A) of the Uniform Multifamily Rules:	0
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Section 4:

Final Score Awarded to Application by Department staff:	152
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Section 5:

Explanation for Difference between Points Requested and Points Awarded by the Department as well as penalties assessed:

§11.9(d)(7) Community Revitalization Plan. The plan does not describe a budget of at least \$6,000,000 to accomplish its purpose within the applicable target area. (Requested 6, Awarded 0)

Restrictions and requirements relating to the filing of an appeal can be found in §10.902 of the Uniform Multifamily Rules. If you wish to appeal this scoring notice, you must file your appeal with the Department no later than 5:00 p.m. (CST), Wednesday, July 9, 2014. If an appeal is denied by the Executive Director, an Applicant may appeal to the Department's Board.

In an effort to increase the likelihood that Board appeals related to scoring are heard at the Board meeting, the Department has provided an Appeal Election Form for all appeals submitted to the Executive Director. In the event an appeal is denied by the Executive Director, the Applicant is able to request that the appeal automatically be added to the Board agenda.

If you have any concerns regarding potential miscalculations or errors made by the Department, please contact Kathryn Saar at (512) 936-7834 or by email at <mailto:kathryn.saar@tdhca.state.tx.us>.

Sincerely,

Jean Latsha

Jean Latsha
 Director of Multifamily Finance



July 9, 2014

Via E-Mail

Tim Irvine
Executive Director
Texas Department of Housing and Community Affairs
Austin, Texas 78711-3941

RE: 14181 Trails on Mockingbird– 9% HTC Application Scoring Notice

Dear Mr. Irvine:

DMA, whose affiliate is proposed as the manager for this development, is submitting this appeal on behalf of the applicant, 302 North Mockingbird Lane, L.P., regarding the scoring notice dated July 2, 2014 in which staff awarded the above-mentioned application 0 out of 6 points for Community Revitalization Plan. Specifically, the scoring notice states: The plan does not describe a budget of at least \$6,000,000 to accomplish its purpose within the applicable target area. (Requested 6, Awarded 0).

Staff was clear in the 2014 QAP training, on December 3, 2013 that awarding points to applications claiming Community Revitalization Plans would be a far less subjective process than the 2013 process. In fact, at that training, I asked Jean Latsha specifically how staff would handle this process differently this round, and she stated that if the plans submitted meet the criteria as stated in the QAP, they will receive points. She indicated that staff’s review would be purely objective based on the rule as stated in the QAP.

We submitted the Cobb Park Area Revitalization Plan (“Plan”) that met the “total budget or projected economic value” requirement of the QAP, which is stated simply as this: “The adopted plan must describe the planned budget and uses of funds to accomplish its purposes within the applicable target area Applications will receive 4 points if the applicable target area of the community revitalization plan has a total budget or projected economic value of \$6,000,000 or greater.” The rule also states that actual expenditures for projects completed within the last 4 years count toward this requirement.

The Cobb Park Area Revitalization Plan meets the requirement of the rule by listing in detail the monetary amounts that the City has either actually invested or plans to invest through coordinated efforts with other organizations to implement this plan. Here is a list in a table format with the total value as specifically set forth in the plan as submitted. All of these projects were funded with City funds or through public financing. Those that are indicated as “completed” are actual expenditures by the City or a related public body. We have not included the actual expenditures on the private development in this table, although they were included in the Plan.

Description of Project	Completed or Planned	Economic Budget
1. Storefront remodel	Completed/Actual Expenditure	\$240,000
2. Martinez Elementary	Completed/Actual Expenditure	\$7,000,000
3. CIP – Ballfield and	Completed/Actual	\$165,000

Playground improvements	Expenditure	
4. City Infrastructure	Completed/Actual Expenditure	\$873,580
5. CIP: Paving Improvements to Rec Center and Ballfield upgrade	Planned/Budgeted	\$335,000
6. Water and Sewer Improvements	Planned/Budgeted	\$813,900
Total Budget for Projects		<u>\$9,427,480</u>

Here, although we met the letter of the rule by outlining specifically the total budget for the projects, which well exceeds \$6 million, staff denied 4 the points (and the additional 2 points available to developments that most significantly contributed to the revitalization efforts) by disallowing the \$7 million in actual expenditures for the new Martinez Elementary School on the basis that these school expenditures were not related to issues identified as needing to be addressed in the Plan.

This conclusion by staff is puzzling in light of the letter from the City of Abilene, dated June 12, 2014, that was submitted to TDHCA in relation to another deal that relied on this same Plan for points. This letter specifically clarified how the demolition and reconstruction of the Martinez Elementary School in 2012 clearly addressed issues raised in the Plan. That letter is attached for your review. Furthermore, the Abilene Comprehensive Plan, which is the parent planning document to the Plan, states firmly that the Abilene Independent School District and the larger Abilene community must address the trend of closing underperforming school campuses because of programmatic and funding constraints by “emphasizing the role of schools in determining land use and as an organizing element for neighborhood stability and revitalization.” The Comprehensive Plan clearly calls for “the location of new schools.”

While this connection is sufficient to satisfy the stated requirements of the QAP, staff still denied the points because the expenditures for the demolition and reconstruction of the school (2012) were made prior to the date of the plan (2014). We strongly disagree with this conclusion. First, the rule specifically contemplates counting actual expenditures actually made towards the budget requirements and makes no distinction between expenditures made before the plan date or after the plan date. And while we understand the reasoning that the school expenditures cannot count because the school was already an established part of the neighborhood when the Plan was developed and considered, this reasoning does not apply here, because the plan date in this case is not the date that the revitalization planning efforts began, but rather the date on which the City council approved a plan that meets TDHCA requirements.

This distinction is critical and one which has been considered time and time again by both TDHCA staff and the board in the consideration of community revitalization plans. Recent focus at the June 26th board meeting has concerned whether the planning efforts are already underway. Like both those plans considered on appeal recently, these revitalization efforts in the Cobb Area have been underway for many years. As we mentioned above, the Comprehensive Plan, which was adopted in 2004, identified the Cobb area as an area in need of revitalization. But because this document did not meet the stringent and incredibly specific requirements of the QAP (which cities do not consider when they are drafting plans), the City of Abilene adopted a restated plan in February 2014 that reiterated the revitalization efforts that were already in process in the Cobb neighborhood. Because this Plan was a restatement of a prior plan (as opposed to a brand new plan), the actual expenditures for the demolition and reconstruction of a new school in this area should count because the expenditures directly addressed a need identified in the

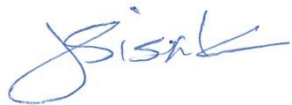
planning process, which begin in 2001 but was not formalized into a plan that meet TDHCA requirements until 2014.

We also appeal the scoring notice on the basis that we were not given an opportunity to address this issue on administrative deficiency which suggests that staff has taken a subjective approach to scoring this issue. The appropriate process would have been for staff to issue a deficiency so that we had the opportunity to make this argument at the staff level as opposed to having to do so on appeal.

Should any additional information be required, please contact me at janines@dmacompanies.com or at 512-328-3232 ext. 4504.

Sincerely,

DMA DEVELOPMENT COMPANY, LLC

A handwritten signature in blue ink, appearing to read "Janine Sisak". The signature is fluid and cursive, with a large initial "J" and "S".

Janine Sisak
Senior Vice President/General Counsel



June 12, 2014

Jean Latsha
Director, Multifamily Finance
Texas Department of Housing and Community Affairs
Austin, Texas 78711-3941

RE: 14182 Prairie Gardens – Appeal

Dear Ms. Latsha:

Our developer partner has brought to our attention that you are seeking further clarification regarding the Cobb Park Area Plan (“Plan”) that was adopted by the Abilene City Council on February 27, 2014. In particular, your staff is looking for an explanation of how the expenditure for the Martinez Elementary School addresses the goals set forth in the Plan.

The actual expenditures to construct a new elementary school represent a public investment into the Cobb Park area, which at \$7 million, has had a major catalyst effect in terms of attracting other development to this area. In this sense, it not only clearly addresses the overarching finding of the plan which is simply that this area is in need of reinvestment and revitalization, but it also specifically addresses several specific findings of the Plan, including the presence of blight (finding 1), the lack of employment opportunities (finding 4) and the need to promote diversity (finding 5).

With regard to finding 1, the new elementary school replaced an old middle school, Franklin Middle School, which was built in 1943 and was closed in 2007 because it was a 64-year old functionally obsolete building by that time. This building sat vacant and locked up for four years until the Abilene Independent School District decided to build a new elementary school there to serve as a consolidated campus for two smaller neighborhood elementary schools. To pave the way for the new elementary campus, the main building of the old school was demolished, because it was a blighted, aging structure that had no useful life.

With regard to finding 4, the new Martinez Elementary School employs 81 people. Because the former middle school on this site was shut down for years, these jobs are newly created jobs at this location.

With regard to finding 5, the new Martinez Elementary School has a stabilizing effect on this area, especially when you consider that the former school was used as staging area for other Abilene area schools. The new elementary school gives the families in this area a modern school that will remain “vital and stable over the long term” and will help stave disinvestment in this area over time. The important “role of schools in determining land use and as an organizing element for neighborhood stability and revitalization” is further highlighted in the Comprehensive Plan, which is the parent planning document to the Cobb Park Area Plan. Here, the Abilene Independent School District, which is a taxing, quasi-public entity secured Abilene voter approval for a public bond issue that ultimately provided significant financing for the new Martinez Elementary School.

Should you need more information, please contact me at 325-676-6237 or jon.james@abilenetx.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon James", with a long horizontal flourish extending to the right.

Jon James, AICP
Director of Planning & Development Services



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

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GOVERNOR

July 15, 2014

Writer's direct phone # 512.475.3296
Email: tim.irvine@tdhca.state.tx.us

Janine Sisak
DMA Development Company, LLC
4101 Parkstone Heights Drive
Austin, TX 30080

RE: 14181 THE TRAILS ON MOCKINGBIRD LANE: SCORING NOTICE APPEAL

Dear Ms. Sisak:

The Texas Department of Housing and Community Affairs (the "Department") is in receipt of your appeal, dated July 9, 2014, of the scoring notice for the above referenced Application. This Application was denied points under §11.9(d)(7) of the 2014 Qualified Allocation Plan ("QAP") because the community revitalization plan did not include a "planned budget and uses of funds to accomplish its purposes within the applicable target area" in an amount sufficient to qualify for points. Specifically, the Cobb Park Area Revitalization Plan (the "Plan") included in its budget \$7,000,000 associated with the costs of building Martinez Elementary School. The remaining budget totaled \$2.65 million. Staff, in their review of the Plan, was unable to determine how the expenditures for the new school were related to issues identified as needing to be addressed in the revitalization plan (*i.e.*, adverse environmental conditions, presence of blight, inadequate transportation, etc.). Because the minimum threshold for being eligible for points under this scoring item is demonstration of a budget of at least \$4,000,000, staff denied the points.

The Plan was adopted by the City of Abilene on February 27, 2014 and makes reference to "pockets of blighted buildings, vacant tracts, and underutilized commercial areas that, if not addressed, could cause disinvestment in the area." At the time of the Plan's adoption the Franklin Middle school had been demolished for over 3 years and a new elementary school on that site had been in operation for almost 2 years. At the time the Plan was being developed and considered, the new school was already an established part of the neighborhood. As such, the cost of the school could not have been part of the Plan's budget, and its construction would not remedy conditions addressed by the Plan. Without consideration of the cost of building the new school, the total budget associated with the Plan is less than \$4,000,000, the minimum threshold for qualifying the application for points.

The appeal documentation mentions a letter from the City of Abilene dated, June 12, 2014, which states that the new elementary school "has had a major catalyst[ic] effect in terms of attracting



July 14, 2014

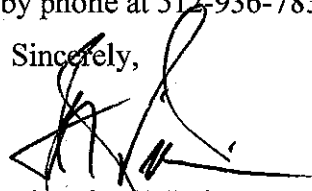
Page 2

other development to this area.” However, the QAP states that “revitalization will be considered distinct and separate from broader economic development efforts.” This letter further states that the new elementary school employs 81 people. Presumably these jobs (perhaps more, since having two schools entails having two administrative staffs) previously existed at the two smaller elementary schools that were consolidated to form Martinez.

Finally, the appeal documentation makes reference to the City of Abilene’s Comprehensive Plan “which is the parent planning document to the Cobb Park Area Plan.” However, the Comprehensive Plan does not meet the requirements of the QAP for point consideration because the target area encompasses the whole City of Abilene. Therefore, the appeal is hereby denied.

You have indicated that you wish to appeal this decision directly to the Governing Board. Therefore, this appeal has been placed on the agenda for the next meeting scheduled for July 31, 2014. Should you have any questions, please contact Kathryn Saar, Competitive Tax Credit Program Administrator, at kathryn.saar@tdhca.state.tx.us or by phone at 512-936-7834

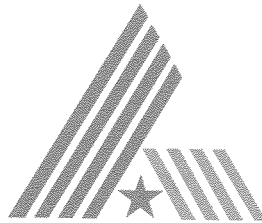
Sincerely,



Timothy K. Irvine
Executive Director

[JL]

cc: Donna Rickenbacker
Barry Palmer
Tamea A. Dula



**CITY OF
ABILENE**

Together We Make A Difference

February 27, 2014

Cameron Dorsey
Director of Housing Tax Credits
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Cobb Park Area Revitalization Plan, Abilene, Texas
The Trails on Mockingbird Lane - TDHCA #14181
Prairie Gardens- TDHCA #14182

Dear Mr. Dorsey:

Please be advised that the Cobb Park Area Revitalization Plan was fully approved by the Abilene City Council via Ordinance 12-2014 on February 27, 2014. Be further advised that:

- The plan was duly adopted with the required public input processes followed;
- The funding and activity under the plan has already commenced; and
- City of Abilene has no reason to believe that the overall funding for the full and timely implementation of the plan will be unavailable.

Please also note that the Cobb Park Area Revitalization Plan has a total budget or projected economic value of \$6,000,000 or greater. Further, the Abilene City Council via resolution has identified The Trails on Mockingbird Lane as contributing most significantly to concerted revitalization efforts of the City of Abilene.

Sincerely,

Jon C. James, AICP

Director, Planning & Development Services

City of Abilene Cobb Park Area Revitalization Plan

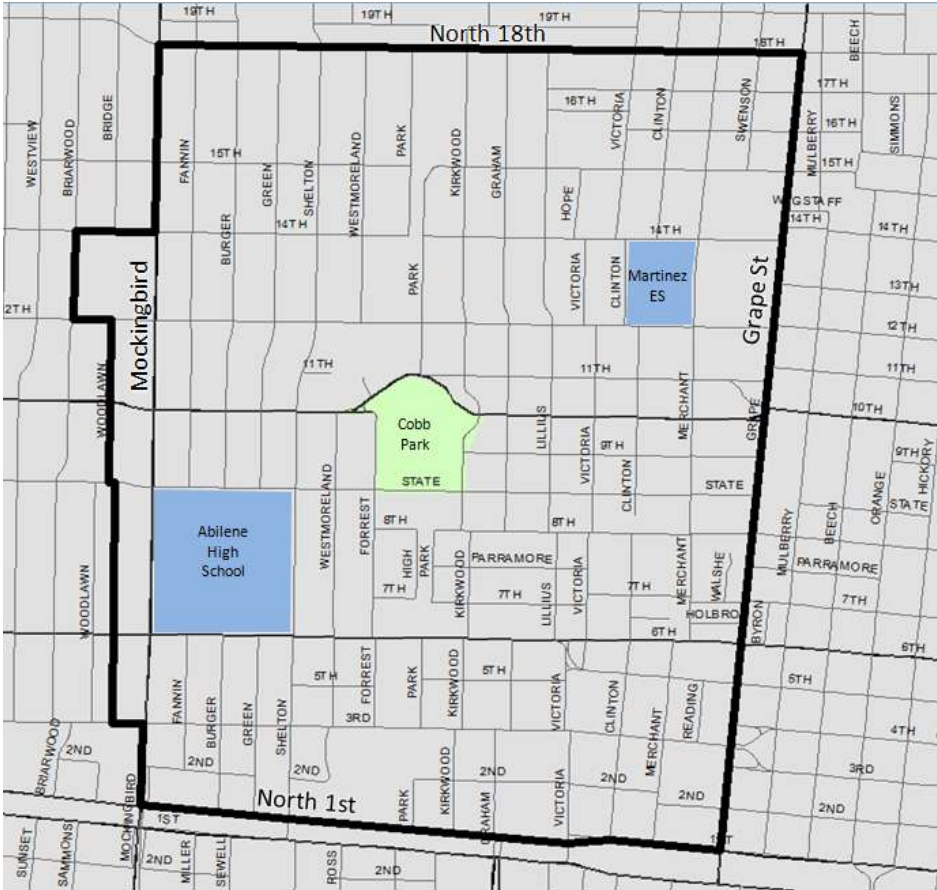
A. Summary

The City of Abilene’s Comprehensive Plan promotes infill development and redevelopment in areas of the community that are vacant or underutilized. The Cobb Park Super Neighborhood Area is in the core of the City within an area that is in need of redevelopment. Key community facilities within this neighborhood are the Abilene High School, Martinez Elementary, and Cobb Park. The plan is not intended to be static but recognizes the need for periodic revision and is intended to expand upon the general goals and strategies of the citywide Comprehensive Plan, not to supersede the recommendations of that Plan.

B. Boundaries

The boundaries of the Cobb Park Area for this Revitalization Plan include the area generally bounded by North 1st Street on the south, Grape Street on the east, North 18th Street on the north, and Mockingbird Street on the west. Given the development patterns, transportation connections, and land use relationships to the neighborhood, the commercial and multi-family development along the west side of Mockingbird are also included within this Plan boundary.

Cobb Park Area Boundary Map



C. Goals

The goals of the *Plan* are as follows:

1. Encourage redevelopment that maximizes the efficient use of existing resources, such as water, roads, and public services.
2. Encourage development of higher-density mixed use nodes including residential, retail, service, and employment uses that provide convenient vehicle, pedestrian, and bicycle access.
3. Encourage the development of mixed income diverse housing including market rate and affordable housing.
4. Encourage public and private financial investment in the area.
5. Ensure the long-term economic viability of a vital retail and service hub serving this sector of the community.
6. Encourage a highly connected and walkable street system throughout the entire neighborhood through well-designed and attractive street corridors.
7. Provide convenient pedestrian connections throughout the neighborhood and particularly to parks, schools, and retail areas from the surrounding neighborhood.
8. Encourage urban, rather than suburban, style development at higher intensities and with reduced front setbacks to allow buildings closer to the street.
9. Ensure that the community appearance standards of the City's Comprehensive Plan are met in new development.
10. Encourage higher intensity development in areas where transit service is available (currently on North 6th, North 12th, North 18th, Mockingbird, and Grape Streets).
11. Encourage appropriate development in environmentally sensitive areas, such as flood zones, that preserve and protect both these natural resources and the community.
12. Support the redevelopment of aging or distressed commercial centers as mixed use neighborhood activity centers.
13. Encourage commercial development and redevelopment at nodes at major intersections and avoid excessive linear strips of commercial development along major roads.
14. Encourage reinvestment in existing homes and properties within the neighborhood and pursue code enforcement to address nuisances and reinforce neighborhood stability.
15. Encourage the creation of a neighborhood association or associations and facilitate community partnerships.

It is recognized that development and redevelopment activities can spur the creation of jobs and the creation or relocation of businesses and services to the area.

D. Findings

The City of Abilene recognizes that this area is in need of reinvestment and revitalization. As such there are barriers to development in the area, including:

1. Adverse environmental conditions. Over half of the neighborhood area is within either the floodway or 100 year floodplain of Catclaw Creek. This presents issues for existing development within the area and is a barrier to redevelopment.
2. Presence of blight. While this area is largely a stable neighborhood, there are pockets of blighted buildings, vacant tracts, and underutilized commercial areas that, if not addressed, could cause disinvestment in the area.
3. Presence of inadequate transportation or infrastructure. This area is adequately served by public transit service and the automobile system includes a well-functioning grid of streets. However, this area has an extremely inadequate system for pedestrians. Given the presence of an elementary school, high school, and large city park, this shortcoming needs to be addressed for this neighborhood to reach its potential.
4. Lack of employment opportunities. As major new development has occurred at the periphery of the community, the core of the city is at risk of losing nearby employment opportunities. As many of the households within the neighborhood are dependent on walking and/or public transit, it is important to continue to encourage job opportunities in and near the neighborhood.
5. Need to promote diversity. As an aging area, reinvestment in the area will be critical to ensuring that this neighborhood remains vital and stable over the long term. Disinvestment in the area will put the neighborhood at risk for decline, while the City's goal is to ensure revitalization by promoting both public and private investment and renewal.

E. Targeted Development Areas

The target areas for redevelopment include the entirety of the neighborhood. Priorities include redevelopment of distressed retail areas and other underutilized properties. This neighborhood will benefit from redevelopment activities in order to encourage the long-term growth and stability of the area.

F. Coordination

This Plan encourages development and redevelopment that will provide benefits to existing and future residents by utilizing existing capacities and programs as well as the coordination of public and private initiatives and investment. Activities should contribute to the long-term function of the existing area and address the findings identified in Section D, above. Public officials, neighborhood organizations, nonprofits, private developers, and other stakeholders will need to join forces for effective community development and redevelopment to occur.

G. Implementation

The City will join with residents, neighborhood organizations, nonprofits, private developers, and/or other stakeholders to work to achieve the goals of this Plan. City support, programs, and incentives may be combined with state, federal, and private investment through the development of market rate and affordable single-family and multifamily housing, residential and commercial property development and renovation, and infrastructure improvements. In addition, community development projects, transportation improvements for motorized vehicles, bicyclists, and pedestrians, and/or other activities that will contribute to the development and long-term benefit of the area will be pursued.

H. Recent Investment in the Area

The City of Abilene and community partners have made significant investments in this area in recent years, and within the past 4 years public investments have totaled more than \$8.2 million with an additional \$1.45 million in major private investment. Below are some examples of the investments and improvements that have occurred:

1. The City of Abilene remodeled a storefront within an existing shopping center on Mockingbird to open the North Branch Library to serve this area with an investment of \$240,000, which was completed in December 2008.
2. The Abilene Independent School District built and opened a new elementary school within the neighborhood, Martinez Elementary at 1250 Merchant Street. This represents an investment of \$7 million in the neighborhood and provides a new, modern school for neighborhood children, which was completed in June 2012.
3. Recent private development in the area includes a new Sonic Drive-in Restaurant (\$450,000), a new Goodwill facility (\$400,000), and a new Family Dollar store (\$600,000). Also, there are plans for a new grocery store on Mockingbird adjacent to the branch library.
4. The City's Capital Improvement Program (CIP) details capital projects throughout the city. The following are recently completed CIP projects within the plan boundaries:
 - a. Cobb Park ballfield lighting upgrade, 2007 (~\$100,000)
 - b. Cobb Park playground modernization, 2011 (\$65,000)
5. Other recent City infrastructure projects in the area:
 - a. Merchant Street pedestrian improvements near Martinez Elementary School, 2013 (\$5,450)
 - b. Resurfaced 22 lane miles of streets within this area. (\$599,955)
 - c. Reconstruction of Victoria Street between North 5th and North 6th. (\$34,804)
 - d. Sidewalk construction along North 6th Street (\$10,800)
 - e. Water line replacement on North 6th from Briarwood to Shelton, including associated road repairs. (\$127,200 for water project + \$46,471 for road)
 - f. Water line replacement, east alley of Westmoreland from North 6th to State Street. (\$48,900)

I. Planned Investment in the Area

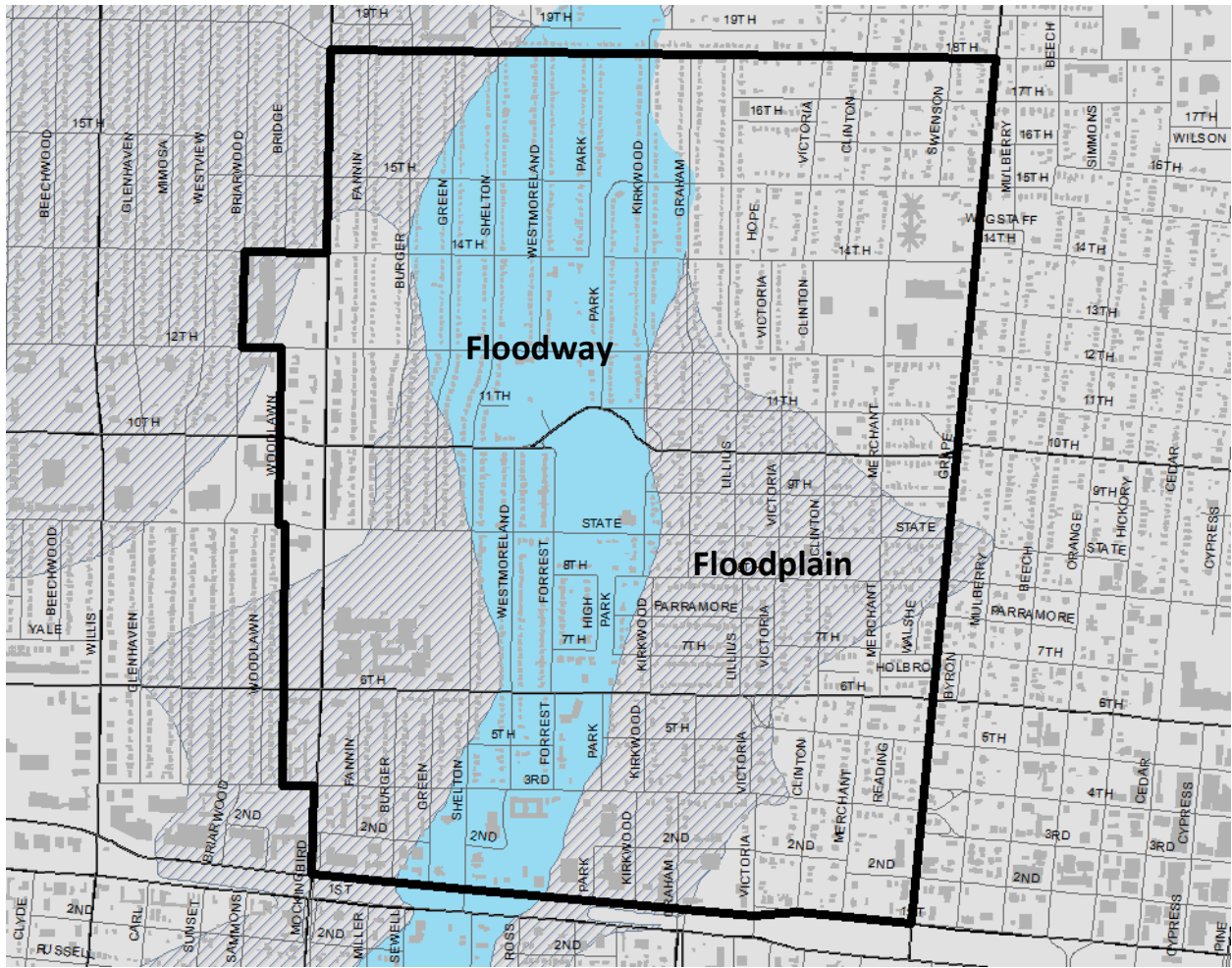
The City of Abilene and community partners have plans to continue improvement within the neighborhood. The following are investments and improvements planned in the coming years:

1. The following are planned projects within the 2013 CIP that fall within the plan boundaries:
 - a. Paving improvements to the Cobb Park Recreation Center, beyond 2017 (\$35,000)
 - b. Cobb Park ballfield concession upgrade, beyond 2018 (~\$300,000)
2. Other proposed projects in the area:
 - a. New City Health Clinic at the vacated Boys and Girls Club building on the campus of the old Fannin Elementary School site. *While not within the plan area, this site is immediately across N. 18th Street, the northern plan boundary, and will provide health services to this neighborhood.* (cost not determined)
 - b. There are currently 45 bus stops serving this neighborhood. CityLink transit has plans to install approximately 20 bus benches and 4 bus shelters within this neighborhood in the coming years. (\$44,000)
 - c. Water and sewer improvements to support proposed multifamily housing projects. (\$813,900)
3. In addition to these planned improvements in the area, within this designated Infill Area, the City is open to opportunities for partnerships with developers for infrastructure improvements to help assist and incentivize redevelopment in this area. Such partnerships will be reviewed on a case-by-case basis evaluating the costs of City participation vs. the public benefits being created.

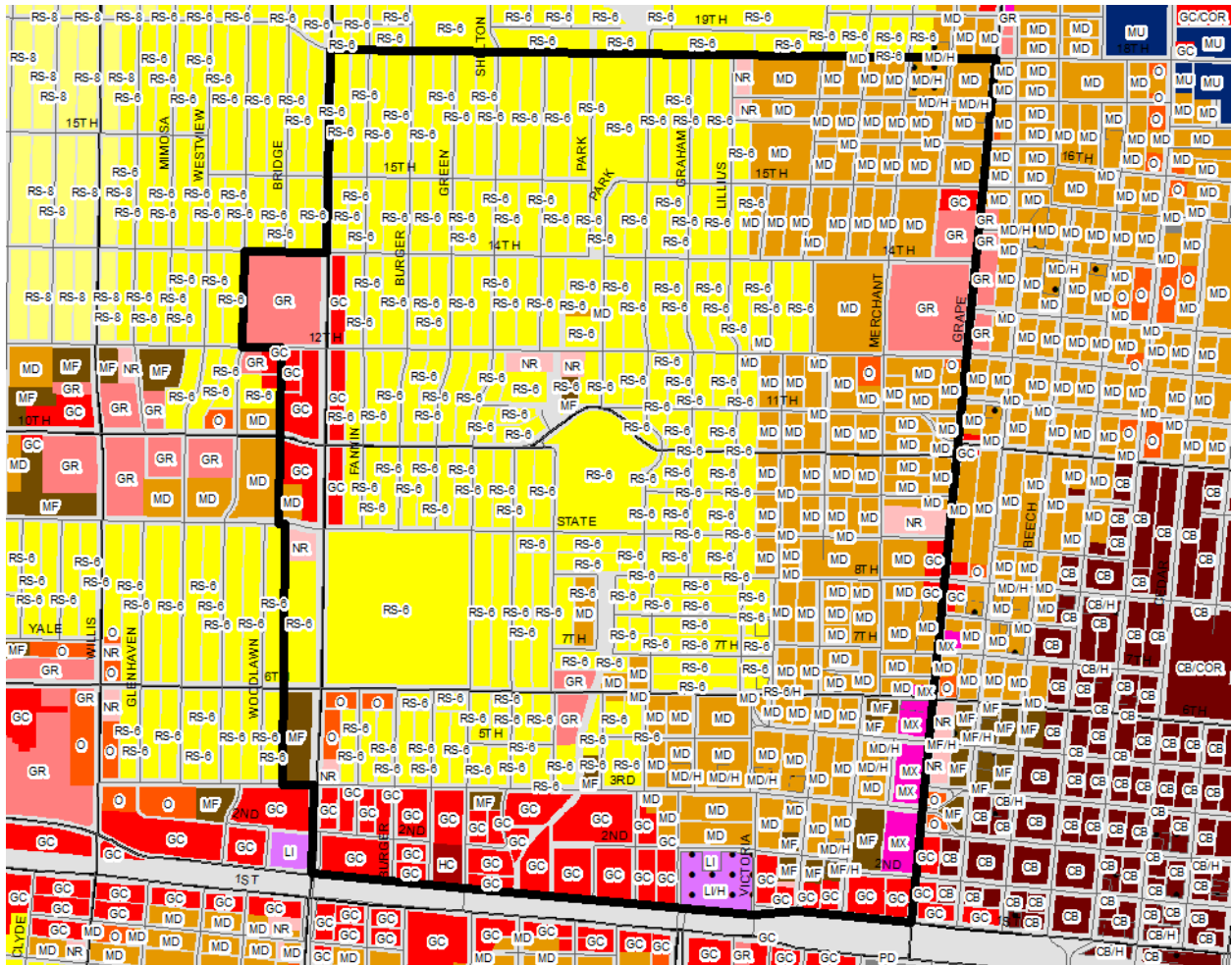
J. Conclusion

The City of Abilene has identified the Cobb Park Area as a specific target area for community redevelopment. Support for programs, funding, and redevelopment in this area will contribute to the growth and vitality of the area for many years to come.

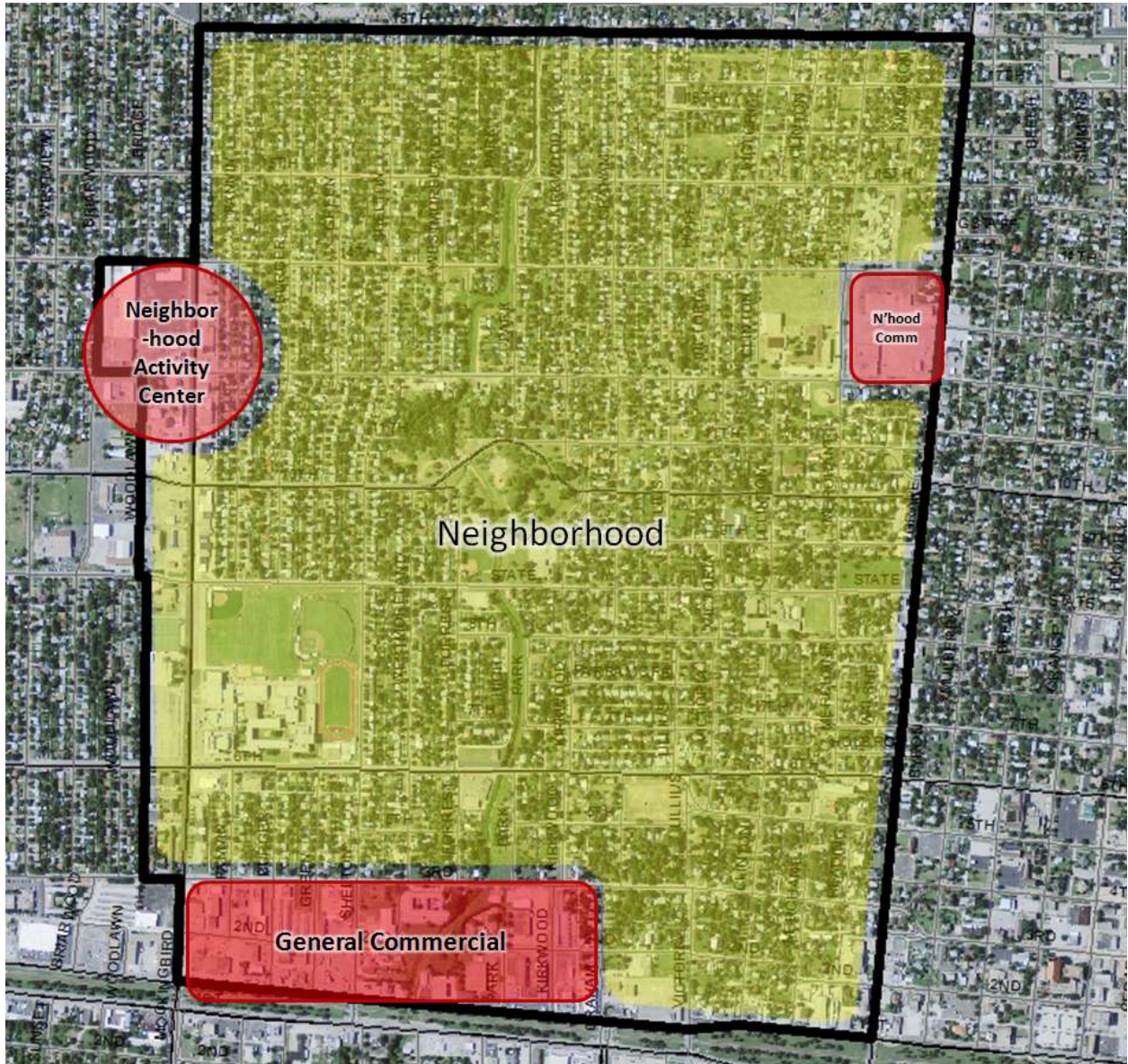
Cobb Park Area Floodplain Map



Cobb Park Area Zoning Map



Cobb Park Area Revitalization Plan Map



6a

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

Presentation, Discussion, and Possible Action regarding Awards from the 2014 State Housing Credit Ceiling and Approval of the Waiting List for the 2014 Housing Tax Credit Application Round

RECOMMENDED ACTION

WHEREAS, the Board is required, by Texas Government Code, §2306.6724(f), to “issue final commitments for allocations of housing tax credits each year in accordance with the qualified allocation plan not later than July 31;” and

WHEREAS, the Board is required by Texas Government Code, §2306.6711(c) to “establish a waiting list of additional Applications ranked by score in descending order of priority based on set-aside categories and regional allocation goals” concurrently with the initial issuance of commitments for Competitive Housing Tax Credits;

NOW, therefore, it is hereby

RESOLVED, that the list of recommended Applications for Final Commitments of Housing Tax Credits from the 2014 State Housing Credit Ceiling and the 2014 Housing Tax Credit Waiting List is hereby approved in the form presented at this meeting, and as amended by the Board for appeals previously heard and determined; and

FURTHER RESOLVED, that the Board’s approval is conditioned upon completion of underwriting, all conditions of underwriting, conditions recommended by the Executive Award Review and Advisory Committee, completion of any other reviews required to ensure compliance with the applicable rules and requirements for the Competitive Housing Tax Credit Program, and any other special conditions the Board may consider appropriate.

BACKGROUND

The Competitive Housing Tax Credit recommendations for July 31, 2014 awards and wait list are presented in the Board materials. The awards and wait list contains the following information

that reflects the recommendations of the Executive Award and Review Advisory Committee (“EARAC”).

Reports located in the Board Book

- Report 1: Recommended applications from the At-Risk, USDA, and Nonprofit Set-Asides and the Rural and Urban Regional Allocations (complete list of Applications recommended for an award of Competitive Housing Tax Credits)
- Report 2: Active applications from the At-Risk, USDA, and Nonprofit Set-Asides and the Rural and Urban Regional Allocations (complete list of all Applications recommended for an award and the waiting list of all active Applications not recommended for an award)
- Report 3: Summary of the Award Results, which includes funding amounts for the At-Risk, USDA, and Nonprofit Set-Asides
- Report 4: Summary of conditions placed on awards as a result of previous participation reviews
- Report 5: Board Summary of Public Input and Staff Recommendation for each Application (provided in Development number order for all active/eligible Applications)

REGIONAL ALLOCATION FORMULA AND SET-ASIDES

The total amount of Housing Tax Credits available for the State of Texas to allocate in 2014 is currently \$61,797,310 (see Report 3). This figure includes the amount of annual allocation authorized to the state, based on population, of \$60,830,844 and returned credits from previously awarded applications of \$966,466. The state may receive additional credits to allocate prior to the end of the calendar year from the National Pool or from credit returned from previously awarded applicants. This credit would be allocated to applications on the waiting list described below.

As required by Texas Government Code, §2306.111, the Department utilizes a regional allocation formula to distribute 85 percent of the housing tax credits from the credit ceiling. There are 13 Uniform State Service Regions which receive varying portions of the credit ceiling based on need in those regions. Each region is further divided into two allocations: a Rural Regional Allocation and an Urban Regional Allocation, as required. Based on the regional allocation formula, each of these 26 geographic areas, or “sub-regions,” is to have available a specific amount of tax credits.

APPLICATION SUBMISSION

There are currently 148 applications eligible for consideration, which are collectively requesting credits totaling more than \$148 million. Originally, 161 full applications requesting almost \$163 million were received, and 13 applications have been terminated or withdrawn. These figures include one application that has been terminated as of the date of this board meeting, but because

that termination is being heard on appeal, for purposes of this discussion, it is still considered eligible. The applications being recommended for award are reflected in Report 1, attached. These same applications that are being recommended for award are also reflected in Report 2 along with all other applications. Those recommended for awards are reflected in the “Recommended Awards” column of this report.

STAFF RECOMMENDATION PROCESS

In making recommendations, staff relied on regional allocations, set-aside requirements and scores, and the allocation methodology as set out in §11.6 of the 2014 Qualified Allocation Plan (“QAP”). The recommended credit amounts are noted with an “X” if the Real Estate Analysis Division has completed underwriting. Otherwise, the credit amount reflected is the credit amount requested by the applicant after a Multifamily Finance Division review. If an underwriting report has not been completed for an application, the application may still be found to be infeasible, have the credit amount reduced and/or may have additional conditions placed on the allocation, but the credit award will not exceed the requested amount. **All recommendations made by staff are subject to underwriting conditions, application review conditions and any other special conditions the Board may consider appropriate.** Staff will review and confirm that such conditions are met unless otherwise directed by the Board. A previous participation review has been completed for all applications recommended for an award; some of those reviews resulted in a recommendation from Executive Award and Review Advisory Committee (“EARAC”) that conditions be placed upon the award. Those conditions are presented in Report 4.

These award recommendations are made under the assumption that the staff recommendations regarding the aforementioned appeals are upheld by the board and are subject to change as a result of board action with respect to other agenda items.

In addition, the recommended applications include two that filed underwriting appeals on Monday July 27, 2014. Those applications are Haymun Krupp (#14127) and Tays (#14130). An appeal for a third affiliated application that is not recommended for an award on July 31, 2014, Westfall Baines (#14129), was also received. The credit amounts in the published underwriting reports indicates that if all three applications are recommended for awards it would cause a violation of §11.4 of the QAP and Texas Government Code §2306.6711(b), related to the maximum credit amount that may be awarded to any Applicant (commonly referred to as the “\$3 million cap”). In order to ensure that the applicant is provided the opportunity to have their appeals fully considered, staff’s recommendation includes holding \$1,698,901 of the total ceiling as “available to award” until the disposition of these appeals. In the event that the Executive Director or the Board determines that no violation §11.4 of the QAP exists, staff recommends awarding some of this available credit to Westfall Baines (#14129). Should the Executive Director and/or Board determine that such a violation does exist, the resulting available credit

will be awarded to the next application(s) in the next most underserved sub-regions. This is an unusual situation due to the appeals having been received so close to the Board meeting. However, staff's recommendation will both preserve the appeal rights of the appealing applicants and the allocation methodology reflected in §11.6 of the QAP. If additional credit returns are received before September 30th, these returns and any small amount of residual credit remaining after the appeals are dealt with as described will be held separately and allocation decisions for such credit will not be made until after September 30th in accordance with the rules.

Finally, this recommendation also includes a specific recommendation with respect to §11.9(f) of the QAP, related to Point Adjustments. An Affiliate of the Applicant for Savannah Park of ALK (#14100) failed to meet the original 10% Test deadline for an application submitted in preceding (2013) application round. Although a request for an extension of that deadline was granted by the Executive Director, staff is unable to determine that the circumstances which gave rise to the need for the extension were beyond the control of the applicant or that they could not have been reasonably anticipated. Therefore, staff is recommending to the Board a five (5) point deduction from the application score for Savannah Park of ALK. This deduction is reflected in the application logs (Reports 1 and 2) attached here.

WAITING LIST

Consistent with Texas Government Code, §2306.6711, "...the Board shall generate, concurrently with the issuance of commitments, a Waiting List of additional Applications ranked by score in descending order of priority based on Set-Aside categories and regional allocation goals..."

Staff recommends that the Board consider the Waiting List to be composed of all Applications that have not been approved by the Board for a commitment of 2014 Housing Tax Credits, and have not been terminated by the Department or withdrawn by the Applicant. Staff further recommends that the applications that remain be approved or amended and approved by the Board today be accepted as the Waiting List "ranked by score in descending order of priority" and subject to the same allocation process as set out in §11.6 of the QAP.

Applications will be awarded from the waiting list as follows:

- 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 and the return of credits causes the Department to achieve less than the required 5 percent 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, and if the return of credits causes the Department to achieve less than the required 15 percent At-Risk Set-Aside, then the next highest scoring At-Risk Application will be recommended for a commitment to the Board. If there are no eligible USDA or At-Risk Applications available, or if the return of credits does not cause the Department to achieve less than the required Set-Asides, then the credits will be added to the statewide collapse pool.
- 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 credits will be added to the statewide collapse pool.
- 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.
- The Department shall hold all credit available after the awards approved at this meeting, except as provided for above to account for the applications under appeal, until September 30 in order to collect credit that may become available when tax credit Commitments are submitted. For credit returned after September 30, awards from the waiting list will be made when the remaining balance is sufficient to award the next Application on the waiting list based on the date(s) of returned credit.

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 are also subject to a previous participation review by the Compliance and Asset Management divisions. 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 2014 QAP (for example, the \$3 million credit limitation, the concentration rules, etc.).

Report 1

Award Recommendations



Texas Department of Housing and Community Affairs

2014 Competitive 9% Housing Tax Credit 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: July 31

Application Number	Development name	Address	City	County	Zip Code	Region	Rural/Urban	At-Risk Set-Aside	USDA Set-Aside	Non-Profit Set-Aside	Construction Type*	LI Units	Market Rate Units	Total Units	Target Population	HTC request	REA review complete**	HOME request	Applicant contact name	Second contact name	(1) Points Requested/Awarded	(2) Gov't Support (\$11.9(d)(1))	(3) QCF (\$11.9(d)(4))	(4) State Rep (\$11.9(d)(5))	(5) Community Orgs (\$11.9(d)(6))	(6) Adjustments	Best Possible Score	Review Status	Recommended for Award	PPP Status ***	Census Tract	Quantile of median HH Income	Poverty Rate				
At-Risk Set-Aside																																					
14277	Pecan Tree Square Apartments	101 Pecan Street	Grandview	Johnson	76050	3	Rural	X			A/R	24	0	24	General	\$ 202,158	X	Murray Calhoun	Jay Rabalais	131	17	8	8	0		164	C	Recommended	A	48251130500	2nd	6.6%					
14278	Edgewood Estates Apartments	503 Crooked Creek Road	Edgewood	Van Zandt	75117	4	Rural	X			A/C	22	0	22	General	\$ 168,067	X	Murray Calhoun	Jay Rabalais	130	17	8	8	0		163	C	Recommended	A	48467950300	2nd	10.9%					
14127	Haymon Krupp	10200 Hedgerow Ct.	El Paso	79925	13	Urban	X	X			RC	73	0	73	General	\$ 800,000	X	Juan A. Olvera	Alyssa Carpenter	130	17	4	8	4		163	C	Recommended	A	48141004310	2nd	21.7%					
14024	Creekside Village	1501 South Bolton	Jacksonville	Cherokee	75766	4	Rural	X			A/C	40	0	40	General	\$ 220,176	X	Melissa Baughman	Jamie Fieser	130	17	8	8	0		163	C	Recommended	A	48073950700	4th	41.5%					
14023	Heritage Square	1308 Jacksonville Square	Jacksonville	Cherokee	75766	4	Rural	X	X		A/C	40	0	40	General	\$ 217,716	X	Melissa Baughman	Jamie Fieser	129	17	8	8	0		162	C	Recommended	A	48073950600	2nd	14.4%					
14025	Heritage Place	1220 Heritage Drive	Jacksonville	Cherokee	75766	4	Rural	X	X		A/C	40	0	40	Elderly	\$ 218,089	X	Melissa Baughman	Jamie Fieser	129	17	8	8	0		162	C	Recommended	A	48073950600	2nd	14.4%					
14191	Wheatley Courts	906 North Mittman Street	San Antonio	Bexar	78202	9	Urban	X	X		RC	156	59	215	General	\$ 2,000,000		Louis Bernardy	Michael C. Duffy	128	17	8	8	0		161	C	Recommended	C	48029130600	4th	54.8%					
14130	Tays	2114 Magoffin Ave (SEC of San Antonio Ave and Eucalyptus St)	El Paso	79901	13	Urban	X		X		NC	159	0	159	General	\$ 1,351,061	X	Juan A. Olvera	Alyssa Carpenter	128	17	4	8	4		161	C	Recommended	A	48141002800	4th	61.9%					
14279	Junction Seniors Apartments	111 North West Main	Junction	Kimble	76849	12	Rural	X			A/C	30	0	30	Elderly	\$ 218,282	X	Murray Calhoun	Jay Rabalais	127	17	8	8	0		160	C	Recommended	A	48267950100	2nd	14.0%					
14276	Meadowbrook Square Apartments	108 Godley Avenue	Junction	Johnson	76044	3	Rural	X			A/C	20	0	20	General	\$ 150,220	X	Murray A. Calhoun	Jay Rabalais	127	17	8	8	0		160	C	Recommended	A	48251130100	2nd	5.3%					
14066	Lexington Manor Apartments	3126 Ray Ellison/ 5201 Kostoryz	Corpus Christi	Nueces	78415	10	Urban	X	X		RC	153	0	153	General	\$ 2,000,000		Gilbert M. Piette	Roger Cahales	127	17	8	8	0		160	C	Recommended	A	48355001902	3rd	28.4%					
14001	Pine Terrace Apartments	1612 Amy Drive	Mt. Pleasant	Titus	75455	4	Rural	X	X		A/C	76	0	76	Elderly	\$ 440,277		Daniel Algeier	Therese Algeier	121	17	4	8	4		154	C	Recommended	A	48449950600	4th	32.3%					
14000	Trinity Oaks Apartments	600 Woodlawn	Sulphur Springs	Hopkins	75482	4	Rural	X	X		A/C	48	0	48	Elderly	\$ 312,957		Daniel Algeier	Therese Algeier	121	17	4	8	4		154	C	Recommended	A	48223950402	4th	18.5%					
14100	SavannahPark of ALK	1208 3rd Street	Abernathy	Lubbock	79311	1	Rural	X	X		A/C	72	0	72	Elderly	\$ 538,827	X	Ryan Hudspeth	Shawn Smith	125	17	4	8	4	-5	153	C	Recommended	A	48303010200	2nd	16.1%					
		121 5th Street	Lexington	Karnes	78947	7																															
		905 S. Panna Maria	Karnes City		78118	9																															
14005	Timbercreek Village Apartments	1465 West 6th	Rusk	Cherokee	75785	4	Rural	X			A/C	84	0	84	General	\$ 584,999		Dennis Hoover	Kim Youngquist	118	17	4	8	4		151	C	Recommended	C	48073950801	1st	26.0%					
		Estimated Amount Available to Allocate \$9,142,518																																			
		Minimum Amount to USDA Set-Aside \$3,041,542																																			
Region 1/Rural																																					
14170	The Reserves at Brookside	S side of E Wilson St, E of S Florida St	Borger	Hutchinson	79007	1	Rural				NC	46	2	48	General	\$ 680,447	X	Matt Gillam	Alyssa Carpenter	128	17	4	0	2		151	C	Recommended	A	48233950900	3rd	4.6%					
		Estimated Amount Available to Allocate \$698,573																																			
Region 1/Urban																																					
14284	The Vineyards	5.38 Acres at the SWC of 94th Street and Milwaukee Avenue	Lubbock	Lubbock	79424	1	Urban				NC	96	0	96	General	\$ 1,155,591	X	Paul Stell	Henry Flores	128	17	4	8	4		161	C	Recommended	A	48303010407	1st	4.6%					
		Estimated Amount Available to Allocate \$1,218,603																																			
Region 2/Rural																																					
14122	Riverside Park Apartments	Sudderth Drive, 1-block south of Early Drive	Early	Brown	76802	2	Rural				NC	51	9	60	General	\$ 555,000	X	Vaughn C. Zimmerman	Ben Mitchell	134	17	4	8	4		167	C	Recommended	A	48049951200	1st	9.5%					
		Estimated Amount Available to Allocate \$570,619																																			
Region 2/Urban																																					
14182	Prairie Gardens	2121 N. 6th Street	Abilene	Taylor	79603	2	Urban				NC	45	3	48	Elderly	\$ 500,000		Gene Reed	Janine Sisak	121	17	8	8	0		154	C	Recommended	A	48441011200	3rd	21.8%					
		Estimated Amount Available to Allocate \$560,764																																			
Region 3/Rural																																					
14266	Abington Junction of Pottsboro	NE corner of the intersection of Spur 316 and West Highway 120	Pottsboro	Grayson	75076	3	Rural				NC	47	9	56	General	\$ 571,794	X	William J. Rea, Jr.	Sean Brady	134	17	4	8	4		167	C	Recommended	A	48181000302	1st	8.4%					
		Estimated Amount Available to Allocate \$582,088																																			
Region 3/Urban																																					
14205	Avondale Apartments	14 +/- acres in SEC of US 287 & Avondale Haslet Road	Fort Worth	Tarrant	76052	3	Urban				NC	144	16	160	General	\$ 1,500,000		Kecia Boulware	Donna Rickenbacker	132	17	4	8	4		165	C	Recommended	C	48439114103	1st	3.0%					
14088	Mariposa Apartment Homes at Spring Hollow	Approx the NE corner of Spring Hollow Dr and E McLeRoy Blvd	Saginaw	Tarrant	76131	3	Urban				NC	140	54	194	Elderly	\$ 1,500,000		Stuart Shaw	Casey Bump	131	17	4	8	4		164	C	Recommended	A	48439114003	2nd	5.8%					
14180	Serenity Place Apartments	3124 Denley	Dallas	Dallas	75216	3	Urban	X			NC	45	0	45	Supp. Hsng.	\$ 485,000		Sherman Roberts	Will Henderson	131	17	4	8	4		164	C	Recommended	A	48113005700	4th	41.2%					
14295	M2 Apartments	Southeast Quadrant of McKinney Ranch Parkway and Collin McKinney	McKinney	Collin	75070	3	Urban				NC	130	52	182	General	\$ 1,500,000		Brandon Bolin	Alan McDonald	131	17	4	8	4		164	C	Recommended	A	48085030601	1st	1.5%					
14087	Cypress Creek Apartment Homes at Joshua	Approx the SW corner of Joshua Station Blvd and S. Broadway St	Joshua	Johnson	76058	3	Urban				NC	145	36	181	General	\$ 1,500,000	X	Stuart Shaw	Casey Bump	131	17	4	8	4		164	C	Recommended	A	48251130214	2nd	10.6%					
14051	Churchill at Champions Circle Community	SWQ Hwy 114 & 135W (south of 114 and west of 135W)	Fort Worth	Denton	76177	3	Urban	X			NC	132	0	132	General	\$ 1,500,000		Brad Forslund	Bekky Villanueva	130	17	4	8	4		163	C	Recommended	A	48121020308	2nd	4.4%					
14158	Bishop Gardens	SWQ Hardeman Blvd and FM 156	Justin	Denton	76247	3	Urban				NC	60	12	72	General	\$ 721,167	X	Stacy Kaplowitz	Alyssa Carpenter	130	17	4	8	4		163	C	Recommended	C	48121020309	2nd	6.3%					
14292	Cypress Creek Apartment Homes at Parker	Approx the SW quadrant of I-30 and Circle Lane	Royse City	Rockwall	75189	3	Urban				NC	140	80	220	General	\$ 1,500,000	X	Stuart Shaw	Casey Bump	130	17	4	8	4		163	C	Recommended	A	48397040402	2nd	6.1%					
		Estimated Amount Available to Allocate \$10,875,745																																			
Region 4/Rural																																					
14092	Madison Oaks Apartments	1009 Gilmer	Winnsboro	Wood	75494	4	Rural				NC	54	6	60	General	\$ 564,500	X	Leslie Holleman	Jeremy Mears	134	17	4	8	4		167	C	Recommended	A	48499950200	4th	23.9%					
14133	Mission Village of Jacksonville	SWQ of Frankston St and Johnson St	Jacksonville	Cherokee	75766	4	Rural				NC	48	0	48	General	\$ 610,000	X	Michael P. Ash	Alyssa Carpenter	134	17	4	8	4		167	C	Recommended	A	48073950600	4th	34.8%					
14271	Abington Walk of Emory	Spence Drive approx. 600 ft. north of Lake Fork Drive	Emory	Rains	75440	4	Rural				NC	50	6	56	General	\$ 596,000	X	William J. Rea, Jr.	Sean Brady	134	17	4	8	4		167	C	Recommended	A	48379950100	2nd	10.9%					
		Estimated Amount Available to Allocate \$1,453,853																																			
Region 4/Urban																																					
14269	Abington Glen of Nash	East New Boston Road approx. 800 feet east of North Kings Highway	Nash	Bowie	75569	4	Urban				NC	64	8	72	General	\$ 781,100	X	William J. Rea, Jr.	Sean Brady	132	17	4	8	4		165	C	Recommended	A	48037010902							

Report 2
Waiting List



Texas Department of Housing and Community Affairs

2014 Competitive 9% Housing Tax Credit Program

Waiting List

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: July 31

Application Number	Development name	Address	City	County	Zip Code	Region	Rural/Urban	At-Risk Set-Aside	USDA Set-Aside	Non-Profit Set-Aside	Construction Type	LI Units	Market Rate Units	Total Units	Target Population	HTC request	REA review complete	HOME request	Applicant contact name	Second contact name	(1) Points Requested/Awarded	(2) Gov't Support (\$11.9(d)(1))	(3) QCC (\$11.9(d)(4))	(4) State Rep (\$11.9(d)(5))	(5) Community Org (\$11.9(d)(6))	(6) Adjustments	Best Possible Score	Review Status	Recommended for Award	PPK Status	Census Tract	Quantile of median HH Income	Poverty Rate		
At-Risk Set-Aside																																			
14277	Pecan Tree Square Apartments	101 Pecan Street	Grandview	Johnson	76050	3	Rural	X	X	A/R	24	0	24	General	\$	202,158	X	Murray Calhoun	Jay Rabalais	131	17	8	8	0	164	C	Recommended	A	48251130500	2nd	6.6%				
14022	The Oaks of Westview	1201 West College	Canton	Van Zandt	75103	4	Rural	X	X	A/C	88	0	88	General	\$	168,067	X	Melissa Baughman	Jamie Fieser	131	17	8	8	0	164	C	Not recommended by REA	A	48467950700	2nd	14.6%				
14278	Edgewood Estates Apartments	503 Crooked Creek Road	Edgewood	Van Zandt	75117	4	Rural	X	X	A/C	22	0	22	General	\$	168,067	X	Murray Calhoun	Jay Rabalais	130	17	8	8	0	163	C	Recommended	A	48467950300	2nd	10.9%				
14127	Haymon Krupp	10200 Hedgerow Ct.	El Paso	El Paso	79925	13	Urban	X	X	RC	73	0	73	General	\$	800,000	X	Juan A. Olvera	Alyssa Carpenter	130	17	4	8	4	163	C	Recommended	P	4811004310	2nd	21.7%				
14024	Creekside Village	1501 South Bolton	Cherokee	Cherokee	75766	4	Rural	X	X	A/C	40	0	40	General	\$	220,176	X	Melissa Baughman	Jamie Fieser	130	17	8	8	0	163	C	Recommended	A	48073950700	4th	41.5%				
14023	Heritage Square	1308 Jacksonville Square	Jacksonville	Cherokee	75766	4	Rural	X	X	A/C	40	0	40	General	\$	217,716	X	Melissa Baughman	Jamie Fieser	129	17	8	8	0	162	C	Recommended	A	48073950600	2nd	14.4%				
14025	Heritage Place	1220 Heritage Drive	Jacksonville	Cherokee	75766	4	Rural	X	X	A/C	40	0	40	Elderly	\$	212,089	X	Melissa Baughman	Jamie Fieser	129	17	8	8	0	162	C	Recommended	A	48073950600	2nd	14.4%				
14191	Wheatley Courts	906 North Mittman Street	San Antonio	San Antonio	78202	9	Urban	X	X	RC	156	59	215	General	\$	2,000,000	X	Juan A. Olvera	Michael C. Duffy	128	17	8	8	0	161	C	Recommended	P	48029130600	4th	54.8%				
14130	Tays	2114 Magoffin Ave (SEC of San Antonio Ave and Eucalyptus St)	El Paso	El Paso	79901	13	Urban	X	X	NC	159	0	159	General	\$	1,351,061	X	Juan A. Olvera	Alyssa Carpenter	128	17	4	8	4	161	C	Recommended	P	48141002800	4th	61.9%				
14279	Junction Seniors Apartments	111 North West Main	Junction	Kimble	76849	12	Rural	X	X	A/C	30	0	30	Elderly	\$	218,282	X	Murray Calhoun	Jay Rabalais	127	17	8	8	0	160	C	Recommended	A	48267950100	2nd	14.0%				
14276	Meadowbrook Square Apartments	108 Godley Avenue	Godley	Kimble	76044	3	Rural	X	X	A/C	20	0	20	General	\$	150,220	X	Murray A. Calhoun	Jay Rabalais	127	17	8	8	0	160	C	Recommended	A	48251130100	2nd	5.3%				
14129	Westfall Baines	10661 and 1070 Vista Del Sol	El Paso	El Paso	79925	13	Urban	X	X	RC	111	0	111	General	\$	875,000	X	Juan A. Olvera	Alyssa Carpenter	127	17	4	8	4	160	C	Violation of §11.4(a) pending appeal	P	48141004312	2nd	21.1%				
14066	Lexington Manor Apartments	3126 Ray Ellison/ 5201 Kostoryz	Corpus Christi	Nueces	78415	10	Urban	X	X	RC	153	0	153	General	\$	2,000,000	X	Gilbert M. Piette	Roger Canales	127	17	8	8	0	160	C	Recommended	P	48355001902	3rd	28.4%				
14090	Stone Oaks Apartments	Intersection of E. Calton Road and Foster Avenue	Webb	78041	11	Urban	X	X	NC	100	12	112	General	\$	1,147,500	X	Laura Llanes	Doak D. Brown	124	17	8	8	4	157	C		P	48479001601	2nd	16.5%					
14183	Robison Terrace	1010 Dan Haskins Way	Texarkana	Bowie	75501	4	Urban	X	X	RC	130	0	130	Elderly	\$	1,195,104	X	Johnny Riley	Will Henderson	126	17	4	8	0	155	N		N	48037010800	4th	19.8%				
14060	New Haven Apartments	714 Jonathan Street	Atkins	Henderson	75751	4	Rural	X	X	NC	72	0	72	General	\$	977,289	X	Tracy Ambridge	Tamea Dula	122	17	4	8	4	155	N		N	48213951200	4th	28.9%				
14001	Pine Terrace Apartments	1612 Amy Drive	Mt. Pleasant	Titus	75455	4	Rural	X	X	A/C	76	0	76	Elderly	\$	440,277	X	Daniel Algeier	Theresa Algeier	121	17	4	8	4	154	C	Recommended	P	48449950600	4th	32.3%				
14175	Liberty Square and Liberty Village	Greensbeck	Limestone	Hopkins	76642	8	Rural	X	X	A/C	80	0	80	General	\$	720,536	X	Art Schuldt, Jr.	Micha Strange	121	17	4	8	4	154	C	Recommended	P	48293970600	2nd	16.4%				
14000	Trinity Oaks Apartments	600 Woodlawn	Sulphur Springs	Hopkins	75482	4	Rural	X	X	A/C	48	0	48	Elderly	\$	312,957	X	Daniel Algeier	Theresa Algeier	121	17	4	8	4	154	C	Recommended	P	4823950402	4th	18.5%				
14100	SavannahPark of ALK	1208 3rd Street	Abernathy	Lubbock	79311	1	Rural	X	X	A/C	72	0	72	Elderly	\$	533,827	X	Ryan Hudspeth	Shawn Smith	125	17	4	8	4	-5	153	C	Recommended	P	483303010200	2nd	16.1%			
		121 5th Street	Levinton	Karnes	78947	7																													
		905 S. Panna Maria	Karnes City	Karnes	78118	9																													
14012	Wynnewood Seniors Housing II	~1805 South Zang Boulevard	Dallas	Dallas	75224	3	Urban	X	X	NC	139	1	140	Elderly	\$	1,733,780	X	Brian L. Roop	Tamea A. Dula	120	17	8	8	0	153	N		N	48113006200	3rd	27.5%				
14181	The Trails on Mockingbird Lane	302 N. Mockingbird Lane	Abilene	Taylor	79603	2	Urban	X	X	RC	82	2	84	General	\$	954,807	X	Gene Reed	Will Henderson	119	17	4	8	4	152	C	scoring pending appeal	P	48441011300	2nd	20.4%				
14176	Moss Rose Apartments	1202 East Avenue E	Killeen	Bell	76541	8	Urban	X	X	A/C	75	0	75	General	\$	980,621	X	Art Schuldt, Jr.	Micha Strange	119	17	4	8	4	152	N		N	48027022600	4th	29.5%				
14005	Timbercreek Village Apartments	1465 West Gih	Rusk	Cherokee	75785	4	Rural	X	X	A/C	84	0	84	General	\$	584,999	X	Dennis Hoover	Kim Youngquist	118	17	4	8	4	151	C	Recommended	P	48073950801	1st	26.0%				
14095	Sabine Place Apartments	1215 Terminal Rd.	Tarrant	Tarrant	76106	3	Urban	X	X	A/C	71	1	72	General	\$	975,330	X	Christian Szymczak	Alison Malkhassian	114	17	8	8	0	147	N		N	48439105001	4th	36.8%				
14004	Northwest Apartments	1623 E. Northwest Blvd.	Georgetown	Williamson	78628	7	Urban	X	X	A/C	24	0	24	General	\$	189,957	X	Dennis Hoover	Kim Youngquist	111	17	4	8	4	144	N		N	48491020114	3rd	10.3%				
14003	Whitestone Apartments and Tamaric	601 Doris Ln and 1507 Cedar Park Dr.	Cedar Park	Williamson	78613	7	Urban	X	X	A/C	64	0	64	General	\$	499,957	X	Dennis Hoover	Kim Youngquist	108	17	4	8	4	141	N		N	48491020327	1st	0.0%				
14101	Red River Apartments	522 1st St. NE 2704 W. Main St.	Detroit	Red River	75436	4	Rural	X	X	A/C	48	0	48	General	\$	366,558	X	Ryan Hamilton	Kim Youngquist	110	17	4	0	4	135	N	Scattered Site	N	48387950700	1st	21.1%				
14195	Davis Street Housing	620 N.E. Davis Street	Fabens	El Paso	79838	13	Rural	X	X	A/C	24	0	24	General	\$	250,360	X	ike J. Monty	Roy Lopez	101	0	4	8	4	117	N		N	48141010505	4th	50.6%				
		Estimated Amount Available to Allocate \$9,142,518																																	
		Minimum Amount to USDA Set-Aside \$3,041,542																																	
Region 1/Rural																																			
14170	The Reserves at Brookside	S side of Wilson St. E of S Florida St	Borger	Hutchinson	79007	1	Rural	X	X	NC	46	2	48	General	\$	680,447	X	Matt Gillam	Alyssa Carpenter	128	17	4	0	2	151	C	Recommended	A	48233950900	3rd	4.6%				
14304	Vista Rita Blanca Apartments II	701 Maynard Ave	Dalhart	Dallam	79022	1	Rural	X	X	NC	40	0	40	General	\$	922,156	X	Diana Lopez	Alyssa Carpenter	51	17	4	0	4	76	N		N	48111950300	4th	6.9%				
		Estimated Amount Available to Allocate \$698,573																																	
		Total HTCs Requested \$ 1,602,603																																	
Region 1/Urban																																			
14284	The Vineyards	5.38 Acres at the SWC of 94th Street and Milwaukee Avenue	Lubbock	Lubbock	79424	1	Urban	X	X	NC	96	0	96	General	\$	1,155,591	X	Paul Stell	Henry Flores	128	17	4	8	4	161	C	Recommended	P	48303010407	1st	4.6%				
14172	The Reserves at Copper Ranch	NWQ 114th St. and University Ave	Lubbock	Lubbock	79423	1	Urban	X	X	NC	84	0	84	General	\$	1,141,106	X	Matt Gillam	Alyssa Carpenter	127	17	4	8	4	160	N		A	48303010511	1st	4.2%				
14223	Beacon Hill	SE corner of fronton Ave. and 71st St.	Lubbock	Lubbock	79424	1	Urban	X	X	NC	110	10	120	General	\$	1,156,670	X	Kelly Garrett	Victoria Spicer	128	17	4	8	0	157	N		N	48303001707	1st	6.0%				
		Estimated Amount Available to Allocate \$1,218,603																																	
		Total HTCs Requested \$ 3,453,367																																	
Region 2/Rural																																			
14122	Riverside Park Apartments	Sudderth Drive, 1-block south of Early Drive	Early	Brown	76802	2	Rural	X	X	NC	51	9	60	General	\$	555,000	X	Vaughn C. Zimmerman	Ben Mitchell	134	17	4	8	4	167	C	Recommended	A	48049951200	1st	9.5%				
14105	Royal Gardens	Approximately 1500 block of Johnson Road (North of Hwy 287 on Johnson Road)	Iowa Park	Wichita	76367	2	Rural	X	X	NC	45	5	49	General	\$	490,000	X	Noorallah Jooma	Robert Wilson	134															

14087	Cypress Creek Apartment Homes at Joshua Station	Approx the SW corner of Joshua Station Blvd and S. Broadway St	Joshua	Johnson	76058	3	Urban		NC	145	36	181	General	\$	1,500,000	X	X	Stuart Shaw	Casey Bump	131	17	4	8	4	164	C	Recommended	A	48251130214	2nd	10.6%											
14051	Churchill at Champions Circle Community	SWQ Hwy 114 & I35W (south of 114 and west of I35W)	Fort Worth	Denton	76177	3	Urban	X	NC	132	0	132	General	\$	1,500,000			Brad Forslund	Becky Villanueva	130	17	4	8	4	163	C	Recommended	A	48121020308	2nd	4.4%											
14158	Bishop Gardens	SWQ Hardeman Blvd and FM 156	Justin	Denton	76247	3	Urban		NC	60	12	72	General	\$	721,167	X	X	Stacy Kaplowitz	Alyssa Carpenter	130	17	4	8	4	163	C	Recommended	C	48121020309	2nd	6.3%											
14292	Cypress Creek Apartment Homes at Parker Creek North	Approx the SW quadrant of I-30 and Circle Lane	Royse City	Rockwall	75189	3	Urban		NC	140	80	220	General	\$	1,500,000	X	X	Stuart Shaw	Casey Bump	130	17	4	8	4	163	C	Recommended	A	48397040402	4th	6.1%											
14141	Hickory Village Apartments	3401 Hickory Tree Road	Balch Springs	Dallas	75180	3	Urban	X	NC	108	12	120	General	\$	1,378,210			Monique S. Allen	Maryann Vanschoor	129	17	4	8	4	162	N	Recommended	N	48113017201	4th	26.2%											
14288	Villas at Boston Heights	3510 Boston Avenue	Benbrook	Tarrant	76116	3	Urban		NC	131	13	144	General	\$	1,500,000			Deepak P. Sulakhe	Len Vilicic	129	17	4	8	4	162	N	Recommended	N	48439110901	2nd	1.5%											
14221	Palladium Van Alstyne Senior Living	North side of N. College Ave. approx. 900 ft. east of I-75	Van Alstyne	Grayson	75495	3	Urban		NC	90	30	120	Elderly	\$	885,089	X		Thomas E. Huth	Mary Henderson/Dru	128	17	4	8	4	161	C	Recommended	N	48181001803	1st	6.5%											
14135	Heritage Park Vista II	8729 Ray White Blvd	Fort Worth	Tarrant	76244	3	Urban		NC	77	8	85	Elderly	\$	877,000			Dan Algieier	Robert Hoskins	128	17	8	8	0	161	N	Recommended	N	48439113921	1st	8.4%											
14163	HomeTowne at Presidio Junction	Southeast quadrant of Harmon Road and Presidio Vista Drive	Fort Worth	Tarrant	76177	3	Urban		NC	132	36	168	Elderly	\$	1,500,000			Kenneth W. Fambro, II	Christina Schwartz	128	17	8	8	0	161	N	Recommended	N	48439113926	1st	5.6%											
14233	Art at Palladium View	NWQ Westpoint Blvd and Scenic Vista Dr	Fort Worth	Tarrant	76108	3	Urban		NC	97	11	108	General	\$	1,500,000			Mitchell M. Friedman	Lisa Stephens	128	17	4	8	4	161	N	Recommended	N	48439110805	2nd	1.1%											
14198	Columbia at Renaissance Square	3801 W. G. Daniel Dr (see below)	Fort Worth	Tarrant	76119	3	Urban		NC	112	28	140	General	\$	1,451,819			Clara Trejos	Roderick Teachey	128	17	8	8	0	161	N	Recommended	N	48439104604	4th	30.9%											
14174	Hopkins Crossing Apartments	Hopkins Rd NW of E McCart St. (FM1173)	Krum	Denton	76249	3	Urban		NC	120	10	130	General	\$	1,500,000			Donna Rickenbacker	Doak Brown	132	17	4	0	4	157	N	Recommended	N	48121020202	2nd	2.9%											
14228	Art at Elysium Grand	W side of IH 35 E, S of Lillian Miller Pkwy	Denton	Denton	76210	3	Urban		NC	85	7	92	General	\$	1,345,000			Mitchell M. Friedman	Lisa Stephens	130	0	4	0	4	138	N	Recommended	N	48121021303	2nd	8.6%											
														Estimated Amount Available to Allocate	\$10,875,745															Total HTCs Requested	\$	22,143,285										
Region 4/Rural																																										
14092	Madison Oaks Apartments	1009 Gilmer	Winnsboro	Wood	75494	4	Rural		NC	54	6	60	General	\$	564,500	X		Leslie Holleman	Jeremy Mears	134	17	4	8	4	167	C	Recommended	P	48499950200	4th	23.9%											
14133	Mission Village of Jacksonville	SWQ of Frankston St and Johnson St	Jacksonville	Cherokee	75766	4	Rural		NC	48	0	48	General	\$	610,000	X		Michael P. Ash	Alyssa Carpenter	134	17	4	8	4	167	C	Recommended	A	48073950500	4th	34.8%											
14271	Abbingtton Walk of Emory	Spence Drive approx. 600 ft. north of Lake Fork Drive	Emory	Rains	75440	4	Rural		NC	50	6	56	General	\$	596,000	X		William J. Rea, Jr.	Sean Brady	134	17	4	8	4	167	C	Recommended	A	48379950100	2nd	10.9%											
14188	Reserve at Whitehouse	1000 Texas 110	Whitehouse	Smith	75791	4	Rural		NC	72	0	72	General	\$	960,000	X		Brian McGeady	Chris Applequist	132	17	4	8	4	165	C	Recommended	A	48423002009	1st	4.6%											
14184	Rivers Bluff Apartments	200-300 block of Tennis Road	Mount Pleasant	Titus	75455	4	Rural		NC	74	6	80	General	\$	842,000			Rick J. Deyoe	Lisa Rucker	128	17	4	8	4	161	N	Recommended	N	48499950300	1st	13.0%											
														Estimated Amount Available to Allocate	\$1,453,853															Total HTCs Requested	\$	3,572,500										
Region 4/Urban																																										
14269	Abbingtton Glen of Nash	East New Boston Road approx. 800 feet east of North Kings Highway	Nash	Bowie	75569	4	Urban		NC	64	8	72	General	\$	781,100	X		William J. Rea, Jr.	Sean Brady	132	17	4	8	4	165	C	Recommended	A	48037010902	1st	14.3%											
														Estimated Amount Available to Allocate	\$1,088,762															Total HTCs Requested	\$	781,100										
Region 5/Rural																																										
14054	Whispering Oaks	816 Memphis Street	West Orange	Orange	77630	5	Rural		NC	70	0	70	General	\$	824,448			Miranda Ashline	Tamea Dula	123	17	4	8	4	156	C	Recommended	P	48361020500	3rd	19.8%											
14189	Citrus Cove	Approximately 1200 Texas Avenue	Bridge City	Orange	77611	5	Rural		NC	72	8	80	General	\$	823,000			Jim Bergman	Tami Stombaugh	129	17	4	0	4	154	C	Recommended	A	48361022400	2nd	14.2%											
14063	Hudson Providence	Northeast quadrant of Ted Trout Drive & Oscar Berry Road	Hudson	Angelina	75904	5	Rural		NC	80	0	80	Elderly	\$	890,000	X		Miranda Ashline	Tamea Dula	116	17	4	8	4	149	C	scoring pending appeal	P	48005000301	1st	13.3%											
														Estimated Amount Available to Allocate	\$1,565,902															Total HTCs Requested	\$	2,537,448										
Region 5/Urban																																										
14155	Cypress Place	W Side of Old Dowlen Rd, N of Dowlen Rd	Beaumont	Jefferson	77706	5	Urban		NC	76	0	76	General	\$	921,000	X		Stacy Kaplowitz	Alyssa Carpenter	126	0	4	0	4	134	C	Recommended	C	48245000307	1st	6.7%											
														Estimated Amount Available to Allocate	\$813,126															Total HTCs Requested	\$	921,000										
Region 6/Rural																																										
14274	Heritage Plaza	325 Flagship Boulevard	Montgomery	Montgomery	77356	6	Rural	X	NC	64	16	80	General	\$	750,000			Chris Richardson	Jessica Bailey	133	17	4	8	4	166	C	Recommended	P	48339694500	1st	12.6%											
14043	Carriage Crossing	31500-31700 Waller Tomball Rd	Waller	Harris	77484	6	Rural		NC	64	16	80	General	\$	750,000			David Mark Koogler	Zach Cavender	133	17	4	8	4	166	N	Recommended	N	48201556000	2nd	11.8%											
14052	Waverly Village	255 Tafelski Road	New Waverly	Walker	77358	6	Rural		NC	50	0	50	General	\$	714,479	X		Tracy Ambridge	Tamea Dula	128	17	4	8	4	161	N	Recommended	N	48471790200	1st	15.9%											
														Estimated Amount Available to Allocate	\$500,000															Total HTCs Requested	\$	1,464,479										
Region 6/Urban																																										
14168	The Villages of Dickinson	406 Deats Rd	Dickinson	Galveston	77539	6	Urban		RC	120	0	120	General	\$	1,500,000			Justin Hartz	Alyssa Carpenter	131	17	4	8	4	164	C	Recommended	A	48167720900	2nd	17.8%											
14220	Palladium Lake Jackson	South side of FM 2004 & west of Old Angleton Rd.	Lake Jackson	Brazoria	77566	6	Urban		NC	120	30	150	General	\$	1,442,232			Thomas Huth	Mary Henderson/Dru	131	17	4	8	4	164	C	Recommended	A	48039663600	1st	2.0%											
14148	Greens at Brentford	SWC of Beechnut and Brentford Dr.	Mission Bend (Houston)	Fort Bend	77083	6	Urban		NC	120	30	150	General	\$	1,429,048			Les Kilday	Phyllis Sefeldt	128	15.5	4	8	4	159.5	C	Recommended	A	48157672602	2nd	8.2%											
14272	The Lodge at Huffmeister	West side of Huffmeister Park across from Shaft Drive	Cypress (Houston ETJ)	Harris	77429	6	Urban	X	NC	142	28	170	General	\$	1,500,000			Chris Richardson	Jessica Bailey	127	15.5	4	8	4	158.5	C	Recommended	P	48201552200	2nd	14.8%											
14017	Catalon	Queenston Blvd & Coventry Park Dr	Houston	Harris	77084	6	Urban		NC	119	23	142	General	\$	1,500,000			Mark Musemeche	Ofelia Elizondo	127	15.5	4	8	4	158.5	C	Recommended	P	48201541500	1st	4.4%											
14113	Avenue Terraces	4300 Irvington Boulevard	Houston	Harris	77009	6	Urban	X	NC	43	5	48	General	\$	566,000			Mary Lawler	Jason Holoubek	125	17	8	8	0	158	C	Recommended	A	48201210500	4th	39.3%											
14291	Cypress Creek Apartment Homes at Wayside	Approx the NW quadrant of S Wayside Dr and Texas Beltway 8	Houston	Harris	77048	6	Urban		NC	140	60	200	General	\$	1,500,000			Stuart Shaw	Casey Bump	125	17	8	8	0	158	C	Recommended	A	48201330800	2nd	9.7%											
14273	Forestwood Lodge	Purple Sage Road across from Purple Sage Elementary	Houston ETJ)	Harris	77049	6	Urban	X	NC	142	28	170	General	\$	1,500,000			Chris Richardson	Jessica Bailey	125	15.5	4	8	4	156.5	N	Recommended	N	48201232401	2nd	14.5%											
14103	The Women's Home Housing Phase II	7600 block of Hammerly Blvd.	Houston	Harris	77055	6	Urban	X	NC	84	0	84	Supp. Hsng.	\$	1,109,195			Stephan Fairfield	Donna Rickenbacker	123	17	8	8	0	156	N	Recommended	N	48201520400	4th	48.2%											
14145	Glenwood Trails II	4300 block of Glenwood Ave.	Deer Park	Harris	77536	6	Urban		NC	118	14	132	General	\$	1,496,555			Les Kilday	Phyllis Sefeldt	121	17	4	8	4	154	N	Recommended	N	48201342300	3rd	19.6%											
14055	Rushcreek Oaks Ranch	The approximate 1100 block of Hugh, just east of Spears-Gears and west of Ella, Blvd.	Houston	Harris	77067	6	Urban		NC	77	7	84	General	\$	1,450,363			Marcialeto Voller	Ann Duggin	120	17	4	8	4	153	N	Recommended	N	48201550200	4th	47.6%											
14137	Lafayette Park Apartments	Approximately 10501 block of Synott Road near Bellfort, NEC of Bellfort and Synott	Houston	Fort Bend	77099	6	Urban		NC	99	5	104	General	\$	1,500,000			William D. Henson	Cheryl L. Henson	130	14	8	0	0	152	N	Recommended	N	48157672001	1st	6.4%											
14204	Seminole Ridge	8.2 +/- acres on W. Bellfort Avenue E. of Synott Rd.	Houston	Fort Bend	77099	6	Urban		NC	100	10	110	General	\$	1,388,859			Jorge A. Aguirre	Donna Rickenbacker	130	14	4	0	4	152	N	Recommended	N	48157672001	1st	6.4%											
14076	New Hope Housing at Reed	Approximately 2620 Reed Rd	Houston	Harris	77051	6	Urban	X	NC	140	0	140	Supp. Hsng.	\$	1,500,000			Joy Horak-Brown	Emily Abeln	123	17	4	8	0	152	N	Recommended	N	48201334100	3rd	23.1%											
14215	Village on Harvest Time	SE Quadrant of Imperial Valley Drive & Harvest Time Lane	Houston	Harris	77060	6	Urban		NC	100	20	120	General	\$	1,335,244			Miranda Ashline	Tamea Dula	118	17	4	8	4	151	C	Recommended	N	48201240501	4th	35.0%											
14057	Tidwell Lakes Ranch	The Approximate 14500 block of Tidwell just west of the app 9000 block of E Sam Houston Parkway North	Houston ETJ)	Harris	77044	6	Urban		NC	79	10	89	General	\$	1,499,946			Marcialeto Voller	Anne Duggin	118	17	4	8	4	151	N	Recommended	N	48201232302	3rd	15.8%											
14042	East End Lofts	NWC of Harrisburg Blvd and Sampson St	Houston	Harris	77003	6	Urban		NC	110	7	117	General	\$	1,500,000			David Mark Koogler	Zach Cavender	120	14	8	8	0	150	N	Recommended	N	48201310100	4th	41.5%											
14167	Paddock at the Bayou	N side of Beltway 8, E of Old Choc Bayou	Houston	Harris	77048	6	Urban		NC	120	0	120	General	\$	1,500,000			Justin Hartz	Alyssa Carpenter	120	14	4	8	4	150	N	Recommended	N	48201330800	2nd	9.7%											
14044	Auden Village	NW Corner of FM 529 and Greenhouse Rd.	Houston	Harris	77433	6	Urban		NC	141	15	156	General	\$	1,500,000			David Mark Koogler	Zach Cavender	128	0	4	8	4	144	N	Recommended	N	48201543003	2nd	10.5%											
14015	The Monarch	8500 block S. Sam Houston Pkwy E	Houston	Harris	77075	6	Urban		NC	130	26	156	General	\$	1,500,000			Mark Musemeche	Ofelia Elizondo	126	0	4	8	4	142	N	Recommended	N	48201333901	1st	4.1%											
14032	Reserve at Compton Road	North of Compton Street & East of FM 521	Arcola	Fort Bend	77583	6	Urban		NC	120	0	120	General	\$	1,500,000			Brian McGeady	Chris Applequist	125	0	4	8	4	141	N	Recommended	N	48157670800	2nd	11.2%											
14019	Tuscany Park at Arcola	Post Oak Road (350' south of Hwy 6)	Arcola																																							

14243	Merritt Lakeline Station	southeast quadrant of Lakeline Mall Drive and N. Lake Creek Parkway	Austin	Williamson	78717	7	Urban	X	NC	110	90	200	General	\$	1,500,000	Coby Denison	Lisa Beauchamp	130	0	4	8	4	146	N		N	48491020311	2nd	4.7%										
Estimated Amount Available to Allocate														\$3,708,111												Total HTCs Requested	\$	8,555,985											
Region 8/Rural																																							
14109	Hidden Glen	Northeast of the intersection of Mary Ln & Vanessa St.	Salado	Bell	76571	8	Rural		NC	50	0	50	Elderly	\$	514,453	X	Will Markel	Jim Markel	132	17	4	8	0	161	C	Recommended	A	48027023403	1st	5.0%									
14099	Belle Towers	0 Cottonwood	Brenham	Washington	77833	8	Rural		NC	70	6	76	Elderly	\$	750,000		Marvallette Hunter	Thomas Jones	125	17	4	8	4	158	C		C	48477170100	4th	14.5%									
14126	Shadow Hills Apartments	1800 Block of Old Brandon Road	Hillsboro	Hill	76645	8	Rural		NC	60	0	60	General	\$	645,000		Vaughn C. Zimmerman	Ben Mitchell	54	17	4	8	4	87	N		N	48217961100	1st	11.4%									
Estimated Amount Available to Allocate														\$599,843												Total HTCs Requested	\$	1,909,453											
Region 8/Urban																																							
14229	Barron's Branch II	N 9th St and Indiana Ave as well as N 9th St and West Ave	Waco	McLennan	76707	8	Urban		NC	76	0	76	General	\$	1,104,000	X	David O. Deutch	Lisa Stephens	127	17	8	8	0	160	C	Recommended	A	48309001200	4th	51.4%									
14200	Constitution Court Phase II	722 Constitution Drive	Copperas Cove	Coryell	76522	8	Urban		NC	69	3	72	General	\$	923,821		Emmanuel H. Glockzin, Jr.	Pixie Stracener	121	17	8	8	0	154	C		P	48099010504	4th	27.1%									
Estimated Amount Available to Allocate														\$1,447,629												Total HTCs Requested	\$	2,027,821											
Region 9/Rural																																							
14106	Manor Lane Senior Apartments	Avenue G and 29th Street (Garden Park Subdivision)	Hondo	Medina	78861	9	Rural	X	NC	48	0	48	Elderly	\$	685,745		Renée Sandell	Rick Haymond							UR	terminated - pending appeal	P	48325000500	3rd	21.4%									
Estimated Amount Available to Allocate														\$500,000												Total HTCs Requested	\$	685,745											
Region 9/Urban																																							
14227	Liberty Pass	N Side of Lookout Rd, E of Jordan Rd	Selma	Comal	78154	9	Urban		NC	96	8	104	General	\$	1,500,000	X	Michael D. Wohl	Lisa Stephens	134	17	4	8	4	167	C	Recommended	A	48091310801	1st	2.0%									
14150	Egles Rest	8401 N. FM 1560 and a portion of 8445 N. FM 1560	San Antonio (ETJ)	Bexar	78254	9	Urban	X	NC	102	6	108	General	\$	1,378,181		Meghan Garza-Oswald	Maryann VanSchoor	132	17	4	8	4	165	C	Recommended	P	48029181729	1st	2.7%									
14285	The Arbor at Centerbrook	13.13 acres on Centerbrook, NWQ of Centerbrook and Athenian Drive	Live Oak	Bexar	78148	9	Urban		NC	80	0	80	General	\$	1,062,039	X	Dan Wilson	Henry Flores	132	17	4	8	4	165	C	Recommended	P	48029121702	1st	8.9%									
14300	Vista Pointe at Wild Pine	11.169 acres on Wild Pine; SEQ of Wild Pine and Lone Star Parkway	San Antonio	Bexar	78253	9	Urban		NC	120	0	120	General	\$	1,464,051		Dan Wilson	Henry Flores	130	17	4	8	4	163	N	2 mile/same year w/14150	N	48029172005	1st	0.6%									
14254	Silver Oaks Village	NEC of Reed Road and Loop 1604	San Antonio	Bexar	78251	9	Urban		NC	152	0	152	General	\$	1,500,000		Manish Verma	Janice Degollado	132	17	4	4	4	161	N		N	48029171918	1st	3.5%									
14011	Artisan at Remigio	3760 Remigio Street	San Antonio	Bexar	78211	9	Urban	X	NC	140	0	140	General	\$	1,500,000		Edgar Sandoval	Ryan Wilson	128	17	4	8	0	161	N		N	48029161100	4th	16.2%									
14151	Eckhart Village	NEC of Bandera Road & Eckhart Road	San Antonio	Bexar	78238	9	Urban	X	NC	80	0	80	General	\$	1,040,049		Meghan Garza-Oswald	Maryann VanSchoor	128	17	4	8	4	161	N		N	48029181704	2nd	14.5%									
14118	Westpointe Apartments	Westpointe Subdivision at termination of Hunters Ridge	New Braunfels	Comal	78132	9	Urban	X	NC	82	0	82	General	\$	1,097,351	X	Meghan Garza-Oswald	Maryann VanSchoor	128	0	4	0	4	136	N		N	48091310802	1st	11.4%									
Estimated Amount Available to Allocate														\$4,096,037												Total HTCs Requested	\$	10,541,671											
Region 10/Rural																																							
14306	Live Oak Villas	West side of Highway 281 approx 350' north of Chapel Drive	George West	Live Oak	787022	10	Rural		NC	41	7	48	General	\$	527,200		Kyndel Bennett	Lora Myrick	127	17	4	8	0	156	C	Recommended	A	48297950300	3rd	3.4%									
14303	The Cottages at Bailey Square	Southeast Corner of N. Valley Street and E. Bailey Street	Cuero	DeWitt	77954	10	Rural		NC	42	6	48	Elderly	\$	583,252	X	Audrey Martin	Valentin DeLeon	122	17	4	8	4	155	N		N	48123970300	1st	10.3%									
Estimated Amount Available to Allocate														\$534,972												Total HTCs Requested	\$	1,110,452											
Region 10/Urban																																							
14282	Riverstone Apartments	3501 Airline Road	Corpus Christi	Nueces	74141	10	Urban		NC	60	0	60	General	\$	813,778	X	Michael Gardner	Henry Flores	130	17	4	8	4	163	C	Recommended	P	48355005414	1st	4.0%									
Estimated Amount Available to Allocate														\$1,216,697												Total HTCs Requested	\$	813,778											
Region 11/Rural																																							
14297	Casitas Los Olmos	380 Farm to Market Road 3168	Raymondville	Willacy	78526	11	Rural	X	NC	80	0	80	General	\$	897,613	X	Nick Mitchell-Bennett	Mark Moseley	131	17	4	8	4	164	C	Recommended	A	48489950400	1st	33.8%									
14209	Riverside Village Apartments	Intersection of Robertson Rd. and Bates Rd.	Rio Hondo	Cameron	78583	11	Rural		NC	60	0	60	General	\$	714,000	X	Tim Lang	Brenda Cooper	131	8.5	4	8	4	155.5	C		P	48061010100	2nd	28.4%									
14185	Vista Del Valle Apartments	southwest corner of FM 491 and 7th Street	La Villa	Hidalgo	78562	11	Rural	X	NC	80	0	80	General	\$	896,000		Rick J. Deyoe	Julii Gonzalez	122	17	4	8	4	155	N		N	48215024600	3rd	44.5%									
Estimated Amount Available to Allocate														\$911,968												Total HTCs Requested	\$	2,507,613											
Region 11/Urban																																							
14177	Orchard Estates Apartments	10+/- acres East Side of Stewart Rd. N. of 4 Mile Line	Alton (ETJ)	Hidalgo	78573	11	Urban		NC	134	6	140	General	\$	1,440,000	X	Steve Lollis	Donna Rickenbacker	134	17	4	8	4	167	C	Recommended	A	48215024106	1st	26.4%									
14036	La Esperanza De Alton	East of Stewart Road and South of Main Street	Alton	Hidalgo	78573	11	Urban		NC	72	8	80	General	\$	815,601	X	Sara Reidy	Linda S. Brown	134	17	4	8	4	167	C	Recommended	A	48215024106	1st	26.4%									
14256	Retama Park	200 Thompson Drive	Brownsville	Cameron	78575	11	Urban		NC	133	15	148	General	\$	1,500,000	X	Manish Verma	Janice Degollado	132	17	4	8	4	165	C	Recommended	P	48061014400	1st	25.5%									
14283	Bella Vista Apartments	+/- 15.8 Acres in NWQ of 4 Mile Road and Shary Road	Alton (ETJ)	Hidalgo	78573	11	Urban		NC	120	0	120	General	\$	1,340,562	X	Michael Gardner	Henry Flores	132	17	4	8	4	165	C	Recommended	P	48215024106	1st	26.4%									
14091	Casa Verde Apartments	East side of the 8600 block of Casa Verde Road	Laredo	Webb	78041	11	Urban		NC	138	14	152	General	\$	1,450,000		Doak Brown	Apolonio ("Nono") Flores	131	17	4	8	4	164	C		P	48479001602	1st	9.5%									
14035	La Esperanza De Brownsville	NWQ Sports Park Blvd and Old Alice Road	Brownsville	Cameron	78575	11	Urban		NC	100	11	111	General	\$	1,135,227		Sara Reidy	Linda S Brown	130	17	4	8	4	163	C		A	48061014400	1st	25.5%									
14207	Alamo Vista	Duranta Avenue	Alamo	Hidalgo	78516	11	Urban		NC	120	0	120	General	\$	1,359,000	X	Jay Collins	Brenda Cooper	130	17	4	8	4	163	N		N	48215021903	3rd	14.5%									
14093	Auburn Village	NW Corner of N. 23rd Street and Auburn Avenue	McAllen	Hidalgo	78504	11	Urban	X	NC	143	17	160	General	\$	1,500,000		Virginia Chavez	Doak D. Brown	131	17	4	0	4	156	N		N	48215023509	1st	13.4%									
Estimated Amount Available to Allocate														\$5,233,873												Total HTCs Requested	\$	10,540,390											
Region 12/Rural																																							
14132	Mission Village of Monahans	SEQ of E Sealy Ave and S James Ave	Monahans	Ward	78756	12	Rural		NC	44	5	49	General	\$	615,000	X	X	Michael P. Ash	Alyssa Carpenter	129	17	4	8	4	162	C	Recommended	A	48475950200	2nd	5.6%								
Estimated Amount Available to Allocate														\$500,000												Total HTCs Requested	\$	615,000											
Region 12/Urban																																							
14154	The Grove	NEC W 4th St and N Elliot Ave	Odessa	Ector	79763	12	Urban	X	NC	55	13	68	General	\$	747,000		Stacy Kaplowitz	Alyssa Carpenter	128	17	4	8	4	161	C	Recommended	C	48135003100	4th	22.9%									
14244	Merritt Estates	northeast quadrant of Leisure Drive and TX Loop 250	Midland	Midland	79703	12	Urban	X	NC	106	86	192	General	\$	1,130,958	X	Coby Denison	Lisa Beauchamp	127	17	4	8	4	160	N		N	48329001300	2nd	8.7%									
14112	San Angelo Townhomes	NE corner Roosevelt St. & South Buchanan St.	San Angelo	Tom Green	76903	12	Urban	X	NC	48	0	48	General	\$	595,519		Terry Shaner	Carrie Adams	124	17	4	8	4	157	N		N	48451000700	4th	30.5%									
14040	Progress Senior Living	3500 West 8th Street	Odessa	Ector	79763	12	Urban	X	NC	80	20	100	Elderly	\$	753,971		Bernadine Spears	Sharon Laurence	121	17	4	8	4	154	N		N	48135001100	3rd	20.6%									
14081	Grand Court Residences	NWC of Summer Crest Dr & Grand Court Rd	San Angelo	Tom Green	76901	12	Urban		NC	80	0	80	General	\$	1,056,063		Jay Milam	Jack Jenks	124	17	4	0	4	149	N		N	48451001704	1st	11.2%									
Estimated Amount Available to Allocate														\$765,774												Total HTCs Requested	\$	4,283,511											
Region 13/Rural																																							
14073	Homestead Palms	14597 Santiesteban	Homestead Palms South	El Paso	79938	13	Rural		NC	48	0	48	General	\$	467,000	X	R.L. "Bobby" Bowling, IV	Demetrio Jimenez	117	0	4	8	4	133	C	Recommended	P	48141010341	2nd	19.3%									
14194	Laureles del Este	SWQ Fabens St & Citizen Transfer Station Rd	Fabens	El Paso	79838	13	Rural		NC	40	0	40	General	\$	407,447		Ike J. Monty	Roy Lopez	110	0	4	8	4	126	N		N	48141010505	4th	50.6%									
Estimated Amount Available to Allocate														\$500,000												Total HTCs Requested	\$	874,447											
Region 13/Urban																																							
14037	Artspace El Paso Lofts	601 N. Oregon Street	El Paso	El Paso	79901	13	Urban		NC	51	0	51	General	\$	918,913	X	Sarah White	Greg Handberg	126	17	4	8	4	159	C	Recommended	A	48141001600	4th	46.6%									
14128	Sherman Plaza	4528 Blanco Ave.	El Paso	El Paso	79905	13	Urban	X	NC	198	0	198	General	\$	1,500,000	X	Juan A. Olvera	Alyssa Carpenter	120	17	8	8	0	153	C		P	48141003000	4th	41.6%									
14302	Socorro Palms																																						

Report 3

Summary of Award Results

2014 STATE OF TEXAS, COMPETITIVE HOUSING TAX CREDIT CEILING ACCOUNTING SUMMARY

2014 COMPETITIVE (9%) HOUSING TAX CREDIT FUNDING ALLOCATION											APPLICATION LIMITS
Region	Geographic Area	Initial Sub-Region Amount	2014 Calendar Year Returns	Sub-Region Amount after Returns	Amount needed to reach \$500,000	Amount over \$500,000 that can be reallocated	Proportion of amount available to be reallocated	Amount to be Reallocated	Final Funding Amount	Allocation %	Max Funding Request/Award Limits
Urban	1 Lubbock	\$ 1,191,846	\$ 44,000	\$ 1,235,846	\$ -	\$ 735,846	2%	\$ (17,239)	\$ 1,218,607	2.36%	\$ 1,500,000
	2 Abilene	\$ 507,262	\$ 54,960	\$ 562,222	\$ -	\$ 62,222	0%	\$ (1,458)	\$ 560,764	1.08%	\$ 750,000
	3 Dallas/Fort Worth	\$ 11,119,241	\$ 5,478	\$ 11,124,719	\$ -	\$ 10,624,719	26%	\$ (248,911)	\$ 10,875,808	21.03%	\$ 1,500,000
	4 Tyler	\$ 1,102,890		\$ 1,102,890	\$ -	\$ 602,890	1%	\$ (14,124)	\$ 1,088,766	2.11%	\$ 1,500,000
	5 Beaumont	\$ 808,781	\$ 11,859	\$ 820,640	\$ -	\$ 320,640	1%	\$ (7,512)	\$ 813,128	1.57%	\$ 1,183,678
	6 Houston	\$ 9,799,623	\$ 12,241	\$ 9,811,864	\$ -	\$ 9,311,864	23%	\$ (218,154)	\$ 9,593,710	18.55%	\$ 1,500,000
	7 Austin/Round Rock	\$ 3,785,092		\$ 3,785,092	\$ -	\$ 3,285,092	8%	\$ (76,962)	\$ 3,708,130	7.17%	\$ 1,500,000
	8 Waco	\$ 1,468,077	\$ 2,291	\$ 1,470,368	\$ -	\$ 970,368	2%	\$ (22,733)	\$ 1,447,635	2.80%	\$ 1,500,000
	9 San Antonio	\$ 4,182,327	\$ 10,168	\$ 4,192,495	\$ -	\$ 3,692,495	9%	\$ (86,506)	\$ 4,105,989	7.94%	\$ 1,500,000
	10 Corpus Christi	\$ 1,233,895		\$ 1,233,895	\$ -	\$ 733,895	2%	\$ (17,193)	\$ 1,216,702	2.35%	\$ 1,500,000
	11 Brownsville/Harlingen	\$ 5,347,466		\$ 5,347,466	\$ -	\$ 4,847,466	12%	\$ (113,564)	\$ 5,233,902	10.12%	\$ 1,500,000
	12 San Angelo	\$ 772,151		\$ 772,151	\$ -	\$ 272,151	1%	\$ (6,376)	\$ 765,775	1.48%	\$ 1,130,958
	13 El Paso	\$ 2,568,018	\$ 90,291	\$ 2,658,309	\$ -	\$ 2,158,309	5%	\$ (50,564)	\$ 2,607,745	5.04%	\$ 1,500,000
Rural	1 Lubbock	\$ 703,338		\$ 703,338	\$ -	\$ 203,338	1%	\$ (4,764)	\$ 698,574	1.35%	\$ 1,031,917
	2 Abilene	\$ 572,618		\$ 572,618	\$ -	\$ 72,618	0%	\$ (1,701)	\$ 570,917	1.10%	\$ 843,776
	3 Dallas/Fort Worth	\$ 582,287	\$ 1,771	\$ 584,058	\$ -	\$ 84,058	0%	\$ (1,969)	\$ 582,089	1.13%	\$ 857,691
	4 Tyler	\$ 1,476,741		\$ 1,476,741	\$ -	\$ 976,741	2%	\$ (22,883)	\$ 1,453,858	2.81%	\$ 1,500,000
	5 Beaumont	\$ 921,743	\$ 669,736	\$ 1,591,479	\$ -	\$ 1,091,479	3%	\$ (25,571)	\$ 1,565,908	3.03%	\$ 1,346,262
	6 Houston	\$ 371,950	\$ 45,412	\$ 417,362	\$ 82,638	\$ -	0%	\$ 82,638	\$ 500,000	0.97%	\$ 750,000
	7 Austin/Round Rock	\$ 202,171	\$ 368	\$ 202,539	\$ 297,461	\$ -	0%	\$ 297,461	\$ 500,000	0.97%	\$ 750,000
	8 Waco	\$ 602,239		\$ 602,239	\$ -	\$ 102,239	0%	\$ (2,395)	\$ 599,844	1.16%	\$ 886,407
	9 San Antonio	\$ 456,768		\$ 456,768	\$ 43,232	\$ -	0%	\$ 43,232	\$ 500,000	0.97%	\$ 750,000
	10 Corpus Christi	\$ 535,811		\$ 535,811	\$ -	\$ 35,811	0%	\$ (839)	\$ 534,972	1.03%	\$ 790,800
	11 Brownsville/Harlingen	\$ 921,853		\$ 921,853	\$ -	\$ 421,853	1%	\$ (9,883)	\$ 911,970	1.76%	\$ 1,346,419
	12 San Angelo	\$ 409,490		\$ 409,490	\$ 90,510	\$ -	0%	\$ 90,510	\$ 500,000	0.97%	\$ 750,000
	13 El Paso	\$ 62,539		\$ 62,539	\$ 437,461	\$ -	0%	\$ 437,461	\$ 500,000	0.97%	\$ 750,000
Urban Totals	\$ 43,886,669	\$ 231,288	\$ 44,117,957	\$ -	\$ 37,617,957		\$ -	\$ 43,236,660	81.95%		
Rural Totals	\$ 7,819,548	\$ 717,287	\$ 8,536,835	\$ 951,302	\$ 2,988,137		\$ -	\$ 9,418,132	18.05%		
Regional Totals	\$ 51,706,217	\$ 948,575	\$ 52,654,792	\$ 951,302	\$ 40,606,094		\$ -	\$ 52,654,792	85.15%		
At-Risk Totals	\$ 9,124,627	\$ 17,891	\$ 9,142,518				\$ -	\$ 9,142,518	14.85%		
USDA (From At-Risk)	\$ 3,041,542	\$ -	\$ 3,041,542				\$ -	\$ 3,041,542	4.94%		
Grand Totals	\$ 60,830,844	\$ 966,466	\$ 61,797,310				\$ -	\$ 61,797,310	100.00%		

AWARDS SUMMARY BY SUB-REGION										
Initial Funding	(over)/under	Rank	Rural Collapse	(over)/under	SW Collapse	(over)/under	Notes (Related to sub-regions with no awards prior to the rural or statewide collapses)			
1 \$ 1,155,591.00	5.17%	9		5.17%	12 \$ -	5.17%	8			
2 \$ 500,000.00	10.84%	7		10.84%	9 \$ -	10.84%	5			
3 \$ 10,206,167.00	6.16%	8		6.16%	11 \$ -	6.16%	7			
4 \$ 781,100.00	28.26%	3		28.26%	4 \$ -	28.26%	3			
5 \$ -	100.00%	1		100.00%	1 \$ 921,000.00	-13.27%	21			
6 \$ 9,437,280.00	1.63%	13		1.63%	19 \$ -	1.63%	15			
7 \$ 2,801,500.00	24.45%	4		24.45%	5 \$ 1,254,485.00	-9.38%	19			
8 \$ 1,104,000.00	23.74%	5		23.74%	6 \$ 923,821.00	-40.08%	24			
9 \$ 3,940,220.00	4.04%	10		4.04%	13 \$ -	4.04%	9			
10 \$ 813,778.00	33.12%	2		33.12%	3 \$ -	33.12%	2			
11 \$ 5,096,163.00	2.63%	11		2.63%	15 \$ -	2.63%	11			
12 \$ 747,000.00	2.45%	12		2.45%	17 \$ -	2.45%	13			
13 \$ 2,184,990.00	16.21%	6		16.21%	7 \$ 745,065.00	-12.36%	20			
1 \$ 680,447.00	2.59%	10	\$ -	2.59%	16 \$ -	2.59%	12			
2 \$ 555,000.00	2.79%	9	\$ -	2.79%	14 \$ -	2.79%	10			
3 \$ 571,794.00	1.77%	11	\$ -	1.77%	18 \$ -	1.77%	14			
4 \$ 1,174,500.00	19.21%	6	\$ 596,000.00	-21.78%	23 \$ -	-21.78%	22			
5 \$ 824,448.00	47.35%	5	\$ 823,000.00	-5.21%	22 \$ -	-5.21%	18			
6 \$ -	100.00%	1	\$ 750,000.00	-50.00%	26 \$ -	-50.00%	26			
7 \$ -	100.00%	1	\$ 740,851.00	-48.17%	25 \$ -	-48.17%	25			
8 \$ 514,453.00	14.24%	7	\$ -	14.24%	8 \$ -	14.24%	4			
9 \$ -	100.00%	1	\$ -	100.00%	1 \$ -	100.00%	1			
10 \$ 527,200.00	1.45%	13	\$ -	1.45%	21 \$ -	1.45%	17			
11 \$ 897,613.00	1.57%	12	\$ -	1.57%	20 \$ -	1.57%	16			
12 \$ -	100.00%	1	\$ 615,000.00	-23.00%	24 \$ -	-23.00%	23			
13 \$ 467,000.00	6.60%	8	\$ -	6.60%	10 \$ -	6.60%	6			
\$ 44,980,244			\$ 3,524,851.00		\$ 3,844,371.00					

Regional Awards	\$ 52,349,466	84.71%
USDA Awards	\$ 3,266,768	5.29%
At Risk (non-USDA) Awards	\$ 6,151,061	9.95%
Total New Awards	\$ 61,767,295	99.95%
Total Awards	\$ 61,767,295	99.95%
Nonprofit total	\$ 16,974,840	27.47%
Remaining Funds	\$ 30,015	0.05%
Placeholder		
Placeholder		
**National Pool		
Total Remaining	\$ 30,015	
Total Funds	\$ 61,797,310	100.00%

**National Pool is received subsequent to July awards and goes directly to Statewide Collapse.

Report 4

Summary of Conditions Placed on Awards

Below is a list of applications for which the Executive Award and Review Advisory Committee (“EARAC”) recommends conditions on the award as a result of the previous participation review. A list of those conditions follows each application.

14005 Timbercreek Village Rusk

- By Carryover, the cost certification review for Riverplace Apartments, #09370/10211 is closed as demonstrated by the issuance of IRS 8609 forms

14099 Belle Towers Brenham

- Written acknowledgement that the owner is responsible for maintaining current contact information for the owner, management company and onsite staff in the Department’s Compliance Monitoring and Tracking System
- Submission of company policies regarding fraud, waste and abuse

14154 The Grove Odessa

14155 Cypress Place Beaumont

14158 Bishop gardens Justin

- Herman & Kittle’s Director of Compliance must attend one of the next two TDHCA compliance trainings available

14191 Wheatley Courts San Antonio

- By Carryover, a representative from McCormack Barron Salazar who has compliance related responsibilities for the Texas portfolio attending a TDHCA housing tax credit compliance training

14205 Avondale Apartments Fort Worth

- By Carryover, all outstanding noncompliance issues related to the UPCS inspection for #99118 (Rosemont of Hillsboro) and #01057 (Rosemont of Timbercreek) will be cleared as demonstrated by the close out letters from TDHCA Compliance staff

14054 Whispering Oaks West Orange

14063 Hudson Providence Hudson

- See attached exhibit A

List of Recommended Conditions

RECOMMENDED CONDITIONS
RELATIVE TO EARAC APPROVAL REGARDING PREVIOUS PARTICIPATION
REVIEWS OF HOUSING TAX CREDIT AWARDS FOR
PINE GROVE APARTMENTS, WHISPERING OAKS AND HUDSON ON PROVIDENCE

1. For All ITEX Portfolio: If ITEX Property Management, LLC fails to respond to the Department in writing to any finding during the corrective action period for the period of time from August 1, 2014 to December 31, 2015, or fails to submit any part of the Annual Owner's Compliance Report by April 30, 2015, then ITEX will replace ITEX Property Management, LLC with another third-party management company acceptable to the Department.
2. For All ITEX Portfolio: If ITEX fails to respond to the Department in writing to any finding during the respective corrective action period for the period of time from August 1, 2014 to December 31, 2015, or fails to submit any part of the Annual Owner's Compliance Report by April 30, 2015, then ITEX acknowledges that EARAC will not recommend ITEX or any ITEX affiliate for an award of any additional Department program funds administered by the Department including Housing Tax Credits through December 2016.
3. In order for the Department to determine if ITEX has successfully implemented the planned procedures, ITEX acknowledges that EARAC will not recommend ITEX or any ITEX affiliate for an award of any additional Department program funds administered by the Department including Housing Tax Credits through December 2015.
4. For Pine Grove Apartments only: ITEX Property Management, LLC will be contracted as the property manager for Pine Grove Apartments at the construction and equity closing; however, if by construction completion, currently scheduled for August 31, 2015, ITEX and its related entities have not satisfactorily cleared all compliance issues, that can be corrected, identified in Previous Participation Review dated June 4, 2014, with no further failures to respond to a compliance deficiency notice, then ITEX Property Management, LLC shall resign and a third party property manager acceptable to (i) the Housing Authority of the City of Orange, (ii) the lenders, and (iii) the investor shall be engaged to operate the Project.
5. Capstone Real Estate Services, Inc. conducted an audit of Pebble Creek Apartments on July 7, 8 and 9, 2014, including extensive technical assistance, 20% file review and UPCS mock inspection, a copy of the report will be delivered to TDHCA by July 31, 2014.
6. Robust Technical Assistance from Capstone to clear outstanding TDHCA audit responses – includes training supervisory staff on drafting responses to compliance deficiencies and TDHCA requests for information, tracking deadlines, the organizational chart and personnel of TDHCA, CMTS overview, and TDHCA Rules.
7. Capstone will additionally review all new move-in files before the resident is allowed to move in, and all re-certifications.

8. Tenant files for all Housing Tax Credit tenants will be reviewed on-site by the Regional Managers quarterly.

9. All upper management will enroll with the TDHCA Listserve, and will attend all Compliance related roundtables over next year.

10. Representatives of upper management will attend each TDHCA Board meeting, so that they will keep abreast of changes to the TDHCA's rules.

As previously proposed by ITEX:

11. ITEX will hire a certified Compliance Director within the next two months. Ms. Cindy Moreno, who is currently filling the role of interim Compliance Director, will fill the currently vacant Regional Manager position, conditioned upon her completing requisite training.

12. All on-site managers and assistant managers who have not done so will be required to take and pass the TAA Certified Apartment Manager (CAM) certification within the next year or within a year after employment.

13. ITEX will require all on-site managers and assistant managers to take HCCP training and sit for the certification exam.

14. ITEX will offer incentives for more training and certification to our staff who attain certification in all three of CPM, HCCP and CAM.

15. In order to further address the issues of transparency and honesty in compliance matters, ITEX has prepared a Code of Ethics and Business Conduct which has been provided to each of our staff members. Staff members are now required to read the Code, initial each page and execute it as a condition of continued and new employment.

16. These conditions may be amended on mutual consent of the parties.

Commitment of Trainings and Certifications:

1. Aug 13, Beaumont: First Thursday Training (all on-site managers and assistant managers, Regional Managers, Director of Compliance, Managing Director of Property Management, Executive Vice President and President)

[http://taa.org/member/calendar/month.calendar/2014/08/30/-](http://taa.org/member/calendar/month.calendar/2014/08/30/)

2. Aug 14, Beaumont: HTC Training (Regional Managers, Director of Compliance, Managing Director of Property Management, Executive Vice President and President)

[http://taa.org/member/calendar/month.calendar/2014/08/30/-](http://taa.org/member/calendar/month.calendar/2014/08/30/)

3. Aug 20-22, Houston: HCCP Training and Certification Course, Houston (Regional Managers, Director of Compliance) (President and Managing Director of Property Management will attend a future training for HCCP)

http://www.nahb.org/meeting_details.aspx?meetingID=28571§ionID=1

4. Sept. 9th, Houston: First Thursday Training (all on-site managers and assistant managers, Regional Managers, Director of Compliance and Managing Director of Property Management) [http://taa.org/member/calendar/month.calendar/2014/09/30/-](http://taa.org/member/calendar/month.calendar/2014/09/30/)

5. Sept 10th, Houston: HTC Training (Regional Managers, Director of Compliance and Managing Director of Property Management)
[http://taa.org/member/calendar/month.calendar/2014/09/30/-](http://taa.org/member/calendar/month.calendar/2014/09/30/)

6. Nov 20th, Houston: ET AHMA HTC Eligibility Training toward SHCM HTC Exam/Accreditation (Director of Compliance)

Virtual and On-Going Trainings:

1. As of July 14, all onsite staff have reviewed and certified they have reviewed the following videos at this link: <http://www.tdhca.state.tx.us/pmcomp/presentations.htm>

- [2012 Income and Rent Limits Webinar Video \(24:16\)](#)

How to properly use the Income and Rent Tool (12/09/2011)

- [2012 Supportive Services Webinar Video \(1:05:17\)](#)

How to identify and properly implement Supportive Services (08/22/2012)

- [Income Eligibility Presentation Video \(1:18:41\)](#)

2. All new on-site managers/assistants will receive two days of training prior to starting at their properties. All Regional Managers and assistants will attend at least one First Thursday every calendar year.

COATS | ROSE

A Professional Corporation

BARRY J. PALMER

bpalmer@coatsrose.com
Direct Dial
(713) 653-7395
Direct Fax
(713) 890-3944

July 28, 2014

Sent by Email to jean.latsha@tdhca.state.tx.us

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701-2410

RE: Appeal of EARAC Approval Condition that Amounts to Debarment
#14405 – Pine Grove Apartments, Orange, Orange County, Texas;
#14054 – Whispering Oaks, Orange, Orange County, Texas;
#14063 – Hudson on Providence, Hudson, Angelina County, Texas.

Dear Board of Directors:

This law firm represents The ITEX Group, LLC (“ITEX”), and this letter appeals a recent decision by the Executive Award Review Advisory Committee (“EARAC”) in connection with ITEX’s 2014 low income housing tax credit (“LIHTC”) applications up for recommendation at the July 31, 2014 Board Meeting (the “Upcoming Meeting”). ITEX has three projects being considered for LIHTC awards at the Upcoming Meeting (one 4% deal and two 9% deals). EARAC has stipulated that its recommendation to fund these applications is subject to sixteen different conditions. ITEX is willing to agree to fifteen of the sixteen conditions, but cannot agree to a condition that effectively imposes a seventeen-month debarment on ITEX.

The problematic Condition #3 states:

“In order for the Department to determine if ITEX has successfully implemented the planned procedures, ITEX acknowledges that EARAC will not recommend ITEX or any ITEX affiliate for an award of any additional Department program funds administered by the Department including Housing Tax Credits through December 2015.”

If approved by the Board, this condition would result in the suspension of ITEX’s ability to participate in the TDHCA’s funding programs without the due process of law afforded by Section 2306.0504 of the Texas Government Code and Section 60.309 of Chapter 10 of the Texas Administrative Code (“TAC”).

3 East Greenway Plaza, Suite 2000 – Houston, Texas 77046-0307
Phone: 713-651-0111 Fax: 713-651-0220
Web: www.coatsrose.com

If ITEX agreed to this condition, it would be waiving its rights to due process. As a result of the condition, ITEX would suffer significant economic harm, as would its employees. The ITEX development staff would be out of work for 2015 and its construction staff would be out of work for 2016. The severe repercussions to the company and to its employees indicate that this condition far exceeds the types of conditions that EARAC has placed on other developers in similar circumstances.

When EARAC undertakes to effectively debar a well-respected affordable housing developer without going through the statutory process for debarment, the purpose of EARAC and its process warrant review by the Board.

This letter will describe ITEX's experience undergoing the EARAC review process since the new Previous Participation Rules went into effect, including discussion of various relevant rules that create uncertainty and a lack of transparency in the process.

Background of EARAC and Prior Participation Review:

EARAC was created in 2001 after a sunset review resulted in a significant restructuring of TDHCA. At that time, TDHCA had been the subject of controversy with allegations of mismanagement. TDHCA was restructured to gain public confidence by putting in place new procedures that would establish transparency, standardization, and infuse objectivity into the program by using systematic public processes with measurable outcomes. EARAC was created at that time to "make recommendations to the board regarding funding and allocation decisions." It has functioned in this manner since then. Whenever Board Meetings are held and awards are recommended, such award recommendations are shown in the Board Book as coming from EARAC.

Late last year, new Compliance Rules went into effect which changed the EARAC review process. EARAC's duties were expanded to accommodate the removal of the concept of material non-compliance. Prior to the new rules, a developer would be assigned points for issues of non-compliance, and would be considered in "material non-compliance" if any one of its projects scored 30 points or more. Being in material non-compliance would prevent a developer from participating in the TDHCA's funding programs. The 83rd Legislature removed the concept of material non-compliance and instead created a statutory "corrective action period" ("CAP") during which compliance issues could be resolved without adverse effect to the developer.

The new Previous Participation Review ("PPR") Rule published as Section 1.5 of TAC broadened EARAC's duties so that EARAC is now designated to receive compliance history reports of applicants requesting funding and to provide an assessment to the Board so that the Board can take compliance history into consideration when making award allocations. Previously, compliance issues were handled through Administrative Penalties, and applicants deemed to be in "material non-compliance" were ineligible for funding awards. Now, EARAC subjectively determines when PPR issues are significant enough to warrant a recommendation for denial of funding.

As to compliance, EARAC is supposed to receive reports regarding (1) issues of noncompliance for which the CAP expired but the issue remains uncorrected; (2) issues

corrected within the last 3 years, but done so after expiration of the CAP; and (3) certain audit issues. The new PPR Rule provides that EARAC can (1) recommend approval; (2) recommend denial; (3) disclose compliance issues but still recommend approval because the issues do not rise to a level that warrants denial; and (4) take other action necessary for informed decision, including recommending conditional awards. The new PPR Rule also states EARAC decisions can be appealed to the Executive Director, and subsequently appealed to the Board if necessary.

During the rule-making process, some developers voiced concern that the proposed PPR Rule could result in recommendations to deny funding due to minor violations which would previously not have been deemed significant enough to constitute material non-compliance. TDHCA Staff assured the development community that the new rules were intended to identify significant issues while avoiding inappropriate outcomes. Unfortunately, the implementation of the PPR process is not fulfilling these intentions.

EARAC is imposing sixteen conditions upon its approval of the ITEX applications for funding because of ITEX's compliance history. Ironically, at the December 2013 Board Meeting ITEX had three 4% LIHTC projects which EARAC recommended for awards. The Board Action Request expressly stated, "[t]here were no identified issues relating to material noncompliance." Six months later, with no significant changes in ITEX's operations, using the new PPR methodology EARAC has concluded that the ITEX compliance record is so problematic that Staff requires seventeen months to review procedures that ITEX has recently implemented to monitor and assure responsiveness to correspondence from the Compliance Division.

ITEX EARAC Review Experience

ITEX was first made aware that EARAC considered its non-compliance matters to be significant when the June 4, 2014 Board Book was posted. In that Board Book, as part of the Consent Agenda, EARAC recommended for conditional award Village at Palm Center, an ITEX 4% LIHTC project (TDHCA #13428). The condition required ITEX to "designate a single point of contact responsible for responding to corrective action requests by the Department" and went on to note that "if it is determined that no corrective action response is received during the corrective action period for any affiliated property, the matter will be reported to the Board for consideration of requiring replacement of the management company on all affiliated properties." Because this item was on the Consent Agenda, there was no related discussion on the matter.

The following week, the Chief of Compliance sent ITEX a PPR Form in connection with the Pine Grove application (TDHCA #14405) listing several instances of noncompliance, the majority of them related to ITEX's failure to provide Fair Housing Disclosure Notice ("FHDN") forms within the limited time period within which they could be executed by tenants. It is critical to note that there had been no changes in compliance issues with ITEX between the time the June 4th Board Book was published and the time the Pine Grove PPR form was received the following week. On receipt of the PPR Form, ITEX replied within the five-day response period and responded to each uncorrected item, noting the next window of opportunity within which each FHDN could be corrected. ITEX was then informed on June 16th that EARAC would be recommending denial of an award, which was appealable to the Executive Director and, if denied, the Board. ITEX was informed the denial was largely due to a historical lack of timely

responses and that there had been additional issues since the Palm Center PPR was conducted. ITEX appealed to the Executive Director on June 23rd and provided additional information upon request of the Executive Director on June 25th. Correspondence submitted by ITEX shows that ITEX has, in fact, timely responded to almost all TDHCA correspondence, but does acknowledge there were a couple instances where a response was not timely made. In one instance a property manager was fired due to the failure to respond in a timely manner.

Subsequent to its appeal to the Executive Director, ITEX was notified by TDHCA that the matter was being sent back to EARAC for reconsideration at its July 17th meeting and that there was some concern that the Rule for appealing an EARAC decision to the Executive Director may be in conflict with the statutory requirements. It is still not clear what the appropriate appeal process is for an EARAC decision – Rules 1.5, 1.7 and 1.8 provide for appeal of an EARAC decision to the Executive Director, then to the Board. However, correspondence with TDHCA Staff indicates an EARAC appeal may need to be filed directly with the Board. Not only are the various rules regarding compliance and previous participation confusing and without a clear pathway for due process to applicants, it is also evident that even Staff is unsure as to what is the correct process that needs to be followed.

We also note that there is another section of new rules that provides for an entirely different set of procedures when there are compliance issues. Sections 10.604 and 10.605 of TAC relate to Compliance Monitoring. Section 10.604 sets forth a list of options for review if the Compliance Staff continues to find non-compliance issues after an owner responds with corrective action documentation, which includes the opportunity for an Owner to request review by the TDHCA Compliance Committee or ADR, etc. Section 10.605 discusses the Compliance Committee. The Compliance Committee is comprised of 3-5 people appointed by the Executive Director who *are not* staff from the legal or compliance division. Some of the rules regarding timing and review by the Compliance Committee mirror those for EARAC review, but if an issue cannot be resolved with the Compliance Committee, “matters related to a compliance requirement, other than those required by federal regulation, may be appealed directly to the Board”. Both Sections 10.604 and 10.605 give various options to resolve compliance issues, including ADR, staff meetings, compliance committee meetings, and meetings with Chief of Compliance. These rules are located in a totally different section than the new PPR rules.

The Compliance Division report presented at the June 5th Board Meeting noted that there are several problems with the new previous participation rules that staff is attempting to work through. Noted issues include applicants being uncomfortable with the closed meeting format of the EARAC review. The report also indicated that in the forthcoming months, Staff would be able to identify some types of compliance issues that do not warrant adverse recommendations. This indicates that compliance issues coming before EARAC reflect a systematic issue and not necessarily an individual compliance problem on the part of ITEX. The report went on to state that crafting appropriate conditions was difficult and often created an undue burden on Staff, but that there were plans to attempt to standardize the conditions. We suggest that conditioning an award upon effective ineligibility for future awards may relieve Staff’s burden, but it constitutes a suspension from participation in the TDHCA’s programs that should not take place without due process.

EARAC meetings are closed to the public. The EARAC schedule, agendas and meetings are not published, and multiple requests on behalf of ITEX to appear and respond to allegations were denied, up until the July 21st EARAC meeting. Rules, policies or procedures that guide EARAC are not made available to the public, and we have no idea how to determine the voting records of the EARAC members. This scenario does not promote the transparency of the TDHCA and since the Board rarely acts against the recommendation of EARAC, the result is that the bulk of consideration of PPR issues is being conducted without the benefit of public scrutiny.

After being informed EARAC would be reconsidering its decision, ITEX and this Firm responded to additional requests for information on multiple occasions, had numerous conversations with TDHCA Staff, participated in a conference call and an in-person meeting, and finally made a presentation to the EARAC committee on July 21st. It is important to note that there are no issues of non-compliance that remain uncorrected that are able to be corrected at this time – some non-compliance matters, by virtue of the violation itself, can only be corrected at a certain date in the future. Going further, ITEX implemented significant internal restructuring of its management division, hiring new staff and creating an internal compliance division to assure response to TDHCA correspondence in a timely manner, to minimize instances of non-compliance and to ensure that any non-compliance issues are resolved promptly and within the CAP, when possible.

During this period ITEX received notification from the Chief of Compliance on July 15th that the PPR for ITEX's pending 9% LIHTC applications (#14054 Whispering Oaks and #14063 Hudson on Providence) needed to be reviewed by EARAC, and that, because "there was nothing new or additional" to report, the Pine Grove PPR Form would be used to evaluate and review the two applications. We requested that new PPR Forms be completed for the two applications to take into account the correspondence that had taken place as well as cleared items. We additionally asked for either transcripts or minutes of the EARAC meetings that took place on June 16th and July 14th in connection with the Pine Grove review, but were not provided with any of this information. We were informed that minutes may not have been approved yet and they still needed to look into whether some items had satisfactorily been corrected. We submitted another timely response to TDHCA on July 22nd. After extensive correspondence, meetings and discussions, we were notified on July 25th of the sixteen conditions EARAC would be recommending as part of its Pine Grove, Whispering Oaks and Hudson on Providence recommendations.

Of the sixteen conditions EARAC is recommending, only the seventeen-month prohibition of EARAC approval recommendations is being appealed to the Board. EARAC's stated reason for this condition is that TDHCA needs enough time to properly review whether the ITEX restructuring has been effective. However, based on the attached **EXHIBIT A**, you can see that TDHCA will have at least seventeen opportunities over the next five months to review the responsiveness of ITEX since the restructuring. That is more than enough time to properly evaluate ITEX's efforts. Denying ITEX any possibility of obtaining a funding award from the TDHCA in 2015 is an excessive use of force under these circumstances.

A recommendation for denial by EARAC will in all likelihood result in a denial of an award allocation. We have not located any instances in recent years where EARAC recommends

denial of funding and the Board votes approval. If the Board requires that ITEX agree to EARAC denying approval for future awards until December 31, 2015, the result would effectively be a seventeen-month debarment of ITEX, denying them the notice and opportunity to cure procedure required by Section 2306.0504 of the Texas Government Code and set forth in Section 60.309 of Chapter 10 of TAC, which requires a recommendation for debarment by the Executive Director, proper notification, and an opportunity to appeal to the Board.

We again highlight the fact that all items of noncompliance that are able to be corrected have been. While there still remain several FHDN forms that need to be corrected, the windows of opportunity to make those corrections have not yet opened. Correcting a failure to properly deliver the FHDN can only occur within the 120 days prior to the anniversary of the lease or the date upon which the tenant has a legal right to give notice that they do not wish to renew the lease. ITEX will correct those items as soon as possible once the correctable time periods begin. However, for the ITEX projects that have Project-Based Section 8 Vouchers, the HUD-mandated lease form does not require notice of non-renewal and therefore the actual window of opportunity to provide the Fair Housing Disclosure Notice is uncertain.

Despite the fact that all correctable items have been corrected, and under the old rules not one single ITEX project would be deemed to be in "material non-compliance", EARAC's condition is that it will not recommend any ITEX projects for award for the next seventeen months.

Inconsistent Application of Rules

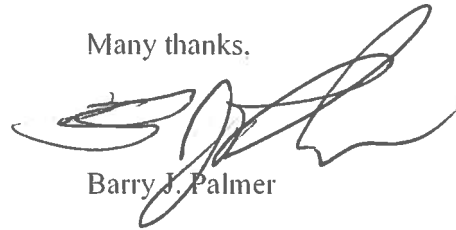
As stated above, EARAC has several options regarding its recommendations to the Board as to whether to approve, deny or condition an award of funding. The subjectivity of the new Prior Participation Review and the EARAC review process lends itself to lack of uniformity in application and inconsistent results. A review of the EARAC recommendations made since the institution of the new rules shows that virtually every single application for funding revealed compliance issues, yet still received EARAC recommendations. Very few received conditional recommendations, but no other EARAC recommendation has included any future denial of recommendations.

The LIHTC application system is designed to be fair, transparent, and applied in a uniform manner. When you have applications with similar compliance issues identified but the EARAC recommendations range from approval with no conditions at all to approval with conditions that amount to a debarment, there is a serious flaw in the process. The Board needs to be aware that the subjectivity of the EARAC process, its lack of transparency and its lack of consistency all bring into question the evaluative process by which LIHTC and HOME funding awards are made, and whether the TDHCA is meeting the spirit of its mission "to administer its assigned programs efficiently, transparently, and lawfully and to invest its resources strategically and develop high quality affordable housing which allows Texas communities to thrive."

We respectfully request the Board approve the conditional EARAC recommendation with the modification that Condition #3 regarding future EARAC denial recommendations until December 2015 be removed.

July 25, 2014
Page 7

Many thanks.

A handwritten signature in black ink, appearing to read 'Barry J. Palmer', written over the printed name below it.

Barry J. Palmer

BJP:elv

cc: Tim Irvine
Barbara Dean
Tom Gouris
Cameron Dorsey
Tamea Dula
Andrea Steel

4839-6615-6572, v. 1

4839-6615-6572.v1

ITEX PROPERTIES

RECENT AND UPCOMING REVIEWS WITH REPORTS DUE

April 2014

April 16 Norma's Plaza TDHCA Compliance Inspection

May, 2014

May 6 Southwood Crossing TDHCA – HOME Physical Inspection
May 22 Pine Ridge Manor TDHCA Compliance Inspection
May 27 Beaumont Gracelake HUD REAC inspection

June, 2014

June 10th Norma's Plaza TDHCA – HOME physical inspection
June 20th Pilgrim Valley TDHCA – compliance inspection

July 2014

July 23 Crockett Pine Ridge TDHCA Physical Inspection/UPCS Inspection
July 24 Gardens at Cobb Park Unit 1600 FHDN issue can be cleared
July 24 Gardens at Cobb Park Unit 1701 FHDN issue can be cleared
July 24 Gardens at Cobb Park Unit 1801 FHDN issue can be cleared

August 2014

August 3 Heatherbrook Unit 116 FHDN issue can be cleared
August 3 Heatherbrook Unit 413 FHDN issue can be cleared
August 3 Heatherbrook Unit 501 FHDN issue can be cleared
August 3 Gardens at Cobb Park Unit 1601 FHDN issue can be cleared
August 30 Inez Tims Construction Inspection
August 30 Villa Brazos Construction Inspection
August 31 OW Collins Unit 120 FHDN issue can be cleared
August 31 Cypresswood Crossing Unit 721 FHDN issue can be cleared

September 2014

September 2 Cypresswood Crossing Unit 222 FHDN issue can be cleared
September 3 Cypresswood Crossing Unit 624 FHDN issue can be cleared
September 3 OW Collins Unit 128 FHDN issue can be cleared
September 3 Southwood Crossing Unit 1213 FHDN issue can be cleared

October 2014

October 1 Heatherbrook Unit 107 FHDN issue can be cleared
October 1 Heatherbrook Unit 409 FHDN issue can be cleared
October 10 All Properties Q3 Unit Status Report Due

November 2014

November 1 Gardens at Cobb Park Unit 1010 FHDN issue can be cleared
November 1 Gardens at Cobb Park Unit 1011 FHDN issue can be cleared

Report 5

Public Comment



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Pine Terrace Apartments, TDHCA Number 14001

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hughes, District 5, S US Representative: Hall, District 4, NC
TX Senator: Eltife, District 1, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Carol Gresham, Executive Director, Shelter Agencies for Families in East Texas, Inc.
S, Melinda Proctor, Director, Cypress Basin Hospice
S, Judy Lee, Executive Director, Titus County Cares

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Whitestone Apartments and Tamaric Apartments, TDHCA Number 14003

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Dale, District 136, S

US Representative: Carter, District 31, NC

TX Senator: Schwertner, District 5, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Northwest Apartments, TDHCA Number 14004

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Farney, District 20, S

US Representative: Carter, District 31, NC

TX Senator: Schwertner, District 5, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Timbercreek Village Apartments, TDHCA Number 14005

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Clardy, District 11, S US Representative: Hensarling, District 5, NC
TX Senator: Nichols, District 3, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Debra Dominy, President, Rotary Club of Rusk, Texas
S, Rev. Robert Corbell, Pastor, River of Life Christian Center
S, Bob Goldsberry, Executive Director Rusk Economic Dev. Corp.
S, Mike Murray, City Manager, City of Rusk

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Oak Grove Village, TDHCA Number 14006

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Farney, District 20, S
 TX Senator: Fraser, District 24, NC

US Representative: Williams, District 25, NC
 US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, George W. Russell, Mayor, City of Marble Falls
 S, Bob Hansen, Post Commander, Marble Falls VFW Post 10376
 S, Midge Dockery, Highland Lakes Legacy Fund
 S, Diana Phillips, Executive Director, WBC Opportunities

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Artisan at Remigio , TDHCA Number 14011

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Cortez, District 117, S

US Representative: Gallego, District 23, NC

TX Senator: Uresti, District 19, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Resident Council for the Housing Authority of Bexar County

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Wynnewood Seniors Housing II, TDHCA Number 14012

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Alonzo, District 104, S

US Representative: Johnson, District 30, NC

TX Senator: West, District 23, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Wynnewood North Neighborhood Association

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Monarch, TDHCA Number 14015

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Allen, District 131, S

US Representative: Olson, District 22, NC

TX Senator: Garcia, District 6, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Catalon, TDHCA Number 14017

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Bohac, District 138, S

US Representative: Culberson, District 7, NC

TX Senator: Patrick, District 7, O

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

O, State Senator Dan Patrick, District 7

O, Kristi Giron, Cypress-Fairbanks ISD

S, Doug Smith, Executive Director, The Salvation Army Boys and Girls Club of Houston

S, Gerald J. Desobe, Ph.D., President & CEO, Krist Samaritan Center

S, William A. Sala, Vice President, Goodwill Industries of Houston

S, Nory Angel, Executive Director, SER -Jobs for Progress

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment: In Support: **0** In Opposition **636**

General Summary of Comment:

A petition with 627 signatures in opposition was received stating the following reasons: low income housing will bring down property values and increase crime. Nine (9) opposition emails were received.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Tuscany Park at Arcola, TDHCA Number 14019

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Reynolds, District 27, NC

US Representative: Olson, District 22, NC

TX Senator: Huffman, District 17, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

O, Thomas Randle, Superintendent of School

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Oaks of Westview, TDHCA Number 14022

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Flynn, District 2, S

US Representative: Hensarling, District 5, NC

TX Senator: Deuell, District 2, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Tyke Salazar, President, Canton Rotary Club

S, Albert Gonzalez, President, Canton Texas Chamber of Commerce

Quantifiable Community Participation Input:

Westview Residents Council

S or O: S Letter Score: 8

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Heritage Square, TDHCA Number 14023

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Clardy, District 11, S

US Representative: Hensarling, District 5, NC

TX Senator: Nichols, District 3, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Peggy Renfro, Jacksonville Chamber of Commerce

S, Pam Anderson, Director of Outreach, A Circle of Ten, Inc.

Quantifiable Community Participation Input:

Southwood Resident Council

S or O: S Letter Score: 8

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Creekside Village, TDHCA Number 14024

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Clardy, District 11, S

US Representative: Hensarling, District 5, NC

TX Senator: Nichols, District 3, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

South Bolton Resident Council

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Heritage Place, TDHCA Number 14025

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Clardy, District 11, S

US Representative: Hensarling, District 5, NC

TX Senator: Nichols, District 3, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Peggy Renfro, Jacksonville Chamber of Commerce

S, Pam Anderson, Director of Outreach, A Circle of Ten, Inc.

Quantifiable Community Participation Input:

Heritage Drive South Resident Council

S or O: S Letter Score: 8

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Royal Gardens, TDHCA Number 14029

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Frank, District 69, S

US Representative: Thornberry, District 13, NC

TX Senator: Estes, District 30, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Reserve at Compton Road, TDHCA Number 14032

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Stephenson, District 85, S

US Representative: Olson, District 22, NC

TX Senator: Ellis, District 13, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

O, Thomas Randle, Superintendent of School

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment: In Support: **0**

In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

La Esperanza De Brownsville, TDHCA Number 14035

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lucio III, District 38, S

US Representative: Vela, District 34, NC

TX Senator: Lucio, Jr., District 27, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Cassandra Rodriguez, Branch Coordinator, Big Brothers Big Sisters of South Texas

S, Samuel Herrera, President, Brownsville Border Lions Club

S, Rosalio O. "Leo" Rosales, Executive Director, Good Neighbor Settlement House of Brownsville, Texas, Inc.

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment: In Support: **0**

In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

La Esperanza De Alton, TDHCA Number 14036

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Guerra, District 41, S
TX Senator: Hinojosa, District 20, NC

US Representative: Hinojosa, District 15, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Thelma M. Garza, President, United Way of South Texas
S, Cassandra Rodriguez, Branch Coordinator, Big Brothers Big Sisters of South Texas
S, Ricardo Garza, Club President Alton Lion's Club
S, Felipe Gomez, President, Greater Alton Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Artspace El Paso Lofts, TDHCA Number 14037

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Marquez, District 77, S US Representative: O'Rourke, District 16, NC
TX Senator: Rodriguez, District 29, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Sandra E. Braham, Ed.D., Chief Executive Officer, YWCA
S, Andrea Gates-Ingle, Executive Director/Co Founder, Creative Kids Art
S, Deborah A. Zuloaga, United Way of El Paso County
S, Alicia Rascon, Co-Founder and CEO, Latinitas
S, Dennis Melonas, Executive Director, Central Business Association

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 2 In Opposition 0

General Summary of Comment:

One (1) email in support. One (1) Witness Affirmation Form in support. Refer to the El Paso Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Progress Senior Living, TDHCA Number 14040

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lewis, District 81, S

US Representative: Conaway, District 11, NC

TX Senator: Seliger, District 31, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **5** In Opposition **0**

General Summary of Comment:

Five (5) Witness Affirmation Forms in support. Refer to the Dallas, Lubbock, and Austin Public Hearings.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

East End Lofts, TDHCA Number 14042

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Alvarado, District 145, S

US Representative: Jackson Lee, District 18, NC

TX Senator: Garcia, District 6, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Gloria E. Moreno, President, Second Ward Super Neighborhood #63

Quantifiable Community Participation Input:

Second Ward Super Neighborhood #63

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Carriage Crossing, TDHCA Number 14043

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Fletcher, District 130, S

US Representative: McCaul, District 10, NC

TX Senator: Hegar, District 18, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Auden Village, TDHCA Number 14044

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Callegari, District 132, S

US Representative: McCaul, District 10, NC

TX Senator: Hegar, District 18, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

O, Krisi Giron, Director of General Administration, Cypress-Fairbanks ISD

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment: In Support: **0** In Opposition **11**

General Summary of Comment:

Eleven (11) opposition email messages were received stating that the development will cause a decline in property values and increase crime.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Churchill at Champions Circle Community, TDHCA Number 14051

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Parker, District 63, S

US Representative: Burgess, District 26, NC

TX Senator: Nelson, District 12, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Debra Adams, Alzheimer's Association Greater Dallas

S, Michelle Stepn, Vice President, Carter Blood Care

S, Matt Ferguson, Campus Pastor, Cross Timbers Community Church

S, Katherine Krause, President, United Way of Dallas

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: **0**

In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Waverly Village, TDHCA Number 14052

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Otto, District 18, S

US Representative: Brady, District 8, NC

TX Senator: Schwertner, District 5, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Whispering Oaks, TDHCA Number 14054

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Ritter, District 21, S
TX Senator: Nichols, District 3, NC

US Representative: Stockman, District 36, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Mike Fink, Bethel Baptist Church
S. David C. Millner, Pastor, Calvary Baptist Church
S, Joel Warren, Pastor, McDonald Memorial Baptist Church
S, Mary McKena, Southeast Texas Hospice
S, Ruth Burch, Pastor, Harvest Chapel

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Rushcreek Oaks Ranch, TDHCA Number 14055

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Thompson, District 141, S

US Representative: Jackson Lee, District 18, NC

TX Senator: Whitmire, District 15, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Tidwell Lakes Ranch, TDHCA Number 14057

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Dutton, District 142, S

US Representative: Green, District 29, NC

TX Senator: Garcia, District 6, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

New Haven Apartments, TDHCA Number 14060

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gooden, District 4, S

US Representative: Hensarling, District 5, NC

TX Senator: Nichols, District 3, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Hudson Providence, TDHCA Number 14063

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Ashby, District 57, S
TX Senator: Nichols, District 3, NC

US Representative: Gohmert, District 1, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Alicia Hodge, Secretary, Cross Road Baptist Church
S, Bryan Lipscomb, Pastor, Providence Baptist Church
S, Mardy Guidry, Pastor, Mt. Carmel Baptist Church
S, Joe Douglas, III, Executive Director, Pinewood Prak Trust Corp.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Lexington Manor Apartments, TDHCA Number 14066

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hunter, District 32, S

US Representative: Farenthold, District 27, NC

TX Senator: Hinojosa, District 20, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Lexington Manor Resident Council

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Bluebonnet Studios, TDHCA Number 14068

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Naishtat, District 49, S
TX Senator: Watson, District 14, NC

US Representative: Smith, District 21, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Dan Pruet, President/CEO, Meals on Wheels and More
S, Susan McDowell, Executive Director, lifeworks
S, Karen Lashelle, Executive Director, Creative Action

Quantifiable Community Participation Input:

South Lamar Neighborhood Association S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 1

General Summary of Comment:

One (1) opposition email message was received stating inadequate parking, limited discussion, and water drainage.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Southwest Trails Phase II, TDHCA Number 14069

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Workman, District 47, S

US Representative: Smith, District 21, NC

TX Senator: Fraser, District 24, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Oak Hill Association of Neighborhoods

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Rutledge Spur Apartments, TDHCA Number 14070

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Dale, District 136, S	US Representative: Carter, District 31, NC
TX Senator: Schwertner, District 5, NC	US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Dan Pruet, President/CEO, Meals on Wheels and More
 S, Susan McDowell, Executive Director, lifeworks
 S, Karen Lashelle, Executive Director, Creative Action

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Homestead Palms, TDHCA Number 14073

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gonzalez, District 75, S

US Representative: O'Rourke, District 16, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **2** In Opposition **0**

General Summary of Comment:

Two (2) Witness Affirmation Forms in support. Refer to the El Paso Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Dyer Palms, TDHCA Number 14074

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Moody, District 78, S

US Representative: O'Rourke, District 16, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **2** In Opposition **0**

General Summary of Comment:

Two (2) Witness Affirmation Forms in support. Refer to the El Paso Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Pellicano Palms, TDHCA Number 14075

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gonzalez, District 75, S US Representative: O'Rourke, District 16, NC
TX Senator: Rodriguez, District 29, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

- S, Carol Henry Bohle, Executive Director, El Paso Coalition for the Homeless
S, Ivonne Tapia, Chief Executive Director, Aliviane, Inc.
S, Maria Covernali Ortiz, Executive Director, Familias Triunfadoras, Inc.
S, Luis Enrique Chew, Executive Director, VOLAR Centre for Independent Living
S, Bill Coon, President/CEO, YMCA of El Paso
S, Elizabeth Terrazaz, President Junior Achievement of the Desert Southwest, Inc.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 2 In Opposition 0

General Summary of Comment:

Two (2) Witness Affirmation Forms in support. Refer to the El Paso Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

New Hope Housing at Reed, TDHCA Number 14076

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Miles, District 146, S US Representative: Green, District 9, NC
TX Senator: Ellis, District 13, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

South Houston Concerned Citizens Coalition S or O: O Letter Score: 0

General Public Comment: In Support: 2 In Opposition 3

General Summary of Comment:

Three (3) Witness Affirmation Forms in opposition. Two (2) Witness Affirmation Form in support. Refer to the Houston Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Grand Court Residences, TDHCA Number 14081

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Darby, District 72, NC US Representative: Conaway, District 11, NC
TX Senator: Duncan, District 28, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

- O, Laura E. Lacy, President, San Angelo West Rotary Club
O, Susan Gargan, President, Junior League of San Angelo
O, Carol Ann Bonds, Superintendent, San Angelo ISD
O, Bob Brewer, Executive Director, Rio Concho Communities

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 252

General Summary of Comment:

A petition with 252 signatures in opposition was received stating the following reason: the proposed complex does not fit into the retirement neighborhood concept.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Cypress Creek Apartment Homes at Joshua Station, TDHCA Number 14087

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Orr, District 58, S US Representative: Williams, District 25, NC
TX Senator: Birdwell, District 22, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Kim Henderson, President, Joshua Area of Commerce
S, Garry Jordan, Pastor, North Pointe Life
S, Theresa Boyston, Staff, Young Life Staff
S, Michael Tirone, President, Apartment Life

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Mariposa Apartment Homes at Spring Hollow, TDHCA Number 14088

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Geren, District 99, S US Representative: Granger, District 12, NC
TX Senator: Nelson, District 12, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Joyce Ewin, Executive Director, Saginaw Area Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Stone Oaks Apartments, TDHCA Number 14090

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Raymond, District 42, S US Representative: Cuellar, District 28, NC
TX Senator: Zaffirini, District 21, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

- S, Alfonso Casso, Jr., Executive Director, South Texas Food Bank
S, Rebecca Solloa, Catholic Social Services if Laredo, Inc.
S, Isela Dabdoub, CEO, SCAN Serving Children and Adults in Need, Inc.
S, Henry S. Carranza, PH.D., Board Chairman, L.O.V.E.D.
S, Michael Gergen, SDB, Pastor, San Luis Rey Church
S, Rev. Salvador Pedroza, Pastor, San martin de Porres Parish

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Casa Verde Apartments, TDHCA Number 14091

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: King, District 80, S
TX Senator: Zaffirini, District 21, NC

US Representative: Cuellar, District 28, NC
US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Isela Dabdoub, CEO, SCAN Serving Children and Adults in Need, Inc.
S, Rebecca Solloa, Catholic Social Services if Laredo, Inc.
S, Alfonso Casso, Jr., Executive Director, South Texas Food Bank
S, Tomas Cantu, Board President, Society of St. Vincent de Paul

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Madison Oaks Apartments, TDHCA Number 14092

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hughes, District 5, S US Representative: Hensarling, District 5, NC
TX Senator: Eltife, District 1, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Carolyn Burns, Administrator, Winnsboro Area Chamber of Commerce
S, Art Walden, Winnsboro Community Resource Center
S, Chet Simons, President, Winnsboro Rotary Club
S, Keri Schmidt, President & CEO, Fort Bend Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Auburn Village, TDHCA Number 14093

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Guerra, District 41, N
TX Senator: Hinojosa, District 20, NC

US Representative: Hinojosa, District 15, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 8

General Summary of Comment:

Five (5) letters in opposition were received stating the following reasons: low income housing will bring down property values, crowded schools, and traffic. Three (3) Witness Affirmation Forms in opposition. Refer to the Harlingen Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Cypress Creek Apartment Homes at Broadway, TDHCA Number 14094

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Orr, District 58, NC US Representative: Williams, District 25, NC
TX Senator: Birdwell, District 22, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Kim Henderson, President, Joshua Area of Commerce
S, Garry Jordan, Pastor, North Pointe Life
S, Theresa Boyston, Staff, Young Life Staff
S, Michael Tirone, President, Apartment Life

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Sabine Place Apartments, TDHCA Number 14095

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Burnam, District 90, S

US Representative: Veasey, District 33, NC

TX Senator: Davis, District 10, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Diamond Hill-Jarvis Neighborhood Advisory Council

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Belle Towers, TDHCA Number 14099

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Kolkhorst, District 13, S US Representative: McCaul, District 10, NC
TX Senator: Hegar, District 18, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Toy Kurtz, Executive Director, Washington County Healthy Living Association
S, Page Michel, President & CEO, Washington County Chamber of Commerce
S, Jennifer Eckermann, Manager, Main Street Brenham

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

SavannahPark of ALK, TDHCA Number 14100-1

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Perry, District 83, S
 TX Senator: Duncan, District 28, NC

US Representative: Neugebauer, District 19, NC
 US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Mike O'Donnell, President, Abernathy Lion's Club
 S, Avery Wright, President, Lion's Club

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

SavannahPark of ALK, TDHCA Number 14100-2

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Kleinschmidt, District 17, S
TX Senator: Hegar, District 18, NC

US Representative: Flores, District 17, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Mike O'Donnell, President, Abernathy Lion's Club
S, Avery Wright, President, Lion's Club

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

SavannahPark of ALK, TDHCA Number 14100-3

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Kleinschmidt, District 17, S
TX Senator: Zaffirini, District 21, NC

US Representative: Hinojosa, District 15, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Mike O'Donnell, President, Abernathy Lion's Club
S, Avery Wright, President, Lion's Club

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Red River Apartments, TDHCA Number 14101-1

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lavender, District 1, NC

US Representative: Hall, District 4, NC

TX Senator: Eltife, District 1, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

StoneLeaf at Glen Rose, TDHCA Number 14102

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Sheffield, District 59, S US Representative: Williams, District 25, NC
TX Senator: Birdwell, District 22, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Marilyn Phillips, Chair, Relay for Life
S, Dorothy Gibbs, Director, LCD Educational Resources Foundation
S, Leta Yocham, Director, LCD Educational Resources Foundation
N, E.K. Hufstedler, III, Chairman, Somervell County Crimestoppers, Inc.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Women's Home Housing Phase II, TDHCA Number 14103

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Farrar, District 148, S

US Representative: Poe, District 2, NC

TX Senator: Whitmire, District 15, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Spring Branch East Super Neighborhood Council

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Royal Gardens, TDHCA Number 14105

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Frank, District 69, S

US Representative: Thornberry, District 13, NC

TX Senator: Estes, District 30, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Floyd Williams, President, Iowa Park Evening Lions Club

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Manor Lane Senior Apartments, TDHCA Number 14106

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hilderbran, District 53, NC
TX Senator: Uresti, District 19, NC

US Representative: Gallego, District 23, NC
US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Eric Salazar, Director, Public Works City of Hondo

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Villas at Buda, TDHCA Number 14107

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Isaac, District 45, NC

US Representative: Doggett, District 35, NC

TX Senator: Campbell, District 25, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Bret Kiester, Executive Director, Hays Communities YMCA

S, Marla Johnson, Executive Director, Hays-Caldwell Women's Center

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Hidden Glen, TDHCA Number 14109

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Aycock, District 54, S

US Representative: Carter, District 31, NC

TX Senator: Fraser, District 24, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **2** In Opposition **9**

General Summary of Comment:

Nine (9) letters of opposition were received stating the following reasons: no infrastructure and no need. Two (2) Witness Affirmation Forms in support. Refer to the Austin Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

San Angelo Townhomes, TDHCA Number 14112

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Darby, District 72, S

US Representative: Conaway, District 11, NC

TX Senator: Duncan, District 28, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Carol Ann Bonds, Superintendent, San Angelo ISD

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Avenue Terraces, TDHCA Number 14113

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Farrar, District 148, S	US Representative: Green, District 29, NC
TX Senator: Garcia, District 6, NC	US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

North Central Civic Association	S or O: S	Letter Score: 8
Northside Village Super Neighborhood Council #51	S or O: S	Letter Score: 8

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Westpointe Apartments, TDHCA Number 14118

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Miller, District 73, NC US Representative: Smith, District 21, NC
TX Senator: Campbell, District 25, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Robert Lopez, Executive Director, Comal County Senior Citizen's Foundation
S, Karina Villa, Community Relations Manager, Mosaic of South Central Texas
S, Jerry Major, CEO, McKenna Foundation

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Riverside Park Apartments, TDHCA Number 14122

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Keffer, District 60, S US Representative: Conaway, District 11, NC
TX Senator: Fraser, District 24, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Wanda Furgason, Executive Director, Early Chamber of Commerce
S, Chad Hill, Director, Early Community Firefighters, Inc.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Shadow Hills Apartments, TDHCA Number 14126

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Cook, District 8, S

US Representative: Williams, District 25, NC

TX Senator: Birdwell, District 22, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Haymon Krupp, TDHCA Number 14127

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Pickett, District 79, S US Representative: O'Rourke, District 16, NC
TX Senator: Rodriguez, District 29, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Sandra E. Braham, Ed.D., Chief Executive Officer, YWCA El Paso
S, Laura Ponce, Executive Director, Project Bravo

Quantifiable Community Participation Input:

Jurisdiction Wide Resident Council S or O: S Letter Score: 4

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Sherman Plaza, TDHCA Number 14128

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gonzalez, District 76, S

US Representative: O'Rourke, District 16, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Sandra E. Braham, Ed.D., Chief Executive Officer, YWCA El Paso

S, Laura Ponce, Executive Director, Project Bravo

Quantifiable Community Participation Input:

Ray Sherman Place Community Resident Association Council S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Westfall Baines, TDHCA Number 14129

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Pickett, District 79, S

US Representative: O'Rourke, District 16, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Jurisdiction Wide Resident Council (2 letters)

S or O: S Letter Score: 4

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Tays, TDHCA Number 14130

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Marquez, District 77, S

US Representative: O'Rourke, District 16, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Sandra E. Braham, Ed.D., Chief Executive Officer, YWCA El Paso

S, Laura Ponce, Executive Director, Project Bravo

Quantifiable Community Participation Input:

Jurisdiction Wide Resident Council

S or O: S Letter Score: 4

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Mission Village of Monahans, TDHCA Number 14132

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lewis, District 81, S

US Representative: Gallego, District 23, NC

TX Senator: Duncan, District 28, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Dr. Charles Inman, Senior Pastor

S, Paula Nichols, President/Executive Director, Ward County Greater Works, Inc.

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Mission Village of Jacksonville, TDHCA Number 14133

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Clardy, District 11, S US Representative: Hensarling, District 5, NC
TX Senator: Nichols, District 3, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Randy Gorham, President, Jacksonville Rotary Club
S, Donald Hammock, Crisis Center of Anderson & Cherokee Counties
S, Pam Anderson, Director of Outreach, A Circle of Ten, Inc.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Heritage Park Vista II, TDHCA Number 14135

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Klick, District 91, S

US Representative: Granger, District 12, NC

TX Senator: Hancock, District 9, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

North Fort Worth Alliance

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Lafayette Park Apartments, TDHCA Number 14137

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Miller, District 26, N

US Representative: Olson, District 22, NC

TX Senator: Huffman, District 17, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

O, Thomas Randle, Superintendent of Lamar CISD

Quantifiable Community Participation Input:

Alief Super Neighborhood #25

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Hickory Village Apartments, TDHCA Number 14141

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Rose, District 110, S

US Representative: Hensarling, District 5, NC

TX Senator: Deuell, District 2, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **1** In Opposition: **3**

General Summary of Comment:

Three (3) Witness Affirmation Forms in opposition. One (1) Witness Affirmation Form in support. Refer to the Dallas Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Glenwood Trails II, TDHCA Number 14145

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Perez, District 144, S

US Representative: Stockman, District 36, NC

TX Senator: Taylor, District 11, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Greens at Brentford, TDHCA Number 14148

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Zerwas, District 28, S US Representative: Green, District 9, NC
TX Senator: Hegar, District 18, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Keri Schmidt, President/CEO, Fort Bend Chamber of Commerce
O, Thomas Randle, Superintendent of Lamar CISD
S, Manuel H. Arroyos, CEO, Fort Bend Seniors Meal on Wheels
S, Shanta Kuhl, IOM, President/CEO, Central Fort Bend Chamber

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Eagles Rest, TDHCA Number 14150

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Cortez, District 117, S	US Representative: Castro, District 20, NC
TX Senator: Uresti, District 19, NC	US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Andy Benavides, Executive Director, S.M.A.R.T.
 S, Jaime Martinez, President/CEO, Cesar E. Chavez, Legacy and Educational Foundation
 S, Becky Oliver, Executive Vice President, Greater San Antonio Builders Association

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Eckhert Village, TDHCA Number 14151

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Rodriguez, District 125, S

US Representative: Castro, District 20, NC

TX Senator: Van de Putte, District 26, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Grove, TDHCA Number 14154

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lewis, District 81, S US Representative: Conaway, District 11, NC
TX Senator: Seliger, District 31, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Jose Menendez, State Rep. District #124
S, Erika Chavez, Executive Director, Odessa Links
S, Theresa Edgmon, Director, CASA of the Permian Basin, Inc.
S, Carol G. Uranga, President #4960, LULAC Council of Odessa
S, Cristina Duran, President #4451, LULAC Council of Odessa
S, William Webster, FASHE, Chief Executive Director, Medical Center Health System

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Cypress Place, TDHCA Number 14155

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Deshotel, District 22, NC

US Representative: Weber, District 14, NC

TX Senator: District 4, District 4, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Pecan Pointe, TDHCA Number 14157

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Kleinschmidt, District 17, S

US Representative: Farenthold, District 27, NC

TX Senator: Watson, District 14, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Susan Weems Wendel, President/CEO, Bastrop Chamber of Commerce

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Bishop Gardens, TDHCA Number 14158

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Parker, District 63, S US Representative: Burgess, District 26, NC
TX Senator: Nelson, District 12, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Demetria L. McCain, VP/Deputy Director, ICP Inclusive Communities Project
S, Judy Reid, President, Justin Civic Foundation
S, Toni Johnson-Simpson, Executive Director, Denton County Friends of the Family
S, Doni Green, Chief Aging Program Officer, Area Agency on Aging of North Central Texas

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 2

General Summary of Comment:

Two (2) letters in opposition were received stating the following reasons: location, lack of infrastructure and lack of transportation.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

HomeTowne at Presidio Junction, TDHCA Number 14163

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Krause, District 93, S

US Representative: Granger, District 12, NC

TX Senator: Hancock, District 9, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

North Fort Worth Alliance

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Hurstbourne Crossing, TDHCA Number 14166

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Luna, District 143, O US Representative: Jackson Lee, District 18, NC
TX Senator: Whitmire, District 15, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

- S, Clark Baker, President/CEO, YMCA of Greater Houston
S, Malcolm P. Slatko, Chief Executive Officer, Seven Acres Jewish Senior Care Services
O, Juliet K. Stipech, Trustee, District VIII, HISD Board of Education
O, Stephen C. Costello, City Council Member District 1, Houston City Council
O, James G. Rodriguez, City Council Member District 1, Houston City Council

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 569

General Summary of Comment:

A petition with 569 signatures in opposition was received stating the following reasons: traffic concerns and increased crime.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Paddock at the Bayou, TDHCA Number 14167

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Allen, District 131, S

US Representative: Green, District 9, NC

TX Senator: Ellis, District 13, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Clark Baker, President/CEO, YMCA of Greater Houston

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Villages of Dickinson, TDHCA Number 14168

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Bonnen, District 24, S

US Representative: Weber, District 14, NC

TX Senator: Taylor, District 11, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Courtney T. Beck, Acting Executive Director, Bay Area Habitat for Humanity

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Reserves at Brookside, TDHCA Number 14170

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Price, District 87, NC

US Representative: Thornberry, District 13, NC

TX Senator: Seliger, District 31, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Beverly K. Benton, CEO/President, Borger Chamber of Commerce

S, Carolyn Scott, Executive Director, Buttercup House, Inc.

S, Norma Luginbyhl, Executive Director, Hutchinson County Crisis Center

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: **0**

In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Reserves at Copper Ranch, TDHCA Number 14172

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Perry, District 83, S US Representative: Neugebauer, District 19, NC
TX Senator: Duncan, District 28, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Eddie McBride, President/CEO, Lubbock Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Hopkins Crossing Apartments, TDHCA Number 14174

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Crownover, District 64, NC US Representative: Burgess, District 26, NC
TX Senator: Estes, District 30, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Michelle Stefan, Vice President, Carter Blood Care
S, John E. Baines, CPA, Treasurer, Denton Black Chamber
S, Scott Wisenbaker, Executive Director, Solutions of North Texas
S, Suzan Stambaughn, RDN,ED, Chief Operations Officer, Health Services of North Texas
S, Joe Mayo, Senior Pastor, Christian Center Assembly of God

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Liberty Square and Liberty Village, TDHCA Number 14175

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Kacal, District 12, S

US Representative: Flores, District 17, NC

TX Senator: Schwertner, District 5, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Bill Flores, US Rep, Member of Congress 17th Congressional District

S, Larry N. Price, Chief Executive Officer, Limestone Medical Center

S, Steve Nance, Pastor, First United Methodist Church Groesbeck, Texas

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: **0**

In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Moss Rose Apartments, TDHCA Number 14176

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Sheffield, District 55, S

US Representative: Carter, District 31, NC

TX Senator: Fraser, District 24, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Jimmie Don Aycock, State Rep. District 54

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Orchard Estates Apartments, TDHCA Number 14177

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Guerra, District 41, S US Representative: Hinojosa, District 15, NC
TX Senator: Hinojosa, District 20, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Juanita Valdes Cox, Executive Director, La Union Del Pueblo Entero
S, Ricardo Garza, Club President, Alton Lions Club
S, Felipe Gomez, President, Greater Alton Chamber of Commerce
S, Monica Salinas, Executive Director, Buckner Children & Family Services
S, Stella De Anda, Executive Director, Mujeres Unidas-Women Together
S, Rev. Julian Bucerril, Pastor, San Martin De Porres Catholic Church

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Serenity Place Apartments, TDHCA Number 14180

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Rose, District 110, S US Representative: Johnson, District 30, NC
TX Senator: West, District 23, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Albert Martin, Executive Director, North Texas Housing Coalition
S, Mike Faenza, President/CEO, Metro Dallas Homeless Alliance
S, Carolyn R. Davis, Chair District 7, City of Dallas
S, Karen Schaffner, Manager, City of Dallas Housing Finance Corporation

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 2 In Opposition 0

General Summary of Comment:

Two (2) Witness Affirmation Forms in support. Refer to the Dallas Public Hearing.



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

The Trails on Mockingbird Lane, TDHCA Number 14181

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: King, District 71, S	US Representative: Neugebauer, District 19, NC
TX Senator: Duncan, District 28, NC	US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Lori Thornton, Executive Director, Connection Caring Communities
 S, Terrenia Fitts, DrPH, President, Abilene Black Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Prairie Gardens, TDHCA Number 14182

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: King, District 71, S

US Representative: Neugebauer, District 19, NC

TX Senator: Duncan, District 28, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Town West Historic District & Downtown Homeowners
Association

S or O: S Letter Score: 8

General Public Comment: In Support: **0** In Opposition: **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Robison Terrace, TDHCA Number 14183

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lavender, District 1, S

US Representative: Hall, District 4, NC

TX Senator: Eltife, District 1, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **1** In Opposition: **0**

General Summary of Comment:

One (1) letter in support.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Rivers Bluff Apartments, TDHCA Number 14184

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hughes, District 5, S

US Representative: Hall, District 4, NC

TX Senator: Eltife, District 1, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Vista Del Valle Apartments, TDHCA Number 14185

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Longoria, Jr., District 35, S

US Representative: Hinojosa, District 15, NC

TX Senator: Lucio, Jr., District 27, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Citrus Cove, TDHCA Number 14189

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Ritter, District 21, NC US Representative: Stockman, District 36, NC
TX Senator: Nichols, District 3, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Linn P. Cardner, Executive Director, United Way of Orange County
S, Lucy Fields, President, Bridge City Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Wheatley Courts, TDHCA Number 14191

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: McClendon, District 120, S

US Representative: Doggett, District 35, S

TX Senator: Uresti, District 19, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Lloyd Doggett, US Representative 35th District

Quantifiable Community Participation Input:

Harvard Place Eastlawn Neighborhood Association

S or O: S Letter Score: 8

General Public Comment: In Support: **3** In Opposition: **0**

General Summary of Comment:

Three (3) Witness Affirmation Forms in support. Refer to the Austin Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Villas at West Mountain, TDHCA Number 14193

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Moody, District 78, S

US Representative: O'Rourke, District 16, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Laureles del Este, TDHCA Number 14194

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gonzalez, District 75, S

US Representative: Gallego, District 23, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Davis Street Housing, TDHCA Number 14195

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gonzalez, District 75, S

US Representative: Gallego, District 23, NC

TX Senator: Rodriguez, District 29, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Columbia at Renaissance Square, TDHCA Number 14198

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Burnam, District 90, S

US Representative: Veasey, District 33, NC

TX Senator: Davis, District 10, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Wayne Carson, Ph.D., Chief Executive Officer, ACH Child and Family Services

Quantifiable Community Participation Input:

Mitchell Boulevard Neighborhood Association

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Constitution Court Phase II, Ltd., TDHCA Number 14200

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Sheffield, District 59, S

US Representative: Williams, District 25, NC

TX Senator: Fraser, District 24, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Betty Price, President, Copperas Cove Chamber of Commerce

S, Stephen Schmidt, Pastor, Grace United Methodist Church

S, Benjamin Tindall, Executive Director, Cove House Emergency Homeless Shelter, Inc.

Quantifiable Community Participation Input:

Constitution Drive Property Owner's Association

S or O: S Letter Score: 8

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Longhorn's Landing, TDHCA Number 14203

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Isaac, District 45, NC
 TX Senator: Campbell, District 25, NC

US Representative: Doggett, District 35, NC
 US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Chance Sparks, Director of Planning, City of Buda
 S, J.R. Gonzalez, Managing Director, Buda Area Chamber of Commerce
 S, James R. Kergo, Bid 2 Help Kids.org
 S, Tom Hagan, LCCA, Executive Director, Central Texas Children's Home

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Seminole Ridge, TDHCA Number 14204

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Miller, District 26, N

US Representative: Olson, District 22, NC

TX Senator: Huffman, District 17, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

O, Thomas Randle, Superintendent of Lamar CISD

Quantifiable Community Participation Input:

Alief Super Neighborhood #25

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Avondale Apartments, TDHCA Number 14205

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Krause, District 93, S
TX Senator: Nelson, District 12, NC

US Representative: Granger, District 12, NC
US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Linda Fulmer, Executive Director, Healthy Tarrant County Collaboration
S, Celia Esparza, President/CEO, United Community Centers
S, David O'Brien, Jr., Executive Director, Housing Opportunities of Fort Worth, Inc.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Alamo Vista, TDHCA Number 14207

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Martinez, District 39, S

US Representative: Vela, District 34, NC

TX Senator: Lucio, Jr., District 27, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Riverside Village Apartments, TDHCA Number 14209

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Oliveira, District 37, S

US Representative: Vela, District 34, NC

TX Senator: Lucio, Jr., District 27, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Village on Harvest Time, TDHCA Number 14215

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Thompson, District 141, S
 TX Senator: Garcia, District 6, NC

US Representative: Jackson Lee, District 18, NC
 US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, NiCole Mukes, Director, Arrow Academy
 S, Carole Little, President/CEO, Northwest Assistance Ministries
 S, Grady R. Butler, Executive Director, Mission Greenspoin
 S, Nana Jyel-Amponsah, Pastor, Harvest Time Church

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Palladium Lake Jackson, TDHCA Number 14220

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Bonnen, District 25, S US Representative: Weber, District 14, NC
TX Senator: Huffman, District 17, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Walt McFadden, Project Director, RSVP of the Texas Gulf Coast
S, Gary Crabtree, Chairman of the Board, Brazosport Area Chamber of Commerce
S, Teresa Croft, Executive Director, BACH ECI
S, Robert M. Worley, President/CEO, The Alliance

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Palladium Van Alstyne Senior Living, TDHCA Number 14221

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Phillips, District 62, S
TX Senator: Estes, District 30, NC

US Representative: Hall, District 4, NC
US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, J. Greg Pittman, Executive Director, Meals on Wheels of Texoma
S, Catherine Atkins, Board Member, Senior Center
S, Laurie Mealy, Executive Director, Habitat for Humanity of Grayson County

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Beacon Hill, TDHCA Number 14223

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Perry, District 83, S

US Representative: Neugebauer, District 19, NC

TX Senator: Duncan, District 28, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Iola Avenue Property Owners Association

S or O: S Letter Score: 4

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Residences at Snyder, TDHCA Number 14225

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Perry, District 83, S

US Representative: Neugebauer, District 19, NC

TX Senator: Duncan, District 28, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **2** In Opposition **0**

General Summary of Comment:

Two (2) Witness Affirmation Forms in support. Refer to the Lubbock Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Art at Bratton's Edge, TDHCA Number 14226

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Israel, District 50, S

US Representative: Flores, District 17, NC

TX Senator: Watson, District 14, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Liberty Pass, TDHCA Number 14227

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Miller, District 73, S US Representative: Doggett, District 35, NC
TX Senator: Campbell, District 25, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Carlos Martinez, President/CEO, American GI Forum-National Veterans Outreach Program
S, Cathy Valdez, Executive Director, Project Mend Medical Equipment Reuse
S, Buck Buchanan, Membership Coordinator, Randolph Metrocom Chamber of Commerce, Inc.
S, Lil Serafine, Chief Operating Officer, Grace after Fire
S, Casey Smith, Senior Director, Skill Point Alliance
S, Gracie Broll, Director, Operation Homefront Village of San Antonio

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Art at Elysium Grand, TDHCA Number 14228

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Crownover, District 64, NC US Representative: Burgess, District 26, NC
TX Senator: Nelson, District 12, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- O, Hugh Coleman, Chief Administrator, Denton County Commissioner Precinct One
S, Deborah Robertson, Executive Director, SPAN Inc./Meals on Wheels of Denton County
S, Tom Johnson-Simpson, Executive Director, Friend of the Family
S, Dr. Alonzo Peterson, Executive Director, Giving Hope Inc.
S, Elizabeth K. Julian, President, ICP Inclusive Communities Project

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Barron's Branch II, TDHCA Number 14229

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Kacal, District 12, S US Representative: Flores, District 17, NC
TX Senator: Birdwell, District 22, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Roy Nash, President/CEO, Neighbor Works of Waco
S, Laveda Brown, President/CEO, Cen-Tex African American Chamber of Commerce
S, Felicia Goodman, Executive Director, Cooper Foundation
S, Brenda Shuttlesworth, Executive Director, Waco Habitat for Humanity

Quantifiable Community Participation Input:

Brook Oaks Neighborhood Association S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Art at Palladium View, TDHCA Number 14233

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Geren, District 99, S

US Representative: Granger, District 12, NC

TX Senator: Nelson, District 12, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Merritt Lakeline Station, TDHCA Number 14243

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Dale, District 136, S

US Representative: Carter, District 31, NC

TX Senator: Schwertner, District 5, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Kelly White, President/CEO, Austin Children's Shelter

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Merritt Estates, TDHCA Number 14244

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Craddick, District 82, S

US Representative: Conaway, District 11, NC

TX Senator: Seliger, District 31, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Tom Miller, Executive Director, Family Promise of Midland

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: 0

In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Silver Oaks Village, TDHCA Number 14254

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Cortez, District 117, S

US Representative: Castro, District 20, NC

TX Senator: Van de Putte, District 26, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Retama Park, TDHCA Number 14256

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lucio III, District 38, S US Representative: Vela, District 34, NC
TX Senator: Lucio, Jr., District 27, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

- S, Wendy Hanson, Director, United Way of Southern Cameron County
S, Rosalio O. "Leo" Rosales, Executive Director, Good Neighbor Settlement House of Brownsville, Texas, Inc.
S, Eddie Lafuente, Executive Pastor, Good Shepherd Community Church
S, Anna De La Cruz, Executive Director, Cameron County Children's Advocacy Center, Inc.
S, Dora Berry, Executive Director, Los Fresnos Chamber of Commerce
S, Victor Maldonado, Executive Director, Bishop Enrique San Pedro Ozanam Center
S, Edward Barron, Executive Director, Boys and Girls Club of Los Fresnos

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Abbington Junction of Pottsboro, TDHCA Number 14266

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Phillips, District 62, S US Representative: Hall, District 4, NC
TX Senator: Estes, District 30, NC US Senator: NC

Resolution of Support or No Objection from Local Government []

Input from Community Organizations and Local Officials:

S, Glen Murley, President, Pottsboro Texas Lions Club
S, Denis Boquist, Co-President, Pottsboro Area Development Alliance
S, Debbie Plyler, Co-President, Pottsboro Area Development Alliance
S, Bobby W. Hancock, President, Pottsboro Area Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Abbington Glen of Nash, TDHCA Number 14269

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Lavender, District 1, S US Representative: Hall, District 4, NC
TX Senator: Eltife, District 1, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Kathey C. Graves, Executive Director, Hands-on Texarkana
S, Jeff K. Sanford, IOM, President/CEO, Texarkana USA Chamber of Commerce

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Abbington Walk of Emory, TDHCA Number 14271

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hughes, District 5, S
TX Senator: Deuell, District 2, NC

US Representative: Hall, District 4, NC
US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Carolyn West, President, Lake Country Neighbors
S, Nathaniel R. Hooten, President, Emory Lions Club District 2x2
S, Patsy Marshall, Rains County Commissioner, Pct. 1

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Lodge at Huffmeister, TDHCA Number 14272

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Fletcher, District 130, S
TX Senator: Patrick, District 7, O

US Representative: McCaul, District 10, NC
US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Elliot Gershenson, President/CEO, Interfaith Ministries
S, Steve Lufburrow, President/CEO, Goodwill Houston
S, Cynthia N. Colbert, MSW, President/CEO, Catholic Charities of the Archdiocese of Galveston-Houston
O, Krisit Giron, Director of General Administration, Cypress-Fairbanks ISD

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 1 In Opposition 2913

General Summary of Comment:

At least six hundred sixty-two (662) opposition letters and emails citing concerns about overcrowded schools, higher crime, lower home values, proximity to a school, and other concerns. A petition with 2250 signatures in opposition was received, although the petition continued to circulate in the community. One (1) Witness Affirmation Forms in opposition. Refer to the Houston Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Forestwood Lodge, TDHCA Number 14273

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Dutton, District 142, S

US Representative: Green, District 29, NC

TX Senator: Whitmire, District 15, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Cynthia N. Colbert, MSW, President/CEO, Catholic Charities of the Archdiocese of Galveston-Houston

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Heritage Plaza, TDHCA Number 14274

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Bell, Jr., District 3, S

US Representative: Brady, District 8, NC

TX Senator: District 4, District 4, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Stephen Naleway, President, Historic Montgomery Business Association

S, Patricia Dugan, President, Montgomery Lions Club

S, Billy Ray Duncan, President, Montgomery Historic Society

Quantifiable Community Participation Input:

NA

S or O:

Letter Score:

General Public Comment:

In Support: **0**

In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Meadowbrook Square Apartments, TDHCA Number 14276

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Orr, District 58, S

US Representative: Williams, District 25, NC

TX Senator: Birdwell, District 22, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Rev. Brent Lowe, Pastor, Godley Assembly

S, Dr. Joe Cathey, Pastor, First Baptist Church of Godley Texas

Quantifiable Community Participation Input:

Meadow brook Square Resident Council

S or O: S Letter Score: 8

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Pecan Tree Square Apartments, TDHCA Number 14277

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Orr, District 58, S US Representative: Williams, District 25, NC
TX Senator: Birdwell, District 22, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Lynell Pinkerton, Library Director, Grandview Public Library
S, Janet Smith, Treasurer, Board Member, Granview Youth Association
S, Preston Cave, Minister of Students, First Baptist Church of Grandview

Quantifiable Community Participation Input:

Pecan Tree Square Resident Council S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Edgewood Estates Apartments, TDHCA Number 14278

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Flynn, District 2, S US Representative: Hensarling, District 5, NC
TX Senator: Deuell, District 2, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Andela Pedersen, President, Edgewood Chamber of Commerce
S, Rev. Pamela Jackson, Senior Pastor, Cheatham Memorial United Methodist Church
S, Pat Brown, Lay Leader, Cheatham Memorial United Methodist Church
S, Rev. Casey Cook, Pastor, New Journey Church of God

Quantifiable Community Participation Input:

Crooked Creek Road Resident Council S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Junction Seniors Apartments, TDHCA Number 14279

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hilderbran, District 53, S

US Representative: Conaway, District 11, NC

TX Senator: Duncan, District 28, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

Junction Seniors Resident Council

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Riverstone Apartments, TDHCA Number 14282

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Hunter, District 32, S

US Representative: Farenthold, District 27, NC

TX Senator: Hinojosa, District 20, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Gloria Taylor, MBA, Executive Director, Communities In Schools

S, Amador Garcia, Chairman, National Archives and Historical Foundation of The American GI Forum

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

The Vineyards, TDHCA Number 14284

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Perry, District 83, S	US Representative: Neugebauer, District 19, NC
TX Senator: Duncan, District 28, NC	US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Barry J. Moore, Executive Pastor, Trinity Church
 S, Maria Hanza, Executive Director, Lubbock Habitat for Humanity
 S, Lynn R. Harms, President, The Children's Home of Lubbock

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Arbor at Centerbrook, TDHCA Number 14285

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gutierrez, District 119, S US Representative: Cuellar, District 28, NC
TX Senator: Campbell, District 25, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Petra Mata, Executive Director, Fuerza Unida
S, Henry Rodriguez, Executive Director, LULAC Council # 4383

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Villas at Boston Heights, TDHCA Number 14288

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Goldman, District 97, S

US Representative: Granger, District 12, NC

TX Senator: Nelson, District 12, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Lynell Bond, Vice President of Client Services, Meals on Wheels Inc. Of Tarrant County

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Cypress Creek Apartment Homes at Wayside, TDHCA Number 14291

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Allen, District 131, S

US Representative: Green, District 9, NC

TX Senator: Ellis, District 13, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

S, Randy Ginnan, South Texas Regional President, CARES by Apartment Life

Quantifiable Community Participation Input:

Minnetex Civic Club Super Neighborhood 77

S or O: S Letter Score: 8

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Cypress Creek Apartment Homes at Parker Creek North, TDHCA Number 14292

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Turner, District 33, S US Representative: Hall, District 4, NC
TX Senator: Deuell, District 2, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

S, Julia Bryant Executive Director, Royse City Chamber of Commerce
S, Jeff Hays Executive Pastor, The Fellowship of First Baptist Royse City
S, Joe Davis, Chief Financial Officer, Southern Baptist of Texas Convention
S, Michael Tirone, CETX Regional President, Apartment Life

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 0

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

M2 Apartments, TDHCA Number 14295

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Sanford, District 70, S US Representative: Johnson, District 3, NC
TX Senator: Paxton, District 8, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Larry Robinson, Executive Director, 3eMcKinney
S, Doni Green, Chief Aging Program Officer, North Central Council of Governments
S, Cathy Frizzell, Assistant Director, Community Food Pantry of McKinney
S, Celeste H. Cox, Executive Director, North Collin County Habitat for Humanity
S, Sara Thomas, Board President, Holy Family School

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 137

General Summary of Comment:

At least seventy-six (76) opposition letters and emails stating close proximity to another LIHTC property, overcrowded schools, overwhelmed infrastructure and a lack of notification to citizens. A petition with 55 signatures in opposition was received. Six (6) Witness Affirmation Forms in opposition. Refer to the Dallas Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Casitas Los Olmos, TDHCA Number 14297

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Guillen, District 31, S US Representative: Vela, District 34, NC
TX Senator: Lucio, Jr., District 27, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Amalia C. Garza, Executive Director, Cameron And Willacy Counties Community Projects, Inc.
S, Manuela Rendon, Executive Director
S, Dr. Manuel Ochoa, Regional Administrator, TMC Teaching & Mentoring Communities
S, Rev. Devlon Goodman, Pastor, First United Methodist Church
S, Johnny I. Pineda, Superintendent, Raymondville ISD

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 4 In Opposition 0

General Summary of Comment:

Four (4) Witness Affirmation Forms in support. Refer to the Harlingen Public Hearing.



MULTIFAMILY FINANCE DIVISION
 July 31, 2014
 Competitive Housing Tax Credit Program

Vista Pointe at Wild Pine, TDHCA Number 14300

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Cortez, District 117, S	US Representative: Castro, District 20, NC
TX Senator: Uresti, District 19, NC	US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 0 In Opposition 1061

General Summary of Comment:

Three (3) opposition letters and emails stating higher crime and lower home values. A petition with 1058 signatures in opposition was received.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Socorro Palms, TDHCA Number 14302

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Gonzalez, District 75, S US Representative: Gallego, District 23, NC
TX Senator: Rodriguez, District 29, NC US Senator: NC

Resolution of Support or No Objection from Local Government [checked]

Input from Community Organizations and Local Officials:

- S, Gail Gale, Director, United Way of El Paso County
S, Ivonne Tapia, Chief Executive Director, Aliviane, Inc.
S, Carol Henry Bohle, Executive Director, El Paso Coalition for the Homeless
S, Maria Covernali Ortiz, Executive Director, Familias Triunfaodras, Inc.
S, Luis Enrique Chew, Executive Director, Volar Center for Independent Living
S, Bill Coon, President/CEO, YMCA of El Paso
S, Elizabeth Terrazas, President, Junior Achievement of the Desert Southwest, Inc.

Quantifiable Community Participation Input:

NA S or O: Letter Score:

General Public Comment: In Support: 2 In Opposition 0

General Summary of Comment:

Two (2) Witness Affirmation Forms in support. Refer to the El Paso Public Hearing.



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

The Cottages at Bailey Square, TDHCA Number 14303

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Morrison, District 30, S

US Representative: Vela, District 34, NC

TX Senator: Hegar, District 18, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Vista Rita Blanca Apartments II, TDHCA Number 14304

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Smithee, District 86, NC

US Representative: Thornberry, District 13, NC

TX Senator: Seliger, District 31, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA



MULTIFAMILY FINANCE DIVISION
July 31, 2014
Competitive Housing Tax Credit Program

Live Oak Villas, TDHCA Number 14306

PUBLIC COMMENT SUMMARY

"S" = Support, "O" = Opposition, "N" = Neutral, "NC" = No Comment

State and Federal Officials with Jurisdiction:

TX Representative: Guillen, District 31, S

US Representative: Hinojosa, District 15, NC

TX Senator: Zaffirini, District 21, NC

US Senator: NC

Resolution of Support or No Objection from Local Government

Input from Community Organizations and Local Officials:

NA

Quantifiable Community Participation Input:

NA

S or O: Letter Score:

General Public Comment: In Support: **0** In Opposition **0**

General Summary of Comment:

NA

6b

BOARD ACTION REQUEST
MULTIFAMILY FINANCE DIVISION
JULY 31, 2014

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

RECOMMENDED ACTION

WHEREAS, Pine Grove was originally awarded an allocation of Housing Tax Credits at the December 12, 2013, Board Meeting;

WHEREAS, due to an increase in construction costs and a delay in receiving HUD's approval for demolition of the existing structures, the Applicant was unable to close on the bonds by the original Certificate of Reservation expiration deadline of April 12, 2014;

WHEREAS, the proposed issuer of the bonds for the Development is the Orange Public Facility Corporation, and a new Certification of Reservation was issued on April 10, 2014, and will expire on September 7, 2014;

WHEREAS, an updated 4% Housing Tax Credit application was submitted to the Department on April 16, 2014; and

WHEREAS, after consideration of the compliance issues that were reported to the Executive Awards and Review Advisory Committee ("EARAC") and list of conditions, it is the recommendation of EARAC that the Applicant receive an award subject to the conditions attached hereto as Exhibit A, which were developed working from a list of conditions proposed by the Applicant, as modified and deemed acceptable to EARAC, which has approved this recommendation and these conditions with one dissenting vote;

NOW, therefore, it is hereby

RESOLVED, that the issuance of a Determination Notice of \$285,094 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 the Pine Grove Apartments is hereby approved in the form presented to this meeting and

FURTHER RESOLVED, that the award is subject to the list of conditions attached hereto as Exhibit A, as suggested by the Applicant, and further modified by EARAC.

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. Forty-three of the 66 total units will be subsidized either through project based vouchers or as public housing units both funded through Annual Contribution Contracts between the City of Orange Housing Authority and HUD. The development will serve the general population and is currently zoned appropriately.

In addition to the Private Activity Bonds and Housing Tax Credits, the application proposes to use Community Development Block Grant Funds (“CDBG”) financing from the Housing Authority of the City of Orange.

Conditions to Award: As it relates to the previous participation review pursuant to 10 TAC §1.5 there were findings reported to EARAC. EARAC held an informal conference with the Applicant to discuss the findings, and attached as Exhibit A is a list of conditions, suggested by the Applicant, to be imposed upon this award. The list of conditions was further modified by EARAC as reflected in Exhibit A. The motion by EARAC to approve included one dissenting vote regarding the condition that EARAC would not recommend any new awards for Department funding for ITEX related applicants through December of 2015. The member expressed the view that future awards should be taken up on a case by case basis.

Organizational Structure: The Borrower is Orange Redevelopment PG, L.P, 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, Josie Lindsey, and Fredia Henry.

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 \$53,021; 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 1,046, and the number of renter units is 561. (Census information is from FFIEC Geocoding for 2014.)

Public Comment: The Department has not received any letters of support or opposition for this Development.

List of Recommended Conditions

RECOMMENDED CONDITIONS
RELATIVE TO EARAC APPROVAL REGARDING PREVIOUS PARTICIPATION
REVIEWS OF HOUSING TAX CREDIT AWARDS FOR
PINE GROVE APARTMENTS, WHISPERING OAKS AND HUDSON ON PROVIDENCE

1. For All ITEX Portfolio: If ITEX Property Management, LLC fails to respond to the Department in writing to any finding during the corrective action period for the period of time from August 1, 2014 to December 31, 2015, or fails to submit any part of the Annual Owner's Compliance Report by April 30, 2015, then ITEX will replace ITEX Property Management, LLC with another third-party management company acceptable to the Department.
2. For All ITEX Portfolio: If ITEX fails to respond to the Department in writing to any finding during the respective corrective action period for the period of time from August 1, 2014 to December 31, 2015, or fails to submit any part of the Annual Owner's Compliance Report by April 30, 2015, then ITEX acknowledges that EARAC will not recommend ITEX or any ITEX affiliate for an award of any additional Department program funds administered by the Department including Housing Tax Credits through December 2016.
3. In order for the Department to determine if ITEX has successfully implemented the planned procedures, ITEX acknowledges that EARAC will not recommend ITEX or any ITEX affiliate for an award of any additional Department program funds administered by the Department including Housing Tax Credits through December 2015.
4. For Pine Grove Apartments only: ITEX Property Management, LLC will be contracted as the property manager for Pine Grove Apartments at the construction and equity closing; however, if by construction completion, currently scheduled for August 31, 2015, ITEX and its related entities have not satisfactorily cleared all compliance issues, that can be corrected, identified in Previous Participation Review dated June 4, 2014, with no further failures to respond to a compliance deficiency notice, then ITEX Property Management, LLC shall resign and a third party property manager acceptable to (i) the Housing Authority of the City of Orange, (ii) the lenders, and (iii) the investor shall be engaged to operate the Project.
5. Capstone Real Estate Services, Inc. conducted an audit of Pebble Creek Apartments on July 7, 8 and 9, 2014, including extensive technical assistance, 20% file review and UPCS mock inspection, a copy of the report will be delivered to TDHCA by July 31, 2014.
6. Robust Technical Assistance from Capstone to clear outstanding TDHCA audit responses – includes training supervisory staff on drafting responses to compliance deficiencies and TDHCA requests for information, tracking deadlines, the organizational chart and personnel of TDHCA, CMTS overview, and TDHCA Rules.
7. Capstone will additionally review all new move-in files before the resident is allowed to move in, and all re-certifications.

8. Tenant files for all Housing Tax Credit tenants will be reviewed on-site by the Regional Managers quarterly.

9. All upper management will enroll with the TDHCA Listserve, and will attend all Compliance related roundtables over next year.

10. Representatives of upper management will attend each TDHCA Board meeting, so that they will keep abreast of changes to the TDHCA's rules.

As previously proposed by ITEX:

11. ITEX will hire a certified Compliance Director within the next two months. Ms. Cindy Moreno, who is currently filling the role of interim Compliance Director, will fill the currently vacant Regional Manager position, conditioned upon her completing requisite training.

12. All on-site managers and assistant managers who have not done so will be required to take and pass the TAA Certified Apartment Manager (CAM) certification within the next year or within a year after employment.

13. ITEX will require all on-site managers and assistant managers to take HCCP training and sit for the certification exam.

14. ITEX will offer incentives for more training and certification to our staff who attain certification in all three of CPM, HCCP and CAM.

15. In order to further address the issues of transparency and honesty in compliance matters, ITEX has prepared a Code of Ethics and Business Conduct which has been provided to each of our staff members. Staff members are now required to read the Code, initial each page and execute it as a condition of continued and new employment.

16. These conditions may be amended on mutual consent of the parties.

Commitment of Trainings and Certifications:

1. Aug 13, Beaumont: First Thursday Training (all on-site managers and assistant managers, Regional Managers, Director of Compliance, Managing Director of Property Management, Executive Vice President and President)

[http://taa.org/member/calendar/month.calendar/2014/08/30/-](http://taa.org/member/calendar/month.calendar/2014/08/30/)

2. Aug 14, Beaumont: HTC Training (Regional Managers, Director of Compliance, Managing Director of Property Management, Executive Vice President and President)

[http://taa.org/member/calendar/month.calendar/2014/08/30/-](http://taa.org/member/calendar/month.calendar/2014/08/30/)

3. Aug 20-22, Houston: HCCP Training and Certification Course, Houston (Regional Managers, Director of Compliance) (President and Managing Director of Property Management will attend a future training for HCCP)

http://www.nahb.org/meeting_details.aspx?meetingID=28571§ionID=1

4. Sept. 9th, Houston: First Thursday Training (all on-site managers and assistant managers, Regional Managers, Director of Compliance and Managing Director of Property Management) [http://taa.org/member/calendar/month.calendar/2014/09/30/-](http://taa.org/member/calendar/month.calendar/2014/09/30/)

5. Sept 10th, Houston: HTC Training (Regional Managers, Director of Compliance and Managing Director of Property Management)
[http://taa.org/member/calendar/month.calendar/2014/09/30/-](http://taa.org/member/calendar/month.calendar/2014/09/30/)

6. Nov 20th, Houston: ET AHMA HTC Eligibility Training toward SHCM HTC Exam/Accreditation (Director of Compliance)

Virtual and On-Going Trainings:

1. As of July 14, all onsite staff have reviewed and certified they have reviewed the following videos at this link: <http://www.tdhca.state.tx.us/pmcomp/presentations.htm>

- [2012 Income and Rent Limits Webinar Video \(24:16\)](#)

How to properly use the Income and Rent Tool (12/09/2011)

- [2012 Supportive Services Webinar Video \(1:05:17\)](#)

How to identify and properly implement Supportive Services (08/22/2012)

- [Income Eligibility Presentation Video \(1:18:41\)](#)

2. All new on-site managers/assistants will receive two days of training prior to starting at their properties. All Regional Managers and assistants will attend at least one First Thursday every calendar year.

Applicant's Original
List of Conditions and
Supplemental Information



July 22, 2014

EARAC Committee
Attn: Tom Gouris, Chairman
Texas Department of Housing and Community Affairs
221 E 11th Street
Austin, Texas 78701

RE: Previous Participation Review for
TDHCA# 14405 Pine Grove Redevelopment
14054 Whispering Oaks
14063 Hudson Providence

EARAC Members,

Our firm, The ITEX Group, has received the Previous Participation Review (PPR) form provided for the Pine Grove project on June 4, 2014. We were notified on July 15, 2014, that the same form would be used to review the other ITEX projects pending awards in the 9% 2014 LIHTC cycle. This letter and its attachments are being provided in response to the July 15th notification so that EARAC can be updated not only on the steps taken since the June 4th Pine Grove notification, but also to clarify the history of ITEX responsiveness to TDHCA requests.

In reviewing the Pine Grove PPR form, at first glance it would seem as though ITEX has not been attentive to ensure that compliance on our properties has been our first priority. However, upon further review of our records, there are several instances where ITEX has responded to TDHCA non-compliance requests, but those responses did not satisfy in full certain items of non-compliance. At the same time, ITEX takes full responsibility that its management structure could benefit immensely from reorganization in connection with non-compliance issues. We were made aware of the severity of the issue upon publication of the Board Book for the June 5, 2014, Board Meeting, where EARAC reviewed and recommended award for our Village at Palm Center project, but which indicated a history of noncompliance issues and recommended conditions. The issues of non-compliance disclosed in the Board Book noted that ITEX had multiple instances of failing to (1) respond to notices of non-compliance and/or (2) correct issues during the corrective action period (the "CAP"). EARAC recommended the following conditions: (1) ITEX should designate a point person to be the primary contact person to respond to corrective action requests and attend compliance training; and (2) current instances of unresponsiveness during the CAP will result in an EARAC recommendation that the ITEX affiliate management company be replaced.

We understand that the Pine Grove PPR, which came just about a month following the Village at Palm Center review, noted additional issues of non-compliance, which in turn triggered EARAC to recommend denial of an allocation award. We would like to point out that although the Pine Grove PPR indicated items that were not reflected during the Palm Center PPR, the issues reflected were matters that took place prior to the EARAC recommendation for conditional award to Palm Center. While we are in no way attempting to deny management changes are necessary, we need to be sure that our actions are being accurately described. That said, there

THE ITEX GROUP, LLC
3735 Honeywood Ct
Port Arthur, TX 77642
409.724.0020 (v) |
409.721.6603 (f)

have been no issues of responsiveness since being notified of EARAC's concerns as of the June 4th Board Meeting.

Additionally, since receiving a copy of the June 4th Board Book showing that EARAC had recommended a condition to restrict our management company from doing future business if there are further responsiveness issues, we have focused our attention on management reorganization and made compliance our top priority. Attached as EXHIBIT A is a list of steps already taken to reorganize our management structure and show that compliance is a matter we take very seriously. Also, we have attached as EXHIBIT B a list of conditions we are suggesting EARAC impose if it deems necessary.

At the same time, we have reviewed our correspondence history to get a better understanding of how ITEX was responding to non-compliance notifications. Through our review, we have noted that while there are a couple instances of lack of responsiveness, the vast majority of non-compliance issues are responded to timely. Unfortunately, there are some non-compliance issues that are not able to be corrected within the 90-day CAP, and therefore although ITEX has responded to TDHCA non-compliance notifications, some issues remain uncorrected, but only for the mere fact they are simply impossible to correct until a certain future date, at which time ITEX will correct the issues. For example, Fair Housing Disclosure Notices (FHDNs) can only be corrected during certain time frames, and sometimes not at all. Regardless of our timeliness of responding, the issue cannot be corrected. You can see that the vast majority of uncorrected compliance items consist of FHDN issues. The remaining compliance issues that are outstanding are other instances where although the CAP has expired, the issue cannot be corrected until a future date (i.e., an over-income tenant unit which can only be corrected once the lease terminates). To our knowledge, there are no outstanding compliance issues that remain uncorrected that our within our power to correct at this time. All of the items that could be corrected have been.

Furthermore, you can see on the attached EXHIBIT C a chart showing the various instances of correspondence between TDHCA and ITEX for the projects noted on the Pine Grove PPR Form as having compliance issues. Looking through the chart, you will see there are only two instances where ITEX failed to respond timely. In one instance, the property manager was fired as a result of auditing our files for compliance. In most cases, ITEX has a history of responding often and responding timely, but as stated above, some instances cannot be corrected within the CAP. Because of those instances, ITEX appears as if we do not respond at all when that is not the case. As additional support, attached hereto as EXHIBIT D we have taken the Pine Grove PPR form received on June 4, 2014, and provided some brief responses to each item so that EARAC can quickly and clearly see the status of each and how ITEX has responded since receiving the PPR form seven weeks ago. Also attached as EXHIBIT E is a response previously submitted by Coats Rose law firm regarding administrative penalty referrals that we are re-submitting for additional support, along with an excerpt from a previously submitted response from ITEX attached as EXHIBIT F dated June 11, 2014 which responds to the Pine Grove PPR in more detail. We have also submitted responses to TDHCA regarding these compliance issues on June 18th, June 23rd, June 27th, July 9th and July 18th, and during our meeting on July 21st. We can provide these again upon request.

We respectfully ask that you take these items into consideration when determining whether to recommend these awards to the Board for allocation. Our business is focused on serving others. When looking at the larger picture, we have a large portfolio and our business has grown quickly, and the recent compliance discussions with TDHCA have led us to reorganize and restructure to ensure that our growth is backed by competent support. That said, we build quality products in

areas of high need that result in deserving individuals and families being able to live in nice, clean, safe and affordable homes. We believe we satisfy the core factors EARAC focuses on: It is in the best interests of the state to proceed with the award; The award will not present undue increased program risk or financial risk to the Department or the state; ITEX is not acting in bad faith; and ITEX has taken reasonable measures within its power to remedy the issues. Give us a chance to show that our new restructuring to improve internal compliance monitoring takes care of the concerns of the Compliance Division.

Should you have any further questions regarding this response to the previous participation review or the major changes that we have implemented throughout our organization, please feel free to contact me directly via email at chris.akbari@itexgrp.com or via telephone at 409.543.4465.

Sincerely,



Christopher A. Akbari
President

cc: Tim Irvine, TDHCA
Barbara Deane, TDHCA
Barry Palmer, Coats Rose
Tamea Dula, Coats Rose
Andrea Steel, Coats Rose
Jen Joyce, Capstone

Enclosures: EXHIBIT A – Action Taken
EXHIBIT B – Suggested Conditions
EXHIBIT C – Correspondence Chart
EXHIBIT D – Pine Grove PPR Markup
EXHIBIT E – Administrative Penalties Response
EXHIBIT F – Previous ITEX Response dated June

4833-4545-9228, v. 1

EXHIBIT A

Mitigating Action Taken

- **Hired a Managing Director of Property Management experienced in multifamily affordable housing management.** Mr. Michael Hendricks was hired and began work on February 17, 2014, as the Managing Director of Property Management. The Director of Compliance and the Compliance Department are under his supervision. Mr. Hendricks' job with regard to compliance will be to review all submission responses prepared by The Director of Compliance prior to submission to TDHCA. He will be 100% accountable for all compliance procedures, activities and timely responses to TDHCA.
- **Hired new regional managers to reduce the unit load on existing Regional managers.** Originally, there was only one property supervisor and an assistant who monitored over 30 properties. After Michael Hendricks was hired, a plan to establish three regions was initiated. The supervisor and the assistant supervisor were promoted to Regional Manager status. On March 1, 2014, Charlotte Green was also appointed Regional Manager to reduce the load on the existing two Regional Managers. One of the three Regional Managers was subsequently promoted to become the Director of Compliance (see below), so one Regional Manager position is vacant at this time. A search for a new Regional Manager for the Houston area is currently underway and ITEX hopes to have an appropriate candidate in place by mid-July.
- **Created a Compliance Department with Director of Compliance (an experienced staff member) who will be reviewing all responses to TDHCA inquiries for completeness and timeliness and will be the primary contact person for the TDHCA so that quality control is maintained.** This department was created in April, and Brandy Flores was assigned to work in the new Department. Cindy Moreno is currently serving as the Interim Director but we are intending to hire a full time experienced and certified Compliance Director by September 1, 2014. In June when the noncompliance problems became so evident, she was required to take over the position, which happened on June 5, 2014. Her sole focus hereafter will be to handle the noncompliance responses to the TDHCA in a timely and appropriate manner. Previously the on-site property managers had been responding to compliance monitoring findings on their own properties by uploading responses onto the TDHCA's website without other supervision. Now the on-site manager will be required to submit the proposed response to the Regional Manager, who will approve and forward it to the Director of Compliance for review for completeness and timeliness. The Director of Compliance will be solely responsible for transmitting responses to the TDHCA. While this process will take more lead time, I believe it will be beneficial in that all issues will be addressed within the corrective period, or a reason for failing to address an issue will be timely provided to the TDHCA. Additionally, the Director of Compliance will be in a position to request an extension of the corrective period when necessary, so that instances of failure to cure within the corrective period may be reduces. The Director of Compliance will report to the Managing Director of Property Management, who will be ultimately responsible for the compliance process.
- **Engaged Capstone Real Estate Services, Inc. to conduct a compliance audit and to provide continuing oversight on compliance issues for a minimum of the next two years to review all move-in and recertification files.** ITEX representatives met with Jen Joyce of

EXHIBIT A

Mitigating Action Taken

Capstone on June 9, 2014, to discuss retaining that firm to perform a full analysis of one of the properties and to be available on a consulting basis for questions relating to curing noncompliance issues. On June 11th we discussed and agreed upon the terms in person. In advance of receiving the Capstone engagement contract, however, ITEX engaged the company by email in order to have them review the situation set out in the Previous Participation Review Form received by ITEX on June 4, 2014. On June 23, a formal Consultant Agreement was signed with Capstone.

- **Created plan of action to upgrade employees' compliance training.** Cindy Moreno will attend all available TDHCA compliance trainings offered this year, and will participate in round tables held in her area. Cindy is on the board of the Houston chapter of Affordable Housing Management Association ("AHMA"). She is in discussions with AHMA concerning having local compliance classes in Beaumont, which could be conveniently attended by ITEX staff. She is also taking a group of ITEX employees to Houston for a compliance training class in August. Capstone is also going to provide compliance training to the staff in the future. In addition, Mr. Hendricks and Ms. Moreno will be attending the August Compliance Training course. We are working toward having Mr. Hendricks, Ms. Moreno and all Regional Managers qualify for the HCCP certification in August.
- **Undertook a complete audit of every tenant who moved in on or after December 27, 2012 (when the Notices first became required) to determine the status of delivery of the Fair Housing Disclosure Notice and if noncompliant, the window of time during which the Notice can be delivered in the future.** This audit began June 18 and was completed June 23, 2014, resulting in an analysis showing (i) each unit, (ii) if a unit is vacant or market rate and therefore not required to have a Notice delivered, (iii) whether the tenant is required to receive a Notice because of a move-in after December 27, 2012, (iv) the date the Notice was delivered, and (v) if not yet properly delivered, the window during which the Notice may be properly delivered.
- We have worked to put staff in a position where they can provide better compliance, we have hired outside consultants to assist with better compliance, we have performed systematic audits to determine how bad our compliance was, and we have put controls into place to ensure that we do a better job of being meeting compliance deadlines.
- We have instituted major corporate changes that include bringing in a Director of Property Management, creating a compliance division, creating an asset management division to provide oversight on behalf of the ownership as a check and balance, brought in outside consultants to make sure we are changing our ways, implemented a zero tolerance policy for backdating materials, rolled out a Code of Ethics, implemented protocols to make sure that documentation is properly transmitted to TDHCA, placed the Compliance Director in charge of communication with TDHCA compliance division, and have begun change in Company Culture.

EXHIBIT A

Mitigating Action Taken

- We have registered employees from the Executives all the way to assistant managers into training for Housing Tax Credit Compliance. We have registered staff for training and certification for Housing Credit Compliance Professional. We have also implemented an incentive for employees to better themselves by offering to not only pay for their certifications for HCCP, CPM, and CAM. To further incentivize the employees, we are also offering to send them on a vacation if they get all three certifications within 24 months.
- We have audited all of our properties, and all of our units to determine the dates that the FHDN forms can be provided and the corrective action can be completed. We have created a reminder system for each unit to provide us with a notification to ensure that it is done correctly.
- We have performed a complete evaluation of the “backdated” FHDN forms and it has been determined staff will be trained on how to complete the documentation properly. We have provided a notification to all managers and regional managers regarding our zero tolerance for backdating policy and if we determine in the future that staff has acted maliciously, then we will immediately terminate the employee.
- In order to mitigate issues, we have placed protocols on the delivery of response to the department and placed the Compliance Director in charge of making sure things are done in the correct and timely manner. We are also requiring training for all managers and regional managers.
- We have also implemented protocols to ensure that email and uploading issues do not occur in the future.
- ITEX has restructured its property management business so that instead of only two persons reviewing the information being provided to the TDHCA (which procedure was sometimes not being observed), the process now requires the manager to prepare the submission, the Regional Manager to review and approve the submission, and the Director of Compliance and Capstone to review, approve and submit the submission in a timely manner. The Director of Compliance will keep a calendar of response deadlines and will proactively advise managers as the corrective period draws to a close. If warranted, the Director of Compliance will apply to the TDHCA for an extension of the corrective period so that the property will avoid having cures that take place after the corrective period has expired.
- On-site managers will not be permitted to upload reports to the TDHCA. Instead, executed Notices will be forwarded by the on-site managers to the Regional Manager for review.
- ITEX hired one additional Regional Manager in March to assist with the overload. We then started a search for another Regional Manager to handle the Houston area. That search is currently in progress and it is hoped that a candidate will be in place by mid-July. Meanwhile, Ms. Kelly Ardoin will continue to be responsible for reviewing the Notices, but she will not be responsible for submitting them to the TDHCA. She will forward the

EXHIBIT A

Mitigating Action Taken

submissions to the Director of Compliance, who will be the only person who is authorized to submit responses to the TDHCA.

- ITEX representative entered into discussions with Jen Joyce of Capstone on or around June 9, 2014 concerning conducting an in-depth compliance review of one of the projects. They also discussed Capstone being available as a consultant on questions concerning compliance, as and when needed. Before Capstone provided its engagement contract, however, Michael Hendricks emailed Capstone concerning the situation with the Previous Participation Review for the Pine Grove Apartments 4% Housing Tax Credits application.

EXHIBIT B

List of Suggested Conditions

PROPOSAL REGARDING COMPLIANCE MATTERS

RELATIVE TO EARAC APPROVAL OF HOUSING TAX CREDIT AWARD

FOR PINE GROVE APARTMENTS

1. For All ITEX Portfolio: If ITEX Property Management, LLC fails to respond during the corrective action period during the year from August 1, 2014 to July 31, 2015, then ITEX will replace ITEX Property Management, LLC with another management company.
2. For All ITEX Portfolio: If ITEX fails to respond during the corrective action period during the period from August 1, 2014 to July 31, 2015, then ITEX acknowledges that they will not receive an award of 2015 Competitive Housing Tax Credits.
3. For Pine Grove Apartments only: ITEX Property Management, LLC will be contracted as the property manager for Pine Grove Apartments at the construction and equity closing; however, if by construction completion, currently scheduled for August 31, 2015, ITEX and its related entities have not satisfactorily cleared compliance issues raised in Previous Participation Review dated June 4, 2014, with no further failures to respond to a compliance deficiency notice, then ITEX Property Management, LLC shall resign and a third party property manager acceptable to (i) the Housing Authority of the City of Orange, (ii) the lenders, (iii) the investor, and (iv) the TDHCA Compliance Division, shall be engaged to operate the Project.
4. Capstone Real Estate Services, Inc. conducted an audit of Pebble Creek Apartments on July 7, 8 and 9, 2014, including extensive technical assistance, 20% file review and UPCS mock inspection, a copy of the report will be delivered to TDHCA by July 31, 2014.
5. Robust Technical Assistance from Capstone to clear outstanding TDHCA audit responses – includes training supervisory staff on drafting responses to compliance deficiencies and TDHCA requests for information, tracking deadlines, the organizational chart and personnel of TDHCA, CMTS overview, and TDHCA Rules.
6. Capstone will additionally review all new move-in files before the resident is allowed to move in, and all re-certifications.
7. Tenant files for all Housing Tax Credit tenants will be reviewed on-site by the Regional Managers quarterly.
8. All upper management will enroll with the TDHCA Listserve, and will attend all Compliance related roundtables over next year.
9. Representatives of upper management will attend each TDHCA Board meeting, so that they will keep abreast of changes to the TDHCA's rules.

EXHIBIT B

List of Suggested Conditions

10. ITEX will hire a certified Compliance Director within the next two months. Ms. Cindy Moreno, who is currently filling the role of interim Compliance Director, will fill the currently vacant Regional Manager position, conditioned upon her completing requisite training.
11. All on-site managers and assistant managers who have not done so will be required to take and pass the TAA Certified Apartment Manager (CAM) certification within the next year or within a year after employment.
12. ITEX will require HCCP training and certification for on-site managers and assistant managers.
13. ITEX will offer incentives for more training and certification to our staff who attain certification in all three of CPM, HCCP and CAM.
14. In order to further address the issues of transparency and honesty in compliance matters, ITEX has prepared a Code of Ethics and Business Conduct which has been provided to each of our staff members. Staff members are now required to read the Code, initial each page and execute it as a condition of continued and new employment.

Commitment of Trainings and Certifications:

1. Aug 13, Beaumont: First Thursday Training (all on-site managers and assistant managers, Regional Managers, Director of Compliance, Managing Director of Property Management, Executive Vice President and President) <http://taa.org/member/calendar/month.calendar/2014/08/30/->
2. Aug 14, Beaumont: HTC Training (Regional Managers, Director of Compliance, Managing Director of Property Management, Executive Vice President and President) <http://taa.org/member/calendar/month.calendar/2014/08/30/->
3. Aug 20-22, Houston: HCCP Training and Certification Course, Houston (Regional Managers, Director of Compliance) (President and Managing Director of Property Management will attend a future training for HCCP) http://www.nahb.org/meeting_details.aspx?meetingID=28571§ionID=1
4. Sept. 9th, Houston: First Thursday Training (all on-site managers and assistant managers, Regional Managers, Director of Compliance and Managing Director of Property Management) <http://taa.org/member/calendar/month.calendar/2014/09/30/->
5. Sept 10th, Houston: HTC Training (Regional Managers, Director of Compliance and Managing Director of Property Management) <http://taa.org/member/calendar/month.calendar/2014/09/30/->

EXHIBIT B

List of Suggested Conditions

6. Nov 20th, Houston: ET AHMA HTC Eligibility Training toward SHCM HTC Exam/Accreditation (Director of Compliance)

Virtual and On-Going Trainings:

1. As of July 14, all onsite staff have reviewed and certified they have reviewed the following videos at this link: <http://www.tdhca.state.tx.us/pmcomp/presentations.htm>
 - [2012 Income and Rent Limits Webinar Video \(24:16\)](#)
How to properly use the Income and Rent Tool (12/09/2011)
 - [2012 Supportive Services Webinar Video \(1:05:17\)](#)
How to identify and properly implement Supportive Services (08/22/2012)
 - [Income Eligibility Presentation Video \(1:18:41\)](#)
2. All new on-site managers/assistants will receive two days of training prior to starting at their properties. All Regional Managers and assistants will attend at least one First Thursday every calendar year.

EXHIBIT C

ITEX CORRESPONDENCE CHART

Project Name:	Correspondence History	TDHCA says:	Obstacle/Status
HEATHERBROOK	12/2/13 – TDHCA notification 2/17/14 – ITEX Initial Response 3/18/14 – ITEX Follow-up Response 5/27/14 – TDHCA response referral to Admin 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR)	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • Fair Housing Disclosure Notice (FHDN) Forms – can only be corrected during future timeframe; • <i>ITEX responded within timeframe but this issue is currently uncorrectable</i>
OW COLLINS	12/16/2013 – TDHCA notification 1/23/14 – ITEX Initial Response 2/20/14 – ITEX Follow-up Response 5/28/14 – TDHCA follow-up 6/4/14 – TDHCA PPR Form sent to ITEX 6/5/14 – TDHCA clearance re: LURA 6/11/14 – ITEX supplemental response (PPR)	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • Fair Housing Disclosure Notice (FHDN) Forms – can only be corrected during future timeframe; • <i>ITEX responded within timeframe but this issue is currently uncorrectable</i>
SUNLIGHT MANOR	11/27/13 – TDHCA notification 1/13/14 – ITEX response 1/16/14 – ITEX supplemental response 5/27/14 – ITEX supplemental response 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR)	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • Fair Housing Disclosure Notice (FHDN) Forms – can only be corrected during future timeframe; • <i>ITEX responded within timeframe but this issue is currently uncorrectable</i>
VALLEY AT COBB PARK	2/14/14 – TDHCA notification (final development inspection) 3/21/14 – ITEX Initial Response (not showing in CMTS, but we have email support) 5/27/14 – ITEX re-uploaded Initial Response & requested extension 5/30/14 – ITEX Response 6/2/14 – TDHCA follow up requesting add'l info 6/3/14 – TDHCA follow up requesting add'l info & notification of referral to Admin Penalties Committee 6/4/14 – TDHCA PPR Form sent to ITEX 6/9/14 – ITEX follow up response to 6/3 request 6/11/14 – ITEX supplemental response (PPR) 6/18/14 – ITEX supplemental response to 6/2 request	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • These are UPCS violations • <i>ITEX initial response is not showing in CMTS but ITEX has email support showing it uploaded response on 3/21/14</i> • extension was requested after deadline expired and was denied • Current Status – <i>ITEX responded within timeframe but TDHCA needed more information; as of 7/22/14 – TDHCA stated there are no findings of non-compliance</i>

	7/22/14 – TDHCA clearance notification – no issues of non-compliance		
GARDENS AT COBB PARK	6/13/13 – TDHCA notification 10/17/13 – TDHCA notification 11/25/13 – ITEX response 12/3/2013 – TDHCA follow up requesting add'l info (note – TDHCA letter is misdated 12/3/12) 2/21/14 – ITEX response (not showing in CMTS) 4/7/14 – ITEX response 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR)	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • FHDN – can only be corrected during future timeframe • ITEX responded late • Manager has been fired
CYPRESSWOOD	11/27/13 – TDHCA notification 1/6/14 – ITEX initial response 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR)	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • FHDN – can only be corrected during future timeframe; • <i>ITEX responded within timeframe but this issue is currently uncorrectable</i>
SOUTHWOOD CROSSING	12/10/13 – TDHCA notification 2/14 – ITEX initial response 5/12/14 – TDHCA notification (physical) 6/4/14 – TDHCA notification 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR) 6/23/14 – ITEX response 7/17/14 – ITEX repeated response	CAP expired – remains uncorrected	<ul style="list-style-type: none"> • FHDN – can only be corrected during future timeframe • ITEX responded late • <i>Awaiting TDHCA response to non-FHDN items</i>
PEBBLE CREEK	10/18/12 – TDHCA notification 1/14/13 – ITEX response 2/22/13 – TDHCA notification – outstanding item 4/24/13 – issue corrected 7/1/13 – TDHCA notification of clearance 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR)	Corrected outside of CAP	<ul style="list-style-type: none"> • over income unit – <i>corrected once possible</i>
CRYSTAL CREEK	8/27/12 – TDHCA notification 11/21/12 – ITEX emailed response but TDHCA did not receive due to size 12/10/12 – TDHCA follow up 2/4/13 – TDHCA follow up	Corrected outside of CAP; failure to respond at all	<ul style="list-style-type: none"> • FT student in unit – <i>corrected once possible</i> • Technical issue with email due to large size – <i>ITEX did in fact respond timely</i>

	<p>2/7/13 – ITEX response 4/24/13 – ITEX inquiry to TDHCA to follow up 5/20/13 – TDHCA follow up (never received by ITEX) 6/4/14 – TDHCA PPR Form sent to ITEX 6/11/14 – ITEX supplemental response (PPR) 7/9/13 – TDHCA letter rec'd by ITEX but dated 5/20/13 7/9/13 – ITEX response sent to TDHCA</p>		
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EXHIBIT D

PREVIOUS PARTICIPATION REVIEW FORM

Applicant/subrecipient/proposed awardee (collectively “the Applicant”): The ITEX Group

Application number, amount and type of funding being considered:

4% housing tax credits for:

14405: Pine Grove Redevelopment

DEADLINE TO RESPOND: JUNE 11, 2014 – We have been informed that this same PPR form is being used to evaluate projects being considered for 9% tax credits even though there has been significant correspondence, updates, clearances and mitigating factors since receiving this on 6/5/14.

Purpose of Form: The Department’s Executive Award and Review Advisory Committee (“EARAC”) makes recommendations to TDHCA’s board regarding awards and in connection therewith it reviews the results of “previous participation reviews” (“PPRs”). Below is a description of PPR results on a possible award to you or an entity affiliated with you. EARAC would like for you to have an opportunity to explain any or all of these matters from your perspective. Note that we have checked the issues we would like for you to address. For your convenience, here are the factors EARAC considers when making an affirmative recommendation on an award despite noncompliance issues having been identified in PPR. They are also in our rules at / 10 TAC §1.5.

It is in the best interests of the state to proceed with the award;

The award will not present undue increased program risk or financial risk to the Department or the state;

The applicant is not acting in bad faith; and

The applicant has taken reasonable measures within its power to remedy the issue.

Respond to checked items only. Use additional sheets as necessary.

The Department’s records indicate that there are issues that are currently uncorrected and the corrective action period has ended.

1. Property or Program: **Heatherbrook Apartments**

Issue(s) that our records indicate is(are) currently uncorrected:

Failure to provide Fair Housing Disclosure Notice. See attached. ITEX has responded within the CAP, but the FHDN issue is unable to be corrected within the CAP.

2. Property or Program: **OW Collins Apartments**

Issue(s) that our records indicate is(are) currently uncorrected:

Failure to provide Fair Housing Disclosure Notice and Noncompliance with Social Service Requirements. See attached. ITEX has responded within the CAP, but the FHDN issue is unable to be corrected within the CAP. The SS issue has been cleared and should not be listed here.

3. Property or Program: **Sunlight Manor**

Issue(s) that our records indicate is(are) currently uncorrected:

Failure to provide Fair Housing Disclosure Notice. See attached. ITEX has responded within the CAP, but the FHDN issue is unable to be corrected within the CAP.

4. Property or Program: **Valley at Cobb Park**

Issue(s) that our records indicate is(are) currently uncorrected:

Ten construction inspection deficiencies and violations of the Uniform Physical Condition Standards. See attached. ITEX initially responded within the CAP timeframe, and has email support backing this up, but CMTS is not showing the response. Subsequently, ITEX requested extension after CAP expired to address additional issues but was denied; ITEX response was submitted about 2 weeks late. Please note all items have been responded to and ITEX received a letter from TDHCA on July 22, 2014, with no findings of non-compliance.

5. Property or Program: **Gardens at Cobb Park**

Issue(s) that our records indicate is(are) currently uncorrected:

Failure to provide Fair Housing Disclosure Notice. See attached. You must provide a written explanation of as to why the household executed the notice prior to the creation date of the form. ITEX has responded outside of the CAP, but the FHDN issue is unable to be corrected within the CAP. Property Manager has been fired and other mitigating actions have been taken as stated in response letter.

6. Property or Program: **Cypresswood Crossing**

Issue(s) that our records indicate is(are) currently uncorrected:

Failure to provide Fair Housing Disclosure Notice. See attached. ITEX has responded within the CAP, but the FHDN issue is unable to be corrected within the CAP.

7. Property or Program: **Southwood Crossing**

Issue(s) that our records indicate is(are) currently uncorrected:

Household income above income limit upon initial occupancy, Failure to maintain or provide annual eligibility certification, Failure to provide Fair Housing Disclosure Notice note: You must provide a written explanation of as to why the household executed the notice prior to the creation date of the form. See attached. ITEX corrected some of the income issues within the CAP, but ITEX records regarding correspondence to TDHCA were unable to be located. ITEX has since responded in full, outside of the CAP, but the FHDN issue is unable to be corrected within the CAP. Non-FHDN issues are under review by TDHCA and ITEX is awaiting response.

The Department's records indicate that there are issues that are now corrected but were not corrected during the allowed corrective action period.

1. Property or Program: **Pebble Creek Apartments**

Issue(s): **Household income above income limit upon initial occupancy. See attached ITEX responded within CAP, but item could not have been corrected within CAP because it had to wait until a lease expired.**

2. Property or Program: **Crystal Creek**

Issue(s): **household income above income limit upon initial occupancy and low income unit occupied by nonqualified full time students. See attached ITEX responded within CAP, but item could not have been corrected within CAP because it had to wait until a lease expired.**

Applicant failed to provide ANY response during the corrective action period. Applicant should address the issue of why Applicant failed to respond to Department notices and communications during the corrective action period for each issue of noncompliance. If no response is provided (and if this item is checked) or if the response is unsatisfactory, EARAC may make a recommendation to deny any new award.

1. On August 27, 2012, the Department issued a notice of noncompliance regarding a file review conducted at Crystal Creek Apartments. The corrective action deadline was November 25, 2012. The Department's correspondence dated December 10, 2012 indicates that no response was received during the corrective action period. The owner's initial corrective action response that was received after the corrective action period ended was not sufficient to resolve the issues as explained in the Department's letter dated May 20, 2013 which required the submission of a corrective action plan by June 14, 2013. The Department's records do not indicate that a corrective action plan was received prior to June 14, 2013. However, the noncompliance was corrected in November of 2013 and the issue has now been closed. **ITEX responded within CAP, but there was a technical issue with the size of the email and it was not discovered**

that TDHCA did not receive the response until after the CAP expired. ITEX did, in fact, respond. These items have been cleared by TDHCA.

2. On June 13, 2013, the Department issued a notice of noncompliance regarding a file review conducted at Prince Hall Gardens (now known as Gardens at Cobb Park). The corrective action deadline was September 10, 2013. The Department's correspondence dated October 17, 2013 indicates that no response was received during the corrective action period. The owner has since corrected the issue. **This is noted in item 5 above and is not an additional item. ITEX did respond, but responded outside of CAP. Property Manager has been fired and other mitigating actions have been taken as stated in response letter.**

3. On February 14, 2014, the Department issued a notice of noncompliance regarding a final construction inspection conducted at Valley at Cobb Park. The corrective action deadline was May 14, 2014. No response was received during the corrective action period. An email requesting an extension was received on May 27, 2014 and the request was denied because it was not requested during the corrective action period. A response has since been received but many of the issues remain uncorrected. **This is noted in item 4 above and is not an additional item. ITEX initially responded March 21, 2014, by uploading documents to CMMS, but the database is not showing the response. Subsequently, ITEX requested an extension since it was discovered that the 3/21 response was missing from CMMS, but the extension request was denied. ITEX re-submitted the response in full at this time, which was approximately two weeks past the CAP. Please note all items have been responded to and ITEX received a letter from TDHCA on July 22, 2014, with no findings of non-compliance.**

The Department's records indicate that there were findings noted in the most recent single audit. While a written explanation of the plan to address the finding and including timing of its resolution and current status of the corrections for each item is not required, EARAC will consider any information provided by the Applicant.

The Department's records indicate that the following fees or payments are not current. Please provide evidence that these fees or payments have been made:

The Department's records indicate that the following asset management concerns exist based on information provided by the owner or owner's representative in the annual report to the Department and summarized on the attached exhibit which will be presented to EARAC. The applicant is encouraged but not required to provide any clarification, explanation or plan for improvement for consideration in evaluating past performance of these properties:

Addressed in a separate email These items have been cleared – ITEX received email from Asset Management of TDHCA on 6/2/14 and ITEX responded in full on 6/4/14.

Please be sure that whoever responds on your behalf has authority to speak for the applicant.

For compliance matters, please respond to Patricia Murphy at patricia.murphy@tdhca.state.tx.us

For billing and fee matters, please respond to Stephanie D’Couto at sdcouto@tdhca.state.tx.us

For asset management issues, please respond to Cari Garcia at cari.garcia@tdhca.state.tx.us

For Department’s EARAC use only:

Recommend approval

Recommend denial

Recommend approval with the following conditions:

Other comments from EARAC:

Description of any dissenting votes on EARAC:

COATS | ROSE

A Professional Corporation

BARRY J. PALMER

bpalmer@coatsrose.com
Direct Dial
(713) 653-7395
Direct Fax
(713) 890-3944

July 18, 2014

Sent by Email

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701-2410
Attention: Tim Irvine, Executive Director

RE: #14405 – Pine Grove Apartments, Orange, Orange County, Texas;
Appeal of EARAC Recommendation to Deny Funding- Supplement.

Dear Mr. Irvine:

In connection with our continued discussions concerning the status of The ITEX Group, LLC and its affiliates (collectively, "ITEX") regarding TDHCA compliance issues, you have provided us with letters indicating that projects managed by ITEX were referred to the TDHCA's Administrative Penalties and Judicial Enforcement Committee (the "Penalties Committee") on five occasions. We have reviewed those letters and have observed that several projects were referred to the Penalties Committee on relatively minor matters while they were in TDHCA compliance with scores substantially under the 30-point Material Noncompliance level that previously existed. We would like to make the following observations:

1. **March 15, 2011 letter regarding Sunlight Manor Apartments.** At the time that this letter was written, the TDHCA used the Material Noncompliance system where 30 noncompliance points meant that a program participant was potentially ineligible to receive new tax credit awards. The letter indicates that the current score for Sunlight was 16 at the time of this referral to the Penalties Committee. The referral was because of one uncorrected instance of a tenant who was over-income at the time of initial occupancy. Initial occupancy was October 12, 2009, and the head of household indicated that they were not receiving child support. Subsequently a print out from the Office of the Attorney General Child Support Enforcement dated February 18, 2011, was submitted to the TDHCA, and it showed court-ordered child support which made the household income exceed the maximum by \$67.04. It should be noted, however, that while child support was court-ordered, the AG documentation appears to show that the custodial parent had not received any child support payment since July 1, 2009 when the lease was signed on October 1, 2009. Notwithstanding this factor, once the over-income status

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was determined, the situation may not be cured until the expiration of the lease, at which time the tenant must be replaced with a qualified tenant. Since the lease expired in October, there was no opportunity to cure between receiving evidence of the excessive income in February and the March letter referring the matter to the Penalties Committee.

2. **February 4, 2013 letter regarding Crystal Creek Apartments.** At the time this project was referred to the Penalties Committee it had a score of 8. Referral was made for screen doors handles that required twisting the wrist in units on accessible routes; one tenant who was over-income at the time of initial occupancy, and one tenant who was a nonqualified full-time student. We note that the only way the over-income tenant issue can be cured is to not renew the lease (dated September 19, 2011) and replace the tenant with a qualifying tenant. The notice of noncompliance was sent by letter dated August 27, 2012, so the opportunity to give the over-income tenant 30 days' notice of nonrenewal was passed before the notice was given, and no correction opportunity was available until either the tenant moved out voluntarily or the one-year lease came up for renewal in 2014.

3. **October 17, 2013 letter regarding Prince Hall Gardens.** At the time this project was referred to the Penalties Committee it had a score of 10. The project was referred to the Penalties Committee because although there was an Affirmative Marketing Plan provided when the May 23, 2013 on-site monitoring took place, it did reference any organizations that specifically represented persons with disabilities or veterans and there was no proof that the project was being affirmatively marketed to veterans and the disabled. Additionally, six units did not have Fair Housing Disclosure Notices in their files, but the letter indicated that those noncompliance matters were being temporarily held in abeyance pending rulemaking. We note that the Fair Housing Disclosure Notice only became a requirement on December 27, 2012, so when the on-site monitoring took place on May 23, 2013, only a few leases would have been required to have the Notices provided.

4. **June 3, 2013 letter regarding Valley at Cobb Park.** As noted on the letter, the date on page 1 is incorrect and should have been **June 3, 2014**. After a physical inspection on December 19, 2013, the TDHCA issued a letter dated February 4, 2014, listing deficiencies and requiring a response by May 5, 2014. On March 21, 2014, a 98-page correction response was uploaded onto CMTS System. (C.M. Shearfield was also sent an email alerting her to the submission, but a typo in her address probably resulted in failure of delivery – however, no alert to the Compliance Division was required under the directions of the deficiency letter.) The June 3, 2013 (*sic*) letter contained a list of items that were still regarded as uncorrected, however, the majority of those items were requests for additional information beyond that provided on March 21, 2014 – such as copies of invoices in addition to the work orders previous provided. We note

that the Compliance Division's standard language regarding curative documentation reads as follows:

Acceptable documentation includes: copies of work orders (listing the deficiency, action taken or repairs made to correct the deficiency, specific unit or building numbers, date of corrective action, and signature of the person responsible for the correction), invoices (from vendors, etc.), or other proof of correction. Photographs are not required but may be submitted if labeled and only in support of a work order or invoice.

A clear reading of that language is that either work orders that comply with the parenthetical requirements or invoices are sufficient, so when additional information is requested by the Compliance Division, it does not necessarily mean that the substantive noncompliance issue has not been corrected – it can mean only that the documentation requires supplementation, as was the case here. We would like to point out that on June 5, 2014 (two days after the notice from TDHCA) ITEX submitted the requested supplemental information, which revealed that essentially all of the corrections had occurred in January and February 2014.

5, **June 4, 2014 letter regarding Southwood Crossing Apartments.** This letter refers the project to the Penalties Committee after a monitoring review on November 19, 2013 and compliance monitoring report dated December 10, 2013. Response was made to the monitoring report but as of the date of the letter certain items remained uncorrected. The referral is based upon eight units with uncorrected Fair Housing Disclosure Notices (the tenants in three units have moved out and therefore these non-compliances will never be able to be corrected, and the other five units are being corrected as their windows of opportunity open), and five tenants thought to be over-income at initial occupancy (of these, two were regarded as over-income because Staff questioned the employer's income verification which was lower than the applicant had indicated, and two were regarded as over-income because the documentation was more than 120 days old); and failure to provide Annual Eligibility Certification on one unit, where the tenant moved out (this may only be corrected through leasing to a new qualified tenant, and information has been submitted regarding such new tenant, but more information has been requested). In summary, except for providing supplemental information on the new tenant in Unit 414, no further corrections are possible until tenants move out or windows of opportunity for delivery of the Fair Housing Disclosure Notices open up.

We have taken the time to review and summarize these referrals to the Penalties Committee because they appear to be extremely inconsistent in the criteria that seem to be used to support the referrals. Issues of non-compliances are so frequently not able to be cured within the 90-day time period which is now statutory, yet they appear to be a large part of the basis of these

Tim Irvine, Executive Director
July 18, 2014
Page 4

referrals. This is particularly a problem with the Fair Housing Disclosure Notices which cannot be cured for eight months of each year.

We also understand from Chris Akbari that although he was aware of the letters, neither he nor Ike Akbari have ever been contacted by the Department's legal division concerning setting up an informal hearing about the non-compliances referenced in the referral letters. It would be helpful to know whether there is some sort of secondary review of the referrals that determines whether or not the legal department is going to pursue informal resolution of the matters.

Sincerely,



Barry J. Palmer

cc: K. T. (Ike) Akbari
Christopher A. Akbari



June 11, 2014

Ms. Patricia Murphy
Chief of Compliance
Texas Department of Housing and Community Affairs
221 E 11th Street
Austin, Texas 78701

RE: Previous Participation Review for
TDHCA# 14405 Pine Grove Redevelopment

Dear Ms. Murphy,

I hope this correspondence finds you well. In response to the previous participation review form received on June 6, 2014 for the Executive Award and Review Advisory Committee ("EARAC") review of the project referenced above we providing responses and actions we have taken in an effort to resolve prior issues that our firm and our affiliated management company have had with compliance. Our firm is a family business that employs over 160 Texans, and takes pride in providing quality affordable housing to over 3,100 Texas families. We have recently experienced difficulties in our compliance with TDHCA regulations and particularly with HUD recent regulations on timely fair housing tenant notice requirements. We take these non-compliance issues very seriously and have made full compliance our highest priority.

Our property management affiliate, ITEX Property Management, has been restructured to ensure that compliance will be our highest priority. We have hired a seasoned Managing Director of Property Management with significant experience in multifamily housing management and affordable housing management. In order to further ensure our future compliance we have added new regional managers to reduce the number of units under each regional manager. Furthermore, we have created a compliance department and named an experienced staff member to Director of Compliance. This position provides a single point of contact for property management issues and identifies a senior-level person in the organization to take responsibility for ensuring that our responses to your agency are both responsive and accurate. This will help ensure that we do not have any further issues with no or late responses or missing documentation.

In order to ensure that we are seriously addressing the problems with non-compliance, we have hired Capstone Real Estate Services, Inc. to provide compliance oversight. Capstone will perform a full evaluation of our portfolio to find any issues of non-compliance that may be addressed. Lastly, we created a plan of action to ensure that our employees are receiving the proper training on TDHCA's compliance requirements.

Our most serious issue occurred at Gardens at Cobb Park and Southwood Crossing where management staff instructed the tenant to date the Fair Housing Disclosure Notice as of the date of their lease. We have reprimanded both the managers and the Regional Manager. In

THE ITEX GROUP, LLC

3735 Honeywood Ct
Port Arthur, TX 77642
409.724.0020 (v)
409.721.6603 (f)

addition, ITEX has sent a letter to all property managers and staff that backdating or changing the date on any document will result in their immediate termination .

Within the enclosed submission you will find responses to each of the issues noted in the previous participation review. We at ITEX take these issues very seriously, and we assure you that we are doing everything possible to make sure that previous non-compliance issues are brought into compliance immediately. Should you have any further questions or comments regarding this review or the responses within this submission, please feel free to contact me directly at 409.543.4465 or via email at chris.akbari@itexgrp.com.

Sincerely,

A handwritten signature in blue ink that reads "Christopher A. Akbari". The signature is written in a cursive, flowing style.

Christopher A. Akbari
Executive Vice President



June 11, 2014

Ms. Patricia Murphy
Chief of Compliance
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

RE: Previous Participation Review for TDHCA# 14405 Pine Grove Redevelopment
Dear Ms. Murphy,

Below is The ITEX Group's response to Previous Participation Review Form:

1. Heatherbrook Apartments CMTS ID: 4148

Failure to provide Fair Housing Disclosure affecting units 107, 116, 409, 413, and 501:

Management is working hard to correct the noncompliance of the Fair Housing Disclosure Notice. We are tracking lease dates to ensure corrective action is done in a timely matter. We have attached an updated corrective action response to clear these units. We will be able to correct the finding on the dates listed below. See attachment 1

- 107- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on October 01, 2014.
- 116- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on August 03, 2014.
- 409- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on October 01, 2014.
- 413- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on August 03, 2014.
- 501- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on August 03, 2014.

2. OW Collins Apartments CMTS ID: 4121

ITEX Property Management, LLC
3735 Honeywood Ct
Port Arthur, TX 77642
409.724.0020 (v) 409.721.6603 (f)

Noncompliance with social services requirements

On June 05, 2014 TDHCA issued a letter stating the finding **Noncompliance with social service requirements** has been dropped. Upon further review, the Department has determined that, as long as the employment of the Social Services Coordinator is limited to the providing of services, that this practice meets the intent of the LURA.

*Compliance letter showing finding has been dropped. Attachment 2

Failure to provide Fair Housing Disclosure affecting units 120 and 128

Management is working hard to correct the noncompliance of the Fair Housing Disclosure Notice. We are tracking lease dates to ensure corrective action is done in a timely matter. We will be able to correct the findings on the dates listed below. See Attachment 3

- 120- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on August 31, 2014
- 128- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on September 03, 2014.

3. **Sunlight Manor** **CMTS ID: 4475**

Failure to provide Fair Housing Disclosure affecting units 220 223, 321, 613, 711, 720, 723, 810:

Fair Housing Disclosure Notice was sent on January 13, 2014, however the property did not submit a copy of the lease. On May 27, 2014 the lease was uploaded onto CMTS website. We are awaiting response.

4. **Valley at Cobb Park** **CMTS ID: 4779**

Ten construction inspection deficiencies and violations of the Uniform Physical Condition Standards

On June 03, 2014 we received notice of uncorrected Deficiencies citing missing invoices and incomplete work orders that needed corrected wording. We have all the requested invoices showing work conducted and have corrected wordage on work order logs. These corrections were uploaded on June 9, 2014 into CMTS website and we are awaiting response.

5. **Gardens at Cobb Park** **CMTS ID: 4716**

Failure to provide Fair Housing Disclosure affecting units 1010, 1011, 1600, 1601, 1701 and 1801:

The manager incorrectly asked the tenant to date the Fair Housing Disclosure Notice as the date of the lease. We have reprimanded both the manager and the Regional manager for this and want

to make sure that you are aware that ITEX did not instruct them to back date this document, Upon 2014 HUD Annual Recertification, the Manager had the tenant again fill out the Fair Housing Disclosure Notice and date them accordingly. These forms were uploaded onto CTMS along with the first page of the HUD Lease showing the original Model Lease for Subsidized Programs showing the move in date for each tenant in noncompliance and dated according to the renewal date. Upon using the Fair Housing Disclosure corrective action calculator on the Departments website it is clear that we failed to complete the corrective action within the date allotted for Prince Hall Gardens Associates, LP CMTS ID # 4716. We have setup notifications with our accounting system to notify the

Manager, Regional Supervisor, Director of Compliance, and the Director of Management when they can be sent out. Attachment 4

- 1010- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on November 01, 2014.
- 1011- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on November 01, 2014.
- 1600- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on July 24, 2014.
- 1601- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on August 03, 2014.
- 1701- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on July 24, 2014.
- 1801- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on July 24, 2014.

6. Cypresswood Crossing CMTS ID: 4447

Failure to provide Fair Housing Disclosure affecting units 222, 624, and 721:

At this time we are unable to clear the above units due to dates on Fair Housing Choice Disclosure Notice not within the time frame allotted on the document. We will be able to correct this finding on the dates listed below. See Attachment 5

- 222- We will not be able to provide the corrected Fair Housing Disclosure on this finding until after September 02, 2014. We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared.

- 624- We will not be able to provide the corrected Fair Housing Disclosure on this finding until after September 03, 2014. We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared.
- 721- We will not be able to provide the corrected Fair Housing Disclosure on this finding until after August 31, 2014. We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared.

7. Southwood Crossing CMTS ID: 4291

Household income above income limit upon initial occupancy 123, 510, 614, 724 and 1222:
Failure to maintain and provide Annual Eligibility Certification 414

The information will be uploaded to CMTS no later than June 30, 2014 for Compliance Monitors review

Failure to provide Fair Housing Disclosure affecting units 425, 510, and 1213:

These forms were uploaded onto CTMS along with the first page of the HUD Lease showing the original Model Lease for Subsidized Programs showing the move in date for each tenant in noncompliance and dated according to the renewal date. Upon using the Fair Housing Disclosure corrective action calculator on the Departments website it is clear that we failed to complete the corrective action within the date allotted. We have setup notifications with our accounting system to notify the Manager, Regional Supervisor, Director of Compliance, and the Director of Management when they can be sent out.

At this time we are unable to clear the above units due to dates on Fair Housing Choice Disclosure Notice not within the time frame allotted on the document. We will be able to correct this finding on the dates listed below. See Attachment 6

- 425- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on January 31, 2014.
- 1213- We have printed the lease showing the expiration date and attached the Corrective Action Calculator Date showing when this finding can be cleared. We will be able to provide the corrected Fair Housing Disclosure on September 03, 2014.

The forms that were executed and uploaded onto CTMS Website prior to the execution date of the creation of the form. The manager incorrectly asked the tenant to date the Fair Housing Disclosure Notice as of the date of the lease. We have reprimanded both the manager and the Regional Manager for this and want to make sure that you are aware that ITEX did not instruct them to back date this document. Going forward The Director of Compliance will review and upload any and all information after assuring the forms are correct.

- 510- We have corrected the Fair Housing Disclosure Notice for this unit and will be uploading the notice and the first page of the Lease onto CTMS Website no later than June 30, 2014. Please find attached the corrected documents we will be sending. See Attachment 7

- 614- We have all supporting documentation of the previous unit (622), previous lease, income certification, screening documents, supporting documentation for assets and student status, AEC completed by household in 2012. Please find attached the corrected documents we will be sending no later than June 30, 2014. Attachment 8

1. Pebble Creek CMTS ID: 3391

Household income above income limit upon initial occupancy 139

- 139-The household above income could not be moved until April 22, 2013 at which time we had a unit available that met her household composition. On April 24, 2013 a qualified applicant was moved into the unit and all necessary documentation was submitted to TDHCA.

2. Crystal Creek CMTS ID: 3392

Household income above income limit upon initial occupancy and low income unit occupied by nonqualified full time students 803 and 1507

- 803- The Onsite Property Manager responded with a large email file that was not received by TDHCA. Upon receiving notification of non-compliance, Property Supervisor and Manager contacted the Compliance Monitor, Amy Hammond, and they were instructed by her to resend the email in smaller increments allowing the information to be received. Manager made contact with Mrs. Hammond after transmitting email to confirm it was received.

***Original email documentation attached showing date and time email was sent.
See Attachment 9**

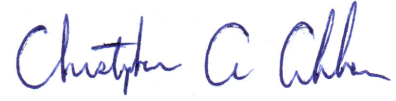
- 1507- The household moved in May 11, 2010 stated he was a part time student and student status was not verified at move in. Verification was sent on September 14, 2012 and reported he was full time when he moved in. We had to wait until a unit came available that met the Household Composition according to HUD Guidelines. Tenant was transferred out of this unit on October 31, 2013. Unit was rented to next eligible household and provided copies of all necessary paperwork to TDHCA and it cleared the finding.

We have implemented a Compliance Department that will assure we reach and exceed the deadlines and responsibilities to achieve excellence. To avoid future errors and non-compliance, we have structurally changed the day to day operations to assure we review and respond to all compliant issues and corrections in a timely manner and the uploaded information is correct and accurate. The primary function of the Director is to oversee all compliance related activities, including file review prior to implementation. The Director will also review and approve all correspondence before it is sent to your office so that we prevent further noncompliance or failure to provide corrective action within the required timeline. The Director of Compliance will be attending meetings and classes regularly to make certain we are up to date on compliance issues and changes that affect the program.

We have setup notifications with our accounting system to notify the Manager, Regional Supervisor, Director of Compliance, and the Director of Management when the Fair Housing Disclosure Notices can be signed by the resident at each property affected by the failed compliance.

ITEX Property Management strives for excellence and prompt response to issues of noncompliance and would never intentionally falsify documents.

Sincerely,

A handwritten signature in blue ink that reads "Christopher A. Akbari". The signature is written in a cursive, flowing style.

Christopher A. Akbari
Executive Vice President

Applicant's Appeal of EARAC List of Conditions

COATS | ROSE

A Professional Corporation

BARRY J. PALMER

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Direct Dial
(713) 653-7395
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(713) 890-3944

July 28, 2014

Sent by Email to jean.latsha@tdhca.state.tx.us

Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, Texas 78701-2410

RE: Appeal of EARAC Approval Condition that Amounts to Debarment
#14405 – Pine Grove Apartments, Orange, Orange County, Texas;
#14054 – Whispering Oaks, Orange, Orange County, Texas;
#14063 – Hudson on Providence, Hudson, Angelina County, Texas.

Dear Board of Directors:

This law firm represents The ITEX Group, LLC (“ITEX”), and this letter appeals a recent decision by the Executive Award Review Advisory Committee (“EARAC”) in connection with ITEX’s 2014 low income housing tax credit (“LIHTC”) applications up for recommendation at the July 31, 2014 Board Meeting (the “Upcoming Meeting”). ITEX has three projects being considered for LIHTC awards at the Upcoming Meeting (one 4% deal and two 9% deals). EARAC has stipulated that its recommendation to fund these applications is subject to sixteen different conditions. ITEX is willing to agree to fifteen of the sixteen conditions, but cannot agree to a condition that effectively imposes a seventeen-month debarment on ITEX.

The problematic Condition #3 states:

“In order for the Department to determine if ITEX has successfully implemented the planned procedures, ITEX acknowledges that EARAC will not recommend ITEX or any ITEX affiliate for an award of any additional Department program funds administered by the Department including Housing Tax Credits through December 2015.”

If approved by the Board, this condition would result in the suspension of ITEX’s ability to participate in the TDHCA’s funding programs without the due process of law afforded by Section 2306.0504 of the Texas Government Code and Section 60.309 of Chapter 10 of the Texas Administrative Code (“TAC”).

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If ITEX agreed to this condition, it would be waiving its rights to due process. As a result of the condition, ITEX would suffer significant economic harm, as would its employees. The ITEX development staff would be out of work for 2015 and its construction staff would be out of work for 2016. The severe repercussions to the company and to its employees indicate that this condition far exceeds the types of conditions that EARAC has placed on other developers in similar circumstances.

When EARAC undertakes to effectively debar a well-respected affordable housing developer without going through the statutory process for debarment, the purpose of EARAC and its process warrant review by the Board.

This letter will describe ITEX's experience undergoing the EARAC review process since the new Previous Participation Rules went into effect, including discussion of various relevant rules that create uncertainty and a lack of transparency in the process.

Background of EARAC and Prior Participation Review:

EARAC was created in 2001 after a sunset review resulted in a significant restructuring of TDHCA. At that time, TDHCA had been the subject of controversy with allegations of mismanagement. TDHCA was restructured to gain public confidence by putting in place new procedures that would establish transparency, standardization, and infuse objectivity into the program by using systematic public processes with measurable outcomes. EARAC was created at that time to "make recommendations to the board regarding funding and allocation decisions." It has functioned in this manner since then. Whenever Board Meetings are held and awards are recommended, such award recommendations are shown in the Board Book as coming from EARAC.

Late last year, new Compliance Rules went into effect which changed the EARAC review process. EARAC's duties were expanded to accommodate the removal of the concept of material non-compliance. Prior to the new rules, a developer would be assigned points for issues of non-compliance, and would be considered in "material non-compliance" if any one of its projects scored 30 points or more. Being in material non-compliance would prevent a developer from participating in the TDHCA's funding programs. The 83rd Legislature removed the concept of material non-compliance and instead created a statutory "corrective action period" ("CAP") during which compliance issues could be resolved without adverse effect to the developer.

The new Previous Participation Review ("PPR") Rule published as Section 1.5 of TAC broadened EARAC's duties so that EARAC is now designated to receive compliance history reports of applicants requesting funding and to provide an assessment to the Board so that the Board can take compliance history into consideration when making award allocations. Previously, compliance issues were handled through Administrative Penalties, and applicants deemed to be in "material non-compliance" were ineligible for funding awards. Now, EARAC subjectively determines when PPR issues are significant enough to warrant a recommendation for denial of funding.

As to compliance, EARAC is supposed to receive reports regarding (1) issues of noncompliance for which the CAP expired but the issue remains uncorrected; (2) issues

corrected within the last 3 years, but done so after expiration of the CAP; and (3) certain audit issues. The new PPR Rule provides that EARAC can (1) recommend approval; (2) recommend denial; (3) disclose compliance issues but still recommend approval because the issues do not rise to a level that warrants denial; and (4) take other action necessary for informed decision, including recommending conditional awards. The new PPR Rule also states EARAC decisions can be appealed to the Executive Director, and subsequently appealed to the Board if necessary.

During the rule-making process, some developers voiced concern that the proposed PPR Rule could result in recommendations to deny funding due to minor violations which would previously not have been deemed significant enough to constitute material non-compliance. TDHCA Staff assured the development community that the new rules were intended to identify significant issues while avoiding inappropriate outcomes. Unfortunately, the implementation of the PPR process is not fulfilling these intentions.

EARAC is imposing sixteen conditions upon its approval of the ITEX applications for funding because of ITEX's compliance history. Ironically, at the December 2013 Board Meeting ITEX had three 4% LIHTC projects which EARAC recommended for awards. The Board Action Request expressly stated, "[t]here were no identified issues relating to material noncompliance." Six months later, with no significant changes in ITEX's operations, using the new PPR methodology EARAC has concluded that the ITEX compliance record is so problematic that Staff requires seventeen months to review procedures that ITEX has recently implemented to monitor and assure responsiveness to correspondence from the Compliance Division.

ITEX EARAC Review Experience

ITEX was first made aware that EARAC considered its non-compliance matters to be significant when the June 4, 2014 Board Book was posted. In that Board Book, as part of the Consent Agenda, EARAC recommended for conditional award Village at Palm Center, an ITEX 4% LIHTC project (TDHCA #13428). The condition required ITEX to "designate a single point of contact responsible for responding to corrective action requests by the Department" and went on to note that "if it is determined that no corrective action response is received during the corrective action period for any affiliated property, the matter will be reported to the Board for consideration of requiring replacement of the management company on all affiliated properties." Because this item was on the Consent Agenda, there was no related discussion on the matter.

The following week, the Chief of Compliance sent ITEX a PPR Form in connection with the Pine Grove application (TDHCA #14405) listing several instances of noncompliance, the majority of them related to ITEX's failure to provide Fair Housing Disclosure Notice ("FHDN") forms within the limited time period within which they could be executed by tenants. It is critical to note that there had been no changes in compliance issues with ITEX between the time the June 4th Board Book was published and the time the Pine Grove PPR form was received the following week. On receipt of the PPR Form, ITEX replied within the five-day response period and responded to each uncorrected item, noting the next window of opportunity within which each FHDN could be corrected. ITEX was then informed on June 16th that EARAC would be recommending denial of an award, which was appealable to the Executive Director and, if denied, the Board. ITEX was informed the denial was largely due to a historical lack of timely

responses and that there had been additional issues since the Palm Center PPR was conducted. ITEX appealed to the Executive Director on June 23rd and provided additional information upon request of the Executive Director on June 25th. Correspondence submitted by ITEX shows that ITEX has, in fact, timely responded to almost all TDHCA correspondence, but does acknowledge there were a couple instances where a response was not timely made. In one instance a property manager was fired due to the failure to respond in a timely manner.

Subsequent to its appeal to the Executive Director, ITEX was notified by TDHCA that the matter was being sent back to EARAC for reconsideration at its July 17th meeting and that there was some concern that the Rule for appealing an EARAC decision to the Executive Director may be in conflict with the statutory requirements. It is still not clear what the appropriate appeal process is for an EARAC decision – Rules 1.5, 1.7 and 1.8 provide for appeal of an EARAC decision to the Executive Director, then to the Board. However, correspondence with TDHCA Staff indicates an EARAC appeal may need to be filed directly with the Board. Not only are the various rules regarding compliance and previous participation confusing and without a clear pathway for due process to applicants, it is also evident that even Staff is unsure as to what is the correct process that needs to be followed.

We also note that there is another section of new rules that provides for an entirely different set of procedures when there are compliance issues. Sections 10.604 and 10.605 of TAC relate to Compliance Monitoring. Section 10.604 sets forth a list of options for review if the Compliance Staff continues to find non-compliance issues after an owner responds with corrective action documentation, which includes the opportunity for an Owner to request review by the TDHCA Compliance Committee or ADR, etc. Section 10.605 discusses the Compliance Committee. The Compliance Committee is comprised of 3-5 people appointed by the Executive Director who *are not* staff from the legal or compliance division. Some of the rules regarding timing and review by the Compliance Committee mirror those for EARAC review, but if an issue cannot be resolved with the Compliance Committee, “matters related to a compliance requirement, other than those required by federal regulation, may be appealed directly to the Board”. Both Sections 10.604 and 10.605 give various options to resolve compliance issues, including ADR, staff meetings, compliance committee meetings, and meetings with Chief of Compliance. These rules are located in a totally different section than the new PPR rules.

The Compliance Division report presented at the June 5th Board Meeting noted that there are several problems with the new previous participation rules that staff is attempting to work through. Noted issues include applicants being uncomfortable with the closed meeting format of the EARAC review. The report also indicated that in the forthcoming months, Staff would be able to identify some types of compliance issues that do not warrant adverse recommendations. This indicates that compliance issues coming before EARAC reflect a systematic issue and not necessarily an individual compliance problem on the part of ITEX. The report went on to state that crafting appropriate conditions was difficult and often created an undue burden on Staff, but that there were plans to attempt to standardize the conditions. We suggest that conditioning an award upon effective ineligibility for future awards may relieve Staff’s burden, but it constitutes a suspension from participation in the TDHCA’s programs that should not take place without due process.

EARAC meetings are closed to the public. The EARAC schedule, agendas and meetings are not published, and multiple requests on behalf of ITEX to appear and respond to allegations were denied, up until the July 21st EARAC meeting. Rules, policies or procedures that guide EARAC are not made available to the public, and we have no idea how to determine the voting records of the EARAC members. This scenario does not promote the transparency of the TDHCA and since the Board rarely acts against the recommendation of EARAC, the result is that the bulk of consideration of PPR issues is being conducted without the benefit of public scrutiny.

After being informed EARAC would be reconsidering its decision, ITEX and this Firm responded to additional requests for information on multiple occasions, had numerous conversations with TDHCA Staff, participated in a conference call and an in-person meeting, and finally made a presentation to the EARAC committee on July 21st. It is important to note that there are no issues of non-compliance that remain uncorrected that are able to be corrected at this time – some non-compliance matters, by virtue of the violation itself, can only be corrected at a certain date in the future. Going further, ITEX implemented significant internal restructuring of its management division, hiring new staff and creating an internal compliance division to assure response to TDHCA correspondence in a timely manner, to minimize instances of non-compliance and to ensure that any non-compliance issues are resolved promptly and within the CAP, when possible.

During this period ITEX received notification from the Chief of Compliance on July 15th that the PPR for ITEX's pending 9% LIHTC applications (#14054 Whispering Oaks and #14063 Hudson on Providence) needed to be reviewed by EARAC, and that, because "there was nothing new or additional" to report, the Pine Grove PPR Form would be used to evaluate and review the two applications. We requested that new PPR Forms be completed for the two applications to take into account the correspondence that had taken place as well as cleared items. We additionally asked for either transcripts or minutes of the EARAC meetings that took place on June 16th and July 14th in connection with the Pine Grove review, but were not provided with any of this information. We were informed that minutes may not have been approved yet and they still needed to look into whether some items had satisfactorily been corrected. We submitted another timely response to TDHCA on July 22nd. After extensive correspondence, meetings and discussions, we were notified on July 25th of the sixteen conditions EARAC would be recommending as part of its Pine Grove, Whispering Oaks and Hudson on Providence recommendations.

Of the sixteen conditions EARAC is recommending, only the seventeen-month prohibition of EARAC approval recommendations is being appealed to the Board. EARAC's stated reason for this condition is that TDHCA needs enough time to properly review whether the ITEX restructuring has been effective. However, based on the attached **EXHIBIT A**, you can see that TDHCA will have at least seventeen opportunities over the next five months to review the responsiveness of ITEX since the restructuring. That is more than enough time to properly evaluate ITEX's efforts. Denying ITEX any possibility of obtaining a funding award from the TDHCA in 2015 is an excessive use of force under these circumstances.

A recommendation for denial by EARAC will in all likelihood result in a denial of an award allocation. We have not located any instances in recent years where EARAC recommends

denial of funding and the Board votes approval. If the Board requires that ITEX agree to EARAC denying approval for future awards until December 31, 2015, the result would effectively be a seventeen-month debarment of ITEX, denying them the notice and opportunity to cure procedure required by Section 2306.0504 of the Texas Government Code and set forth in Section 60.309 of Chapter 10 of TAC, which requires a recommendation for debarment by the Executive Director, proper notification, and an opportunity to appeal to the Board.

We again highlight the fact that all items of noncompliance that are able to be corrected have been. While there still remain several FHDN forms that need to be corrected, the windows of opportunity to make those corrections have not yet opened. Correcting a failure to properly deliver the FHDN can only occur within the 120 days prior to the anniversary of the lease or the date upon which the tenant has a legal right to give notice that they do not wish to renew the lease. ITEX will correct those items as soon as possible once the correctable time periods begin. However, for the ITEX projects that have Project-Based Section 8 Vouchers, the HUD-mandated lease form does not require notice of non-renewal and therefore the actual window of opportunity to provide the Fair Housing Disclosure Notice is uncertain.

Despite the fact that all correctable items have been corrected, and under the old rules not one single ITEX project would be deemed to be in "material non-compliance", EARAC's condition is that it will not recommend any ITEX projects for award for the next seventeen months.

Inconsistent Application of Rules

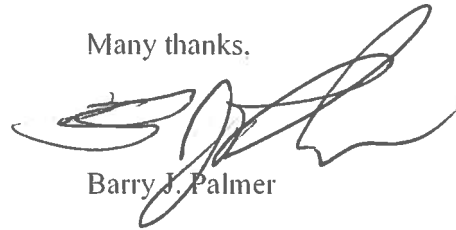
As stated above, EARAC has several options regarding its recommendations to the Board as to whether to approve, deny or condition an award of funding. The subjectivity of the new Prior Participation Review and the EARAC review process lends itself to lack of uniformity in application and inconsistent results. A review of the EARAC recommendations made since the institution of the new rules shows that virtually every single application for funding revealed compliance issues, yet still received EARAC recommendations. Very few received conditional recommendations, but no other EARAC recommendation has included any future denial of recommendations.

The LIHTC application system is designed to be fair, transparent, and applied in a uniform manner. When you have applications with similar compliance issues identified but the EARAC recommendations range from approval with no conditions at all to approval with conditions that amount to a debarment, there is a serious flaw in the process. The Board needs to be aware that the subjectivity of the EARAC process, its lack of transparency and its lack of consistency all bring into question the evaluative process by which LIHTC and HOME funding awards are made, and whether the TDHCA is meeting the spirit of its mission "to administer its assigned programs efficiently, transparently, and lawfully and to invest its resources strategically and develop high quality affordable housing which allows Texas communities to thrive."

We respectfully request the Board approve the conditional EARAC recommendation with the modification that Condition #3 regarding future EARAC denial recommendations until December 2015 be removed.

July 25, 2014
Page 7

Many thanks.

A handwritten signature in black ink, appearing to read 'Barry J. Palmer', written over the typed name below it.

Barry J. Palmer

BJP:elv

cc: Tim Irvine
Barbara Dean
Tom Gouris
Cameron Dorsey
Tamea Dula
Andrea Steel

4839-6615-6572, v. 1

4839-6615-6572.v1

ITEX PROPERTIES

RECENT AND UPCOMING REVIEWS WITH REPORTS DUE

April 2014

April 16 Norma's Plaza TDHCA Compliance Inspection

May, 2014

May 6 Southwood Crossing TDHCA – HOME Physical Inspection
May 22 Pine Ridge Manor TDHCA Compliance Inspection
May 27 Beaumont Gracelake HUD REAC inspection

June, 2014

June 10th Norma's Plaza TDHCA – HOME physical inspection
June 20th Pilgrim Valley TDHCA – compliance inspection

July 2014

July 23 Crockett Pine Ridge TDHCA Physical Inspection/UPCS Inspection
July 24 Gardens at Cobb Park Unit 1600 FHDN issue can be cleared
July 24 Gardens at Cobb Park Unit 1701 FHDN issue can be cleared
July 24 Gardens at Cobb Park Unit 1801 FHDN issue can be cleared

August 2014

August 3 Heatherbrook Unit 116 FHDN issue can be cleared
August 3 Heatherbrook Unit 413 FHDN issue can be cleared
August 3 Heatherbrook Unit 501 FHDN issue can be cleared
August 3 Gardens at Cobb Park Unit 1601 FHDN issue can be cleared
August 30 Inez Tims Construction Inspection
August 30 Villa Brazos Construction Inspection
August 31 OW Collins Unit 120 FHDN issue can be cleared
August 31 Cypresswood Crossing Unit 721 FHDN issue can be cleared

September 2014

September 2 Cypresswood Crossing Unit 222 FHDN issue can be cleared
September 3 Cypresswood Crossing Unit 624 FHDN issue can be cleared
September 3 OW Collins Unit 128 FHDN issue can be cleared
September 3 Southwood Crossing Unit 1213 FHDN issue can be cleared

October 2014

October 1 Heatherbrook Unit 107 FHDN issue can be cleared
October 1 Heatherbrook Unit 409 FHDN issue can be cleared
October 10 All Properties Q3 Unit Status Report Due

November 2014

November 1 Gardens at Cobb Park Unit 1010 FHDN issue can be cleared
November 1 Gardens at Cobb Park Unit 1011 FHDN issue can be cleared

6c

ORAL
PRESENTATION

EXECUTIVE SESSION

2c

RELMAN, DANE & COLFAX PLLC

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June 19, 2014

BY FIRST CLASS MAIL AND E-MAIL

Sara K. Pratt
Deputy Assistant Secretary for
Enforcement Programs, FHEO
U.S. Department of Housing and Urban Development
451 7th Street, S.W., Suite 5204
Washington, DC 20410

RE: Draft State of Texas Plan for Fair Housing Choice: Analysis of Impediments

Dear Ms. Pratt:

I write on behalf of my clients—Texas Low Income Housing Information Service and Texas Appleaseed—to request that the Secretary challenge the certification that the State of Texas is in compliance with its obligation to affirmatively further fair housing (“AFFH”), and to impose appropriate sanctions and corrective actions. This request is made pursuant to the Secretary’s authority under 42 U.S.C. § 5304(b) and 24 C.F.R. §§ 91.500, 570.304, 570.910, 570.912.

Contrary to the assertions in its May 9, 2014, letter to Garry Sweeney, the State of Texas has not conducted a compliant statewide Analysis of Impediments to Fair Housing Choice (AI), and therefore has no basis upon which to make its AFFH certification. My clients first detailed their concerns about the State’s deficient draft AI in a 16-page letter to TDHCA Executive Director Tim Irvine in a letter dated July 19, 2013. You were copied on that letter, but I enclose a copy for your convenience.

When the State finalized and submitted its AI to HUD without remedying those deficiencies, my clients wrote to you and Mr. Sweeney on February 3, 2014, enclosing a 55-page analysis and report identifying the deficiencies in the submitted AI. A copy of that letter and report are enclosed for your convenience. In short, the State’s AI does not adequately assess or identify current impediments to fair housing choice and lacks meaningful action steps that would address impediments and affirmatively further fair housing. As a result, the draft AI is substantially incomplete and cannot form the basis for a certification that the State is affirmatively furthering fair housing or satisfy the relevant provisions of the May 2010 Conciliation Agreement.

Sara K. Pratt

Deputy Assistant Secretary for Enforcement Programs, FHEO

U.S. Department of Housing and Urban Development

June 19, 2014

Page 2

Unless the State brings its AI into compliance with federal requirements, its current Consolidated Plan, Annual Action Plan and AFFH certifications must be rejected as “not satisfactory to the Secretary. . .” 24 C.F.R. § 91.500(b). Where a “certification is rejected by HUD as inaccurate,” *id.*, the State can be rendered ineligible for federal funds, or be subjected to other sanctions. 24 C.F.R. §§ 570.910, 570.912. *See also* 42 U.S.C. § 5304(b) (providing that CDBG grants “shall be made only if the grantee certifies *to the satisfaction of the Secretary* that...the grantee will affirmatively further fair housing.”).

A fair housing certification “is not satisfactory to the Secretary” when HUD reviews applicable documents and data and concludes that “(1) the jurisdiction does not have an AI, (2) an AI was substantially incomplete, (3) no actions were taken, (4) the actions taken were plainly inappropriate to address identified impediments, or (5) the jurisdiction has no records.”¹ HUD provides clear guidelines specifying the obligatory scope of the analysis. In addition to its Fair Housing Planning Guide (FHPG), HUD provided specific guidance to the State of Texas in its May 13, 2011 letter reviewing Phase 1 of the State’s updated AI. My clients submit that they have apprised HUD of “evidence...that tends to challenge in a substantial manner the grantee’s certification of future performance.” 24 C.F.R. § 570.304.

If the State does not comply with its AFFH obligations, it is not eligible to receive federal funds. My clients expect that HUD will take prompt and appropriate action, and are prepared to meet with you and your staff to further discuss the evidence underlying their claims.

Sincerely,



Michael Allen

CC: John Henneberger, Texas Low-Income Housing Information Service (by e-mail only)
Maddie Sloan, Texas Appleseed (by e-mail only)
Tim Irvine, Texas Department of Housing and Community Affairs (by e-mail only)
Bryan Greene, U.S. Department of Housing and Urban Development (by e-mail only)
Garry Sweeney, U.S. Department of Housing and Urban Development (by e-mail only)

¹ HUD, GUIDANCE MEMORANDUM; ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE REISSUANCE, (September 2, 2004).

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July 22, 2014

BY FIRST CLASS MAIL AND E-MAIL

Sara K. Pratt
Deputy Assistant Secretary, FHEO
U.S. Department of Housing and Urban Development
451 7th Street, S.W., Suite 5204
Washington, DC 20410

RE: Draft State of Texas Plan for Fair Housing Choice: Analysis of Impediments

Dear Ms. Pratt:

I write in reply to Tim Irvine's letter of July 1, 2014 ("July 1 Letter"), to express my clients' deep dismay that the State of Texas intends to disregard its obligation to affirmatively further fair housing ("AFFH") by relying on the patently incomplete and unsatisfactory Analysis of Impediments ("AI") it recently submitted to HUD to support its forthcoming applications for federal funds for the program year commencing February 1, 2015. As you know, the State's current AI was completed in January 2003, and its inadequacies were recited in the HUD complaint that gave rise to the Conciliation Agreement of May 25, 2010 ("Agreement").

Because neither the recently-submitted AI nor its 2003 counterpart is sufficient to support the State's receipt of block grant funds, we ask that the Secretary deem the State out of compliance with its civil rights certifications, and to impose appropriate sanctions and corrective actions pursuant to 42 U.S.C. § 5304(b) and 24 C.F.R. §§ 91.500, 570.304, 570.910, 570.912.

As I outlined in my letter of June 19, 2014, my clients ("Complainants") alleged 36 separate deficiencies in the State's recently submitted AI. The July 1 Letter does not refute a single allegation. Rather, the State acknowledges the shortcomings, but asks for an unlimited extension of time to reconsider which impediments actually exist in Texas, and some subsequent, unlimited period of time to think about what actions it may take to overcome those impediments.

But the very purpose of the Agreement's provision requiring submission of an AI to HUD was to put the State on record concerning *all* the impediments experienced by Texans in protected classes, and to commit the State to *specific* appropriate actions. Instead, in the words of my clients' February 1, 2014 *Deficiencies in State of Texas' Phase 2 Plan for Fair Housing Choice: Analysis of Impediments* ("Deficiencies") the AI the State submitted to HUD is little more than "the insufficiently considered report of a consultant. The State appointed and elected officials responsible for policy do not appear to have considered the [AI] or committed to meaningful actions to overcome those impediments."

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An AI is meant to target available resources to priority impediments. Because the AI sets no targets, it is impossible for HUD or the Complainants to know whether the State will ever hit one. Because the AI does not commit the State to more than a handful of procedural actions, it will be impossible to know whether pursuing those actions will cause “the supply of genuinely open housing [to] increase[.]” *NAACP v. Sec’y of Hous. and Urban Dev.*, 817 F.2d 149, 155 (1st Cir. 1987).

As I recited in my letter of June 19, 2014, my clients have now spent one full year alerting the State and HUD to the procedural and substantive deficiencies of the State’s AI. Without waiving any of the previous objections, they have asked me to highlight the following examples as evidence that the State has “utterly failed” to meet its obligation to produce a compliant AI. *U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, 668 F. Supp. 2d 548, 563 (S.D.N.Y. 2009). Complainants incorporate (rather than rehash) the relevant points made in previous correspondence; here, they merely reply to the State’s points in its letter of July 1, 2014:

1. Failure to examine impediments and include action steps for subrecipients (Deficiencies, #2, #21): The State identifies only one of the AI’s impediments—NIMBYism—that applies to subrecipients, and suggests only two actions (updating the FFAST form and monitoring contracts) before concluding that “[t]he manner in which the Phase 2 AI addresses local jurisdictions complies with the requirements applicable to the conduct of an AI.” July 1 Letter, at 2. In *Deficiencies*, at #21, Complainants suggest that the State did not adequately consider impediments created by local land use and zoning practices. The July 1 Letter does not refute the claim, but seeks to excuse this deficiency on the grounds that identifying, analyzing and overcoming impediments rooted in local zoning codes is simply too complicated. July 1 Letter, at 11. Complainants suggest that these deficiencies speak for themselves. Before distributing block grant funds, the State must consider whether a subrecipient is addressing *all* of the impediments in subrecipient jurisdictions. Nor does the State commit to any actions to overcome subrecipient non-compliance. In its AI, the State suggests that it “sees no evil” with respect to subrecipients. Such an attitude is *prima facie* evidence of noncompliance with the AFFH obligation.

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2. Failure to evaluate the impact of certain factors on protected classes as required by HUD (*Deficiencies, #5*): HUD explicitly informed the State that a compliant AI must include “[a] comprehensive review of a State ... jurisdiction’s laws, regulations, and administrative policies, procedures, and practices [and an] assessment of how those laws, etc. affect the location, availability, and accessibility of housing.” *Fair Housing Planning Guide*, at 2-7. But the AI contains no such analysis, and makes little effort even to consider or analyze whether State law or policy gives rise to any of the 13 specific types of impediments listed in Section 3.6 of the *Guide*. In other words, the State simply sticks its head in the sand and recites, with scant support that its “review was specifically guided by the Guide.” July 1 Letter, at 5. Again, this deficiency speaks for itself, and the State provides no grounds upon which HUD can find the AI compliant.

3. Failure to propose appropriate action steps to address impediments to fair housing (*Deficiencies, #7*): As outlined above, a major deficiency with the AI is the State’s failure to adopt anything other than a handful of procedural actions to address fair housing impediments caused by the laws and policies of the State and of its subrecipients. The July 1 Letter attempts to cover up this glaring deficiency by suggesting that each and every appropriate action – most of which were not included in the submitted AI - taken by the State would have to be subjected to a notice and comment period. In fact, the State had more than three years from the time it entered into the Agreement to conduct its analysis and adopt appropriate actions. The Agreement called upon the State to submit its AI to HUD *after* it had complied with the public participation requirements of federal and Texas law. While the Agreement requires the State to use a qualified consultant to identify impediments in “prong one” of the AI, and to involve the public in the assessment, it is obvious that the adoption of an action plan to overcome impediments necessarily involves political decision-makers in Texas who are required to adopt “appropriate actions to overcome” the impediments that exist in the State. 24 C.F.R. § 91.325. Far from evidencing the State’s commitment to a comprehensive program of actions to address deep-rooted impediments, the AI is nothing more than an interim report from a consultant with no political buy-in. It is far too late for the State to have a “do-over.” The Secretary must, as he did with the AI for the City of Houston, reject the State’s AI as incomplete and unsatisfactory and require substantive revisions.

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4. Failure to assess the cause, nature and extent of residential racial segregation (Deficiencies, #8): As outlined in *Deficiencies*, the AI apparently relies entirely on a public opinion survey as its assessment of the cause, nature and extent of residential racial segregation. The July 1 Letter does not refute Complainants' claim. In fact, it admits "there may be some limitations" with respect to the State's assessment. Without this critical component, the State's effort does not even qualify as an AI. *U.S. ex rel. Anti-Discrimination Center of Metro New York, Inc. v. Westchester County*, 495 F. Supp. 2d 375, 388 (S.D.N.Y. 2007) ("[A]n interpretation of 'affirmatively further fair housing' that excludes consideration of race would be an absurd result.")
5. Failure to analyze and identify impediments related to HUD funds for non-housing activities (Deficiencies, #13): The July 1 Letter seeks to justify the AI's failure to consider impediments flowing from non-housing activities by suggesting that the State lacks data on rural areas, and that HUD should provide more funding for the State to acquire it. The Letter also makes vague reference to certain local planning efforts without making provision for any State auditing or enforcement activities. As Complainants made clear in *Deficiencies*, TDA, DSHA, TWC, and GLO failed to participate in public hearings concerning the AI. The State cannot disclaim its responsibility to assess these non-housing impediments, as CDBG infrastructure and public service funds often have significant impacts on fair housing impediments, for good or for ill. An AI that simply ignores this category of impediments and fails to adopt appropriate actions to overcome them must be deemed incomplete and unsatisfactory.
6. Failure to analyze area characteristics where assisted housing is concentrated (Deficiencies, #14) and Failure to present a substantive analysis of the geographic distribution of assisted housing (Deficiencies, #15): As Complainants detailed in *Deficiencies*, the State's AI reveals no analysis concerning impediments growing out of concentrations of assisted housing. Further, Complainants allege that the State's administration of its housing programs has actually increased and perpetuated racial and ethnic segregation. Finally, Complainants have pointed to a number of studies that the State simply ignored that reinforce these findings and conclusions. The July 1 Letter baldly asserts that this is not required in an AI, and that the AI did consider certain elements related to concentration and distribution. July 1 Letter, at 9-10. The AI's attention to overcrowding, substandard housing and environmental risk is not responsive to Complainants' allegations. That the "State fully anticipates building upon the data analysis regarding the location of

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affordable housing,” *id.* at 10, at some unspecified point in the future, is simply no answer to the claim that the AI as submitted to HUD simply ignores this vital impediment and proposes no appropriate action to overcome it.

Because of the serious deficiencies identified by Complainants, the State’s recently submitted AI cannot form the basis of an accurate AFFH certification, which is a prerequisite for the receipt of HUD block grant funds. Nor can the State’s 2003 AI constitute a valid basis for any application for federal funds.

In view of the fact that HUD regulations provide for graduated sanctions for noncompliance with civil rights requirements, and given that the State’s next program year does not commence until February 1, 2015, Complainants suggest that HUD seek specific assurances that the State will revise its AI, in compliance with federal requirements, in time to submit its applications for federal financial assistance. Because of their interest, involvement and expertise in matters affecting the State’s housing programs, and their history of cooperative efforts to bring the State into compliance, Complainants stand ready to participate in further conciliation meetings to ensure that the State develops an AI consistent with federal requirements, and which can be deemed satisfactory by the Secretary.

Please contact me if you should have any questions about this letter, or about my clients’ willingness to partner with the State to bring it into compliance.

Sincerely



Michael Allen

CC: John Henneberger, Texas Low-Income Housing Information Service (by e-mail only)
Maddie Sloan, Texas Appleseed (by e-mail only)
Tim Irvine, Texas Department of Housing and Community Affairs (by e-mail only)