TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

GOVERNING BOARD MEETING

VIA TELEPHONE AND WEB LINK

March 26, 2020
9:03 a.m.

MEMBERS:

LESLIE BINGHAM, Vice Chair
PAUL A. BRADEN, Member
SHARON THOMASON, Member
LEO VASQUEZ, Member

BOBBY WILKINSON, Executive Director
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ON THE RECORD REPORTING
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EXECUTIVE SESSION none

OPEN SESSION --

ADJOURN 57
MS. BINGHAM: Good morning. Welcome to the March meeting of the Texas Department of Housing and Community Affairs.

We'll call to order first and roll call.

Mr. Braden?

MR. BRADEN: Here.

MS. BINGHAM: Ms. Thomason?

MS. THOMASON: Here.

MS. BINGHAM: Mr. Vasquez?

MR. VASQUEZ: Here.

MS. BINGHAM: Good morning, guys.

We do have quorum, we can do business today.

Bobby, are you going to lead us in a version of the pledges?

MR. WILKINSON: Yes.

Board members, please remain seated during the pledge here.

(The Pledge of Allegiance and the Texas Allegiance were recited.)

MS. BINGHAM: Thanks, Bobby.

Michael Lyttle, do you have a resolution to read to us this morning?

MR. LYTTLE: Yes, Madam Chair and Board members, I do. It reads as follows:
"Whereas, April 2020 is Fair Housing Month, and marks 52 years since the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968), signed by U.S. President Lyndon Baines Johnson on April 11, 1968;

"Whereas, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the sale, rental, financing, or advertising of housing and charges the Secretary of the U.S. Department of Housing and Urban Development (HUD) with administering HUD programs in a manner that meets the requirements of the law and purposes of the Fair Housing Act;

"Whereas, the Texas Department of Housing and Community Affairs administers HUD and other housing programs that promote the development and supply of safe, decent, affordable housing for qualifying Texans;

"Whereas, it is the policy of the Department to support equal housing opportunity in the administration of all of its programs and services, including encouraging equitable lending practices for its homebuyer programs and ensuring compliance with Fair Housing rules and guidelines for its multifamily developments;

"Whereas, the Department, through its programs,
workshops, trainings, and materials seeks to educate property managers, consultants, program administrators, architects, contractors, developers, engineers, lenders, real estate professionals, and others about the importance of their adherence to the requirements of the Fair Housing Act;

"Whereas, the Department encourages the development of educational fair housing programs in local communities throughout the State and is seeking to build new opportunities for fair housing education and training; and

"Whereas, the Department and the State of Texas support equal housing opportunity and housing choice in accordance with the Fair Housing Act not only during Fair Housing Month in April, but throughout the entire year; "Now, therefore, it is hereby resolved, that the Texas Department of Housing and Community Affairs C (1) recognizes the significance of Fair Housing Month as an important time to acknowledge, better understand, and support equal housing opportunity, and encourages the continued commitment to fair housing in the State of Texas; and (2) recognizes that in the pursuit of the goal and responsibility of providing affordable housing and equal housing opportunities for all, the Governing Board of the Texas Department of Housing and Community Affairs
does hereby celebrate April 2020 as Fair Housing Month in Texas and encourages all Texas individuals and organizations, public and private, to join and work together in this observance of the impact and importance of affordable housing and equal housing opportunity to the success of all Texans.

"Signed this Twenty-sixth day of March 2020."

MS. BINGHAM: Thank you, Michael.

Do we need to move this so resolved, or is this a done deal?

Bobby, do we need to move to resolve or is it a done deal?

MR. ECCLES: This is Beau speaking through Naomi's speaker.

A motion to resolve that resolution to adopt it.

MS. BINGHAM: Thank you.

I'll entertain a motion to so resolve.

MR. BRADEN: So moved.

MS. BINGHAM: That was Mr. Braden. And a second?

MS. THOMASON: Second.

MS. BINGHAM: Ms. Thomason seconds.

All those in favor aye.

(A chorus of ayes.)
MS. BINGHAM: Motion carries. Thank you very much.

Moving on to the consent agenda. Do any of the Board members or staff wish to address any item on the consent agenda outside of consent?

(No response.)

MS. BINGHAM: Mr. Eccles, was there a possibility that (e) was going to come off, or did it already come off?

MR. ECCLES: I believe that Elizabeth Yevich has some revisions to agenda item 1(e) that she can make a presentation on before adoption of the consent agenda.

MS. BINGHAM: Awesome. So we'll hold 1(e) out, and then if there are no other revisions to the consent agenda, we'll entertain a motion to approve items on the consent agenda.

MR. BRADEN: I'll make a motion to approve all items on the consent agenda other than 1(e).

MS. BINGHAM: Thank you.

Mr. Braden moves. Is there a second?

MS. THOMASON: Second.

MR. VASQUEZ: Second.

MS. BINGHAM: Ms. Thomason seconds.

If there's no further questions, all those in favor say aye.
(A chorus of ayes.)

MS. BINGHAM:  Opposed?

(No response.)

MS. BINGHAM: Motion carries. Thank you. Would we like to do 1(e) right now?

MS. CANTU:  Ms. Bingham, this is Naomi Cantu, moderator. We're going to go ahead and unmute Elizabeth Yevich.

MS. BINGHAM:  Thank you.

MS. YEVICH:  Can you hear me? This is Elizabeth Yevich, director of the Housing Resource Center.

MS. BINGHAM:  Good morning. We can hear you.

MS. YEVICH:  Wonderful, wonderful.

As has been stated, this is for item 1(e), which is the presentation, discussion and possible action on the draft 2020-2024 State of Texas Consolidated Plan. Now, due to the quickly evolving impact of COVID-19 having on TDHCA funding programs and recent guidance given by HUD, TDHCA's Legal Division suggested some additional language to assist the Department with a quick and efficient response for this and future situations.

Therefore, several language additions were included after the posting of this Board meeting late last week for item 1(e). These additions were on the following
three pages, page 274, 275, 289. They are all under what is known as AP-30, which means Action Plan 30. Two of them relate to the HOME Program, one is to the ESG Program, and I'm going to read the language and with the additional language.

So on page 274, the sentence reads: "Non set-aside funds are initially being made available on a regional basis in accordance with state statutes." What has been added is a parenthetical which says: "unless waived by the governor in response to a state or federally declared disaster."

The next one on page 275 the sentence reads: "All programs will be operated through direct administration by TDHCA. Reallocation of de-obligated and program income are through the release of a NOFA with an emphasis on geographic dispersion of funds, particularly in rural areas of the state, using a regional allocation formula which uses objective measures to determine rural housing needs such as poverty and substandard housing."

Again, that same parenthetical has been inserted which reads: "unless waived by the governor in response to a state or federally declared disaster."

Continuing on to page 289, the sentence reads: "Any funds returned to the Department from prior to 2020 EFG funds will be redistributed in accordance with 10 TAC
Chapter 741, or as otherwise approved by the TDHCA Board."

What has been added is the following: "In the event of a state or a federally declared disaster, such as an outbreak of the Coronavirus, TDHCA may suspend all or part of its competitive award process, local competition or de-obligation of funds and directly allocate ESG funding to existing ESG subrecipients or TDA subrecipients of similar programs that have the capacity to take on additional work and be responsive during a state or federally declared disaster."

Those are the three pages that have the additional language which I'd like to have been read into the record. Thank you.

MS. BINGHAM: Thank you, Elizabeth.

So there were the governor waivers for the first two, page 274 and 275, and then 279 addressing that in the event of a disaster that TDHCA may suspend or change based on awardees being able to respond timely because of the disaster?

MS. YEVICH: That is correct. And that last one was actually page 289, not 279.

MS. BINGHAM: Gotcha, 289.

Okay. Is there a motion for staff's recommendation on item 1(e)?

MR. BRADEN: I move to approve item 1(e) as
outlined by staff.

    MS. BINGHAM: Thank you.

Mr. Braden makes the motion. Is there a second?

    MR. VASQUEZ: Second.

    MS. BINGHAM: Mr. Vasquez seconds.

Naomi, is there anybody teed up for comment on this item?

    MS. CANTU: We do not see any hands raised or any comments in the comment box. If you did have a comment, go ahead and indicate and we can get to you, but we do not see any currently.

    MS. BINGHAM: If there's no further questions, I have a motion and a second to approve staff's recommendations on item 1(e). All those in favor aye.

    (A chorus of ayes.)

    MS. BINGHAM: Opposed?

    (No response.)

    MS. BINGHAM: Motion carries for item 1(e).

Great. Thank you.

We will move on to action items and start with Ms. Thomason and Internal Audit. Good morning.

    MS. THOMASON: Good morning.

The Audit and Finance Committee did meet this morning at eight o'clock, and action was taken to
recommend to the Board approval of the SAO, State Auditor's Office audits of the TDHCA 2019 financial statements.

These audits are required for the statewide single audit of Texas and also for compliance with the Public Funds Investment Act, and I believe we have the State Auditor's Office on the line with us, and Robert Pagenkopf would be able to present the results.

MR. PAGENKOPF: Good morning, Madam Chair and members. My name is Robert Pagenkopf. I'm a project manager with the State Auditor's Office. This morning we'll be discussing the results of our most recent financial audits at the Department.

We issued two unmodified opinions as part of this audit, one for the Department's basic financial statement for fiscal year 2019, and one for the Department's Revenue Bond Program financial statements for fiscal year 2019.

We determined that in both cases these financial statements were materially correct and reported in accordance with Generally Accepted Accounting Principles, or GAAP. In other words, we determined that the statements as issued were not misleading to the reader of those statements.

Additionally, we also concluded that the
Department's Housing Finance Division's computation of unencumbered fund balances complies with Texas Government Code Sections 2306.204 and 2306.205.

We also issued a report on the Department's compliance with the Public Funds Investment Act for the fiscal year ended August 31, 2019. The result of that work disclosed no issues of noncompliance or other matters that are required to be reported under Governmental Auditing Standards.

Last, I would just like to thank Mr. Cervantes and all of his folks, the Financial Administration Division, Ernie Palacios, Jose Guevara, Bond Finance and Information Security. They were all very cooperative and patient with us this year, we asked a lot of questions. As well as Mr. Scott and Internal Audit for all their assistance and cooperation throughout the audit.

That concludes my comments. I'd be happy to address any questions that you may have.

MS. BINGHAM: Thank you, Robert.

Does the Board have any questions?

(No response.)

MS. BINGHAM: Very well.

Well, then we will accept a motion to accept the State Auditor's Office audit of the TDHCA's financial statement. We'll entertain a motion.
MS. THOMASON: So moved.

MS. BINGHAM: Ms. Thomason moves. Is there a second?

MR. VASQUEZ: Second.

MS. BINGHAM: Mr. Vasquez seconds.

All those in favor aye.

(A chorus of ayes.)

MS. BINGHAM: Opposed?

(No response.)

MS. BINGHAM: Great. The motion carries.

Really good work. Great work from the TDHCA team, Mr. Cervantes's and Mr. Scott's team. Great job.

So item (b), Ms. Thomason, is the report from the Audit and Finance Committee.

MS. THOMASON: Yes, and in addition to what we just discussed, the Internal Audit staff this morning, Neda Sanjar, also presented the internal audit of the Multifamily Bond Program as well as discussed four recent external audit activities, so that was the extent of our meeting this morning.

MS. BINGHAM: Very good. Thank you very much.

We'll move on to agenda item 4. 4(a) is presentation, discussion, possible action on a proposed amendment to a Colonia Self-Help Center Program contract with El Paso County.
Abigail.

MS. VERSYP: Good morning. Can you hear me, I hope?

MS. BINGHAM: Yes.

MS. VERSYP: Okay. I'm Abigail Versyp, director of Single Family and Homeless programs. I'm presenting item 4 which is a request for amendment for El Paso County's Colonia Self-Help Center contract. I'll work to keep my presentation brief this morning.

On November 28, 2019, new rules were adopted for the Colonia Self-Help Center Program in 10 TAC Chapter 25. It increased the per cost unit limitation for both rehab and reconstruction, and it also allows for a six-month extension to contracts.

The new rules also provided additional flexibility to Colonia self-help centers so that the assistance can be provided as a grant regardless of household income level as long as they're still eligible for the program.

The rule allows self-help centers with current contracts to opt in to the new more flexible rules with their existing contracts, and El Paso County requested to opt in. They've also requested a six-month extension which may be granted by the Department without required Board action. That's also recommended for El Paso County.
However, any increase in funding that causes the contract to exceed a million dollars does require Board approval, and this is the case with El Paso County. They were originally awarded a contract of $700,000, but additional funding has been made available from prior grant years, so the proposed increase to $1,050,000 was considered and recommended by the Colonia Resident Advisory Committee, or CRAC, and that will be utilized to provide for the increased per-household limit.

The county is currently meeting their benchmarks, they've already identified the families to be assisted. And I'm ready to answer any questions that you might have.

MS. BINGHAM: Thank you, Abigail. Does the Board have any questions regarding this recommendation?

(No response.)

MS. BINGHAM: Great. We'll entertain a motion to approve the recommendation from EARAC for the award of this with no conditions.

MR. BRADEN: Move to approve.

MS. BINGHAM: Mr. Braden makes the motion.

Second?

MR. VASQUEZ: Second.

MS. BINGHAM: Mr. Vasquez seconds.
Naomi, is anybody teed up to make comment?

MS. CANTU: Madam Vice Chair, I do not see any comments in the question box, and no hands raised.

Again, as a reminder, if you wish to make verbal comments, you can raise your hand. If you don't call in time on your item, you can also let us know if you have a comment in the question box, or you can enter your comment directly in the question box and make sure to put the agenda item, your name and who you represent.

But there's no comments.

MS. BINGHAM: Great. So then we have a motion and a second on item 4(a) to approve EARAC's recommendation. All those in favor aye.

(A chorus of ayes.)

MS. BINGHAM: Opposed?

(No response.)

MS. BINGHAM: Great. That motion carries.

Thank you.

Great. Moving on to item 5, Bond Finance, Teresa Morales. This is presentation, discussion and possible action regarding the issuance of a multifamily note for the Reserves at San Marcos.

MS. MORALES: Teresa Morales, director of Multifamily Bonds.

Item 5(a) involves the issuance of a
multifamily note, similar to multifamily bonds and other structures, by the Department for the new construction of 376 units in San Marcos serving the general population, with 320 units restricted at 60 percent of annual median income and the remaining 56 units at market rate.

This transaction involves the issuance of an unrated tax exempt fixed rate multifamily note in the amount of $41 million that will be purchased initially by the Key Bank Real Estate Capital who will be serving as the construction and permanent lender.

Once the conditions to conversion have been met, Key Bank on the perm side will purchase the loan under Freddie Mac's tax exempt loan program. Shortly thereafter, Freddie will acquire the loan from Key Bank and will be the permanent lender and bondholder and Key Bank will remain as the servicer of the loan for Freddie.

The multifamily note will have a term of 15 years and a 35-year amortization, with an interest rate that is more fully described in Section 1.2 of the bond resolution that is included in your package.

Staff recommends approval of Bond Resolution No. 20-012 in the amount of $41 million and a determination notice of 4 percent housing tax credits in the amount of $1,857,733.

MS. BINGHAM: Thank you, Teresa.
Do I hear a motion on item 5(a)?

MS. THOMASON: So moved.

MS. BINGHAM: Ms. Thomason moves. Is there a second?

MR. VASQUEZ: Second.

MS. BINGHAM: Mr. Vasquez seconds. Thank you.

Naomi, are there any comments?

MS. CANTU: Madam Vice Chair, I do not see any comments in the question box and no hands raised. No, wait, we do have a hand raised. Hold on. Let me check.

This is Marni Holloway, her hand is raised, and we're going to go ahead and unmute her.

Marni.

MS. HOLLOWAY: I'm just waiting to present the next item.

MS. CANTU: I see. Sorry about that. Okay.

Marni, we'll unmute you for the next item.

MR. BRADEN: Before we adopt, I have a question.

MS. BINGHAM: Yes, Mr. Braden.

MR. BRADEN: So Teresa, has there been any discussion that the COVID-19 events and the unrest in the market, is that going to slow down this transaction or disrupt the timing of this transaction?

MS. MORALES: For this particular
transaction -- and we just had a conference call with a larger working group yesterday afternoon -- it does not seem that what's going on in the market is affecting this particular transaction, and Freddie is set to put everything in motion for a closing on April 22.

We have, though, on some of the other transactions that we are currently working on, the market and that volatility has affected those, primarily with respect to the amount of negative arbitrage that's going to be required, but we're just still continuing to march it out, recognizing that things are changing daily.

MR. BRADEN: Okay. Thank you.

And maybe my other comment is more for Bobby. Bobby, at a future Board meeting, and obviously once maybe the waters settle out, I'd like to have a little bit of a presentation on how COVID-19 and the market destruction is affecting the tax credit market and our bond situation and any variable rate debt we might have out there.

MR. WILKINSON: Certainly. We'll put that on the agenda for April.

MR. BRADEN: That's all I had.

MS. BINGHAM: Very good.

So we have a motion and a second to issue the multifamily note as recommended by staff and the corresponding determination notice. All those in favor
aye.

(A chorus of ayes.)

MS. BINGHAM: Opposed?

(No response.)

MS. BINGHAM: Motion carries. Thank you.

Thank you, Teresa.

Okay, Marni. We have presentation, discussion and possible action authorizing the executive director to extend certain deadlines under 10 TAC Chapter 11.

Marni.

MS. HOLLOWAY: Good morning. This is Marni Holloway, director of the Multifamily Finance Division.

As Ms. Bingham described, this is a presentation, discussion and action to authorize the executive director to extend deadlines under the QAP, the Bond rule, the Direct Loan Rule, and then any related NOFAs.

As you know, on March 13 the governor issued a disaster declaration and certified that the Coronavirus posed a threat of disaster to the state. Responding to the needs of Texans impacted by the virus will demand that the Department make extraordinary measures to ensure that its resources are deployed as effectively and fully as possible.

We manage our multifamily programs through
rules and NOFAs, as you know, and all of them include some non-statutory deadlines. In the coming months there may be occasions where extension of those deadlines is necessary without time to bring a decision regarding those extensions to the Board.

Granting the executive director authority to extend non-statutory deadlines without the typical process will allow the Department to react quickly to unpredictable circumstances and any actions taken by the governor or the federal government in response to the virus.

Any action taken to extend a deadline will be applied equitably to all applicants unless the circumstances are unique to a single proposed development. All extensions will be reported back to the Board at the next available meeting. There will be no action taken under this authority that would be considered an amendment to a rule or NOFA or as establishing precedent for future action.

Staff recommends that the executive director be granted authority as described.

I'll be happy to take any questions.

MS. BINGHAM: Thank you, Marni. Does the Board have any questions about Marni's recommendation from staff?
MR. VASQUEZ: So a question. Is this a permanent new enactment, or is it just for this particular emergency situation or declaration?

MS. HOLLOWAY: It's intended for this particular emergency situation. This is not a permanent authority at all.

MR. VASQUEZ: Okay. Thanks.

MS. BINGHAM: So there is no need at this point to put like a hard stop on it, say relative the current QAP, or is that kind of implied?

MS. HOLLOWAY: We certainly could put a hard stop to it. We could say that it's just for the 2020 rules unless the Board takes some action in the future to stop it prior to the end of the year.

MS. BINGHAM: Do Board members have any thoughts about that?

MR. VASQUEZ: I would like to just leave it open-ended so we don't have to have some sort of emergency meeting.

MR. BRADEN: Yeah, I'm okay with the way it is written as well.

MS. CANTU: Madam Vice Chair, this is Naomi Cantu, moderator, and I do see Sarah Andre with her hand raised, so we're going to go ahead and unmute her.

Sarah, please make sure to introduce yourself.
by name, your organization, and your title, if possible.

MS. ANDRE: Hi. Good morning. This is Sarah Andre. I'm with Structure Development, and I believe you all have already taken care of my concern which is the 2019 developments under that QAP are also being impacted, so thank you for recognizing that it's not just 2020.

MS. BINGHAM: Thank you, Sarah.

Marni, any other comments or thoughts?

MS. HOLLOWAY: I have nothing further.

MS. BINGHAM: Okay, great.

We didn't entertain a motion first, but we'll go ahead and do that now. Is there a motion to approve staff's recommendation regarding extending the authority of the executive director under these circumstances. It's item 6(a). Can I have a motion to approve?

MR. VASQUEZ: I move to approve.

MS. BINGHAM: Mr. Vasquez motions to approve.

Is there a second?

MR. BRADEN: Second.

MS. BINGHAM: Mr. Braden seconds.

If there is no further discussion, all those in favor aye.

(A chorus of ayes.)

MS. BINGHAM: Opposed?

(No response.)
MS. BINGHAM: Great. Thank you. Motion carries.

Item 6(b), presentation, discussion and possible action on waivers to certain provisions of the Texas Administrative Code for state and federal funds administered by single family and homeless programs for disaster response.

Abigail, are you back with us?

MS. CANTU: We're working on getting her up. There she is.

MS. VERSYP: Good morning. It's Abigail Versyp again, director of Single Family and Homeless programs.

I'm presenting item 6(b). It's a pretty lengthy item. It's a request to waive certain provisions of 10 TAC Chapter 23 related to the HOME Program, and 10 TAC Chapter 7 related to homelessness programs.

There is also in the item the authorization for the executive director to authorize movement of de-obligated funding as necessary for response not just HOME and homelessness funding. We also have a minor amendment to the one-year action plan.

I'll begin with the amendment to the action plan which specifically identifies persons impacted by a state or federally declared disaster. The addition of this category of special populations will allow
administrators serving households with general set-aside HOME funds to establish a preference for households impacted by COVID-19.

This is already permissible under the disaster set-aside, but there may be a future need to use our general set-aside HOME funding for this special purpose and this minor amendment is going to allow for that.

The second section of the item I'm presenting today includes waiver requests applicable to the HOME TBRA Program. We anticipate a high need for rental assistance and the waiver request proposed would work in conjunction with other state and federal waivers that we're likely to request to provide an increased amount of flexibility for the use of HOME funds for tenant-based rental.

The regulatory waivers requested, as described in the write-up, would streamline the submission process and allow subrecipients or HOME staff, if we do administer directly at some point, to provide short-term TBRA clients who have been economically impacted.

We expect to offer TBRA for a minimum three-month term, which may be extended to six months if needed. We expect to use de-obligated funding for prior year allocations, and we anticipate that the funding available right now could assist over 2,000 households with their short term rental assistance needs. The waivers would
also provide an increased amount of administrative funding which would assist with rapid deployment of funds.

Additional waivers of other 10 TAC provisions may be approved by TDHCA's executive director if the waivers to federal regulations are approved by HUD in accordance with 10 TAC 1.5.

The third section of the item today is related to the de-obligated HHSP funds which we have been advised may be reallocated by the Comptroller's Office. The funds are from state fiscal years 2018 and 2019 and they total $239,886 which we propose at this time to reallocate using the allocation formula for 2020. The funds would be offered to existing HHSP subrecipients but could be reallocated to other subrecipients if any of the offers are declined.

In order to facilitate this reallocation, staff is recommending a waiver of two provisions of 10 TAC Chapter 7 which require the governing body of each city to authorize entering into a contract or to designate a nonprofit to administer funds on their behalf.

We're still going to want approval from the city but without formal action of the city council in order to expedite contracting of these funds and making them available for a critical need in the community, such as homeless prevention or provision of hotel/motel
vouchers for persons experiencing homelessness.

I can take any questions.

MS. BINGHAM: Do any of the Board members have any questions about what Abigail and the staff are trying to accomplish here?

MR. BRADEN: A couple of questions about the TBRA Program. So, Abigail, the way this is going to continue to work is we're obviously identifying some additional funding to put into that program, and then we're going to funnel that money into administrators who currently are out there and putting money out, giving it to people as needed. Is that correct?

MS. VERSYP: That's the initial response. So we are planning initially to make it available as soon as we can to administrators that are already in place. We'll also encourage them to expand their service area if they can so that we can get more coverage across the state. As of yesterday we had administrators administering TBRA in 159 counties; we think we need it in 254 counties.

So in addition to working with our current administrators, staff is planning outreach to our community action agencies which have a statewide network, to the PHAs in Texas that already administer the Section 8 Housing Choice Voucher Program which is very similar, and to COGs.
We'll also reach out to any nonprofit that receives funding from the Department to let them know about the availability of these funds. If we're unable to get adequate coverage through those mechanisms, we may potentially directly administer tenant-based rental assistance, but that would take the longest amount of time to get off the ground.

MR. BRADEN: And I know we're suspending several rules. Is there some uniformity of application that we're telling the administrators ask these questions and then give these people a check, or is it we're letting the administrators have their own process?

MS. VERSYP: What we would do, we're looking at our current existing documents, our current existing setup checklists, and you know, our just procedural items and we're trying to make those smaller, so as we get a waiver we can strike requirements here, we can strike requirements there, and what we'll end up sending them is essentially a new packet for how to administer.

So they could reserve money with very little information up front regardless of what waivers we receive, and then if we receive the waivers that we're requesting, the documentation that they would need for the file would be greatly reduced based on the waived regulations.
MR. BRADEN: That sounds like you're streamlining the process, which makes sense to me considering the current situation. Thank you.

MS. VERSYP: Right. And typically we want a project ready to go before they reserve funds. In this case we just need to know that we have a low income household that need to reserve funds. And we're in discussion now about how to throttle it so that one area of the state doesn't claim all of the money immediately, so those would be decisions that we could make either through doing some kind of an allocation or perhaps limiting submissions by any one administrator.

MR. BRADEN: Thank you. I have nothing further, Madam Chair.

MS. BINGHAM: Thanks, Abigail.

So the motion would be then to approve the waivers as outlined and then also to authorize that minor amendment to the state action plan. Do I hear a motion as such?

MR. BRADEN: Move to approve.

MS. BINGHAM: Mr. Braden moves to approve. Is there a second?

MS. THOMASON: Second.

MS. BINGHAM: Ms. Thomason seconds.

If there are no further questions --
MS. CANTU: Madam Vice Chair.

MS. BINGHAM: Yes.

MS. CANTU: Naomi Cantu. We do not have any comments on this particular item and no hands raised. Again, if you wish to make a comment during this Board meeting, you can raise your virtual hand or add your information in the question box. But there's nothing for this item.

MS. BINGHAM: Thank you very much.

So then I have a motion and a second. We'll call for a vote. All those in favor aye.

(A chorus of ayes.)

MS. BINGHAM: No opposed. Motion carries.

Just really thoughtful. I mean, obviously you guys, Abigail, had to move quickly to figure some of this out. I think it's smart, it's responsive, and it shows how resourceful our staff are at trying to figure out how they can help in the best way. So we'll look forward to hearing, hopefully, good things that we've been able to do as a result.

MS. VERSYP: Thank you, Leslie. I hope to bring a good report.

MS. BINGHAM: Great. Thank you, Abigail.

So item 6(c) is presentation, discussion and possible action on the reprogramming of program year 2019.
and programming of 2020. This is CSBG administrative and
discretionary funds also for COVID-19 response.

And Michael De Young, are you on?

MR. DE YOUNG: Yes, I am.

MS. BINGHAM: Good morning.

MR. DE YOUNG: Can you hear me?

MS. BINGHAM: Yes.

MR. DE YOUNG: Good morning, Madam Chair and
members. It's Michael De Young, Community Affairs
Division director.

Item 6(c) and item 6(d) are from the Community
Affairs Division. We'll start with item 6(c). It's the
award of some discretionary CSBG funds in response to the
COVID-19 pandemic.

The CSBG funds included in this action are all
the remaining unspent funds from 2019 CSBG awards, the
discretionary portion of that award, and the
administrative funds. And then there's also a small
portion of our 2020 CSBG discretionary funds that's put in
as well as disaster relief funds.

Most of these funds would expire on September
30, 2020, so we have about six months to expend, and staff
is recommending awards to 38 of our 40 eligible entities
that comprise the network that serve all 254 counties.

Two entities are ineligible to receive awards.
due to outstanding balances with the Department. Those entities are Cameron and Willacy Counties Community Projects, Inc. and Community Services, Inc. based in Corsicana, Texas. The Department's rules prevent awards to entities that owe the Department funds and are not in a repayment plan.

The funds being awarded must be utilized by the subrecipients to provide direct line assistance to households economically impacted by COVID-19. As you all are aware, CSBG is a fairly flexible program so this could include lost wages, it could include increased childcare costs due to school closures, higher utility bills, groceries, some transportation, or shelf-stable meal delivery for those who can't leave their home, among other COVID activities that are also eligible. These funds will be made available until August 30 of 2020 and will go out in contracts to the 38 entities named in the Board item.

Staff is requesting your approval for these awards, and I'll answer any questions that are asked.

MS. BINGHAM: Thanks, Michael.

What questions do the Board members have?

MR. VASQUEZ: I have a question. Is Galveston County Community Action Council in good standing with us?

MR. DE YOUNG: They are at this time working with our Compliance Division to resolve our outstanding
issues. We do not have a recommendation that does not include Galveston County at this time, and I don't know if Compliance is on or able to speak to any issues.

MR. WILKINSON: I think one major difference, Leo, is that they don't technically owe us money. So we might even have some other community action agencies that are having some compliance issues, but only the two that owe the Department money.

Staff, please correct me if I'm wrong.

MR. DE YOUNG: Michael again. The two entities who I mentioned before, Cameron and Willacy Counties Community Projects, Inc. and Community Services, Inc. have gone through the entire compliance process and ultimately still owe the Department money that has not been either repaid or put into a repayment agreement, which is one option available to them.

Galveston County, we're still in the process of monitoring and resolving issues as we speak.

MR. VASQUEZ: I guess I'm just a little concerned that if there are some of these agencies that don't do well under normal circumstances, I'm concerned with us throwing more money at them under these emergency circumstances.

MS. BINGHAM: Michael, let me ask you something. So at the bottom of the table that has the 40
recipients -- I think we said 38 -- but I'm looking at the table, there's an asterisk at the bottom that says, "All awards are conditioned on positive EARAC recommendation and subject to any EARAC conditions." Is that a caveat that could help make the right decisions in terms of getting those funds out?

MR. DE YOUNG: Yes. All 40 were presented to EARAC and ultimately we instructed EARAC that Cameron and Willacy and CFI would not be recommended for an award based on their outstanding balance.

    EARAC as a group can attach conditions to awards. We did attach conditions to the Community Council of Greater Dallas award -- I'm looking for a number -- number 15 on the table that is on your screen now.

    MS. BINGHAM: Okay.

    MS. CANTU: Madam Vice Chair, we do have Brooke Boston, who has her hand raised, and we're going to go ahead and unmute her so she can help with this discussion.

    MS. BOSTON: Can you guys hear me?

    MS. BINGHAM: Yes.

    MS. BOSTON: I would just add that as EARAC convenes we may choose to add some conditions on Galveston's similar to the conditions that we added for Dallas. The conditions we added in Dallas were things that were very specific to their current findings. So,
for instance, we said you can't do pass-through funds. We want to approve any procurement that you do. You can't use this for contract employees. They have to be actual employees of the organization. And so we can do something like that with Galveston as well.

MR. VASQUEZ: I'm comfortable -- and thanks, Leslie, for pointing out the asterisk on EARAC discretion -- I just want to make sure we're not just saying everyone gets money but that we are thoughtfully allocating the funds.

MS. BOSTON: We are, and I think an important thing is that we didn't want to exclude areas, especially areas where we know the population is potentially going to be a high COVID area, like the more populous parts of the state, so we were trying to offset that to mitigate the risks but not preclude the populations from being assisted.

MS. BINGHAM: Great. Thank you, Brooke.

Any other questions from the Board, or Naomi, any other comments or hands raised?

MS. CANTU: We do not see any other hands raised and no more questions in the question box on this item.

MR. WILKINSON: I have one brief comment. This is a relatively small amount of money, and we'll see how
this goes, and we're expecting, of course, another big
slog of CSBG, so we'll see how this, the $1.4 million or
whatnot, how the distribution and execution works here and
then we'll have a lot more money pretty soon to work with
and hopefully we will have learned something.

MS. BINGHAM: Thank you, Bobby.

So I'll entertain a motion on item 6(c) for the
action on reprogramming of program year 2019 and 2020
CSBG.

MR. BRADEN: Move to approve.

MS. BINGHAM: Mr. Braden motions. Is there a
second?

MS. THOMASON: Second.

MR. VASQUEZ: Second.

MS. BINGHAM: Ms. Thomason seconds.

If there's no further questions, all those in
favor aye.

(A chorus of ayes.)

MS. BINGHAM: No opposed. The motion carries.

Thank you.

Okay, Michael, the second item is 6(d),
presentation, discussion and possible action on
authorizing the executive director to extend certain
deadlines and take possible waiver actions.

MR. DE YOUNG: Yes. This regards authorizing
Bobby to seek waivers to federal statutes or state regulations for CSBG, LIHEAP, the Low Income Home Energy Assistance Program, and Department of Energy programs. It also authorizes the executive director to grant extensions and waive certain provisions of the TAC, specifically Chapter 6, which is the chapter that governs the Community Affairs programs.

This authority will allow the executive director to make responsive program adjustments so that the subrecipients can focus their efforts on the response to the COVID-19 virus.

Examples of waivers could be client signatures on their applications for assistance because they don't have the ability to leave their residence and actually go into the agency in many counties at this point in time. They also would be talking about whether individuals can self-declare their income because they can't get to their employer to provide their most recent pay stubs.

So there's just a few things that have not presented themselves to the operation of these programs in the last few years, and granting the authority for Bobby to be able to waive certain provisions would allow subrecipient agencies to quickly deploy the funds to eligible households.

The 38 agencies that we just gave the funds to
in the previous item all operate different levels of programs, not all of them run each of these programs. There are probably going to be some requests from the field that we haven't identified yet as well.

We would like to take those to Bobby and have the ability for him to waive those should they be significant enough to impact the delivery of service. Each of these requests that we make to Bobby in regards to this Board item would be in anticipation of making it easier to deploy the federal funds in a timely manner so that the assistance arrives as quickly as possible to the individual household or to the utility provider in the case of LIHEAP.

MS. BINGHAM: Gotcha.

MR. DE YOUNG: And I can answer any questions.

MS. BINGHAM: I will entertain a motion to approve staff's recommendation.

MS. THOMASON: So moved.

MR. VASQUEZ: So moved.

MS. BINGHAM: Ms. Thomason makes the motion and Mr. Vasquez seconds. Is that okay?

MR. VASQUEZ: Yes.

MS. BINGHAM: Naomi, any comments?

MS. CANTU: Madam Vice Chair, I don't have any comments in the question box, and I do not see any hands
If you do wish to make a comment, go ahead and raise your hand, we're looking, or if you have a comment, please make sure to type it in the comment box. Make sure to type in your name, your organization, and your comment. But not comments on this item.

MS. BINGHAM: We'll take action on this last item and then it will be public comment time, so just anybody out there that's interested in making public comment on matters other than the ones that were on the agenda or for future agendas can probably do so now.

So then I have a motion from Ms. Thomason and a second from Mr. Vasquez on item 6(d). All those in favor aye.

(A chorus of ayes.)

MS. BINGHAM: And opposed?

(No response.)

MS. BINGHAM: That motion carries also.

Thank you, Michael.

Naomi, do we wait a second or do you see any hands popping up?

MS. CANTU: I do have one request to put Ms. Yevich on one more time. She has something to address, so we're going to go ahead and unmute Elizabeth Yevich so she can address the item.
MS. BINGHAM: Hey, Elizabeth.

MS. YEVICH: Can you hear me?

MS. BINGHAM: Yes.

MS. YEVICH: Okay. Hi. Good morning again.

This is Elizabeth Yevich, director of the Housing Resource Center.

I spoke at the very beginning of the meeting about item 1(e), which is that draft Consolidated Plan, and that was official record, but I had wanted to add something at the conclusion of that which is completely unofficial, and so if I may, this is almost as important and this will be a shout-out to one member of my Housing Resource Center team, and that's Jeremy Stremler, and he basically singlehandedly put the lengthy draft Consolidated Plan together.

Jeremy arrived at TDHCA almost exactly one year ago, and he and I were just talking about this. My direction to him on his first day was you're going to be the lead on this unwieldy document, and it's going to take you over a year to produce and I want you to own it, and he did, beautifully.

So thank you, Jeremy Stremler.

MS. BINGHAM: That's awesome. So Jeremy, I hope he's out there somewhere. Jeremy, happy anniversary as you've been here a year now, and that is a huge
undertaking and a great job.

We'll wait and see if there are any other hands that come up. I did notice on our little dashboard it looks like we've had around 100 parties on the line with us this morning, so it's probably a good time to just thank everybody, starting with the staff and the Board, and everyone out there who's been flexible with us as we're going through this period. Really am grateful for the work that the agency does. This is what we say -- I'm coming to you from a hospital this morning, and what we say is this is what we train for.

But just really have tremendous gratitude for the work that the staff has done and the sacrifices that folks are making. And not sure if we'll see each other again this way next month but feel really good about the work that's been done to make sure that we're in a position to help the state wherever we can.

Any other comments?

MS. CANTU: There is a comment. Meredith Maycotte would like to make a public comment, and we're going to go ahead and unmute her.

MS. BINGHAM: Great.

MS. CANTU: Meredith, please make sure to state your name, your organization and your comment.

MS. MAYCOTTE: Hi there. My name is Meredith
Maycotte, and I would like to speak about a project that's recently applied for the TDHCA funding, and I'm just speaking as a neighbor to the proposed project.

Can you hear me okay?

MR. VASQUEZ: Yes.

MS. MAYCOTTE: The name of the project that I want to talk about is called Espero Austin at West 24th, and their application number is 20041, and I live down the street from the proposed housing site, which is on 24th and San Gabriel in West Campus in central Austin. So the project includes demolition of a small retail strip and turning that into 87 units of equally affordable residential housing.

So just a little background about me. I've lived in this neighborhood for almost 15 years, and I absolutely understand the need for affordable housing in Austin, and when I first heard about this project I thought that's a great place to put something like that.

I also have two daughters who are 10 and 13 years old and they go to school two blocks up the street, so they'll be literally two blocks from the proposed project, and I think it's also relevant that after school many of these elementary kids walk to an ice cream shop which is just on the other side of the project from the school, so there's a lot of kids that they'll walk by this
project regularly without adult supervision, and so as you can imagine, I was curious to know more details about the project.

So I was able to attend a University Area Partners meeting on February 25, where the developer and the future management company discussed the project, and a few concerns came up at that meeting for me.

Number one was that it sounded like the developer and the manager haven't ever done a project of this nature and this scale in the past, and then they also communicated, from what I understood, that there would be little or no screening of any of the residents in terms of criminal background or any other factors that might ensure the safety of the existing neighborhood, and so I was surprised to hear that there wouldn't be any kind of screening or any kind of discussion about how we would make sure that that will remain a safe neighborhood.

So I wasn't super concerned about that until there was also a man at the meeting who currently lives across the street from another property in Austin that is also managed by this same management company, and he started describing some of the issues that he faces living across the street from this property, and that concerned me.

He gave examples of illegal drug use and sales
happening out in the open on a daily basis, physical violence and prostitution, people shouting in the streets at all hours, he's had multiple break-ins into his house, and he says when he complains to the management company and to the police, there's no action taken.

And so as you can imagine, I'm imagining that happening down the street from my house, and it just made me get concerned. So I can't imagine there's not some way to have this project but also make sure that it's safe for the neighborhood.

So it's going to be 87 units, which I think is a lot, and the units are about 300 to 400 square feet each, which is pretty small, so I think it's reasonable to assume that a lot of the daily activities of the residents will come into the neighborhood.

And so I'm just wondering how we're going to have any input as neighbors, because the way I found out about the project was just randomly by word of mouth from another neighbor, and someone from the city told us that they approve projects like this without even looking at them because they're very pro affordable housing right now.

And when we contacted the Governor's Office, someone suggested that we contact the city, and so when I went to the media, I also overheard that because we were
across some line, our voices weren't going to be counted.

And so I just want you guys to know that
there's a lot of neighbors out here that are going to be
affected by this property.

MS. CANTU: I don't know if my audio is on, I
think they can hear me. Can you nod if you can hear me?
Great. Thanks. All right. We're going to call in --

(Audio cut off.)

MS. BINGHAM: Ms. Maycotte, bear with us for
just a minute. I think Naomi was trying to figure
something out.

MS. MAYCOTTE: Okay.

MS. BINGHAM: Naomi, nobody can hear you if you
are trying to talk with us.

Bobby, are we okay in letting Ms. Maycotte know
that we hear her and thank her for her comments?

MR. WILKINSON: Yes.

MS. BINGHAM: Thank you, Ms. Maycotte, for your
comments.

MS. MAYCOTTE: Thanks.

MS. BINGHAM: Any other business the Board
needs to do?

(No response.)

MS. BINGHAM: In the absence of our awesome
guide Naomi, I guess I will ask for a motion to adjourn.
MR. BRADEN: So moved.

MS. BINGHAM: Great. Mr. Braden moves to adjourn.

MS. THOMASON: Second.

MS. BINGHAM: Ms. Thomason seconds. I'm assuming all of us are in favor.

Thank you guys all very much. And we will be hearing instruction on plans for the next meetings, Bobby?

MR. WILKINSON: Yes. We'll meet through another webinar or maybe in person, we'll see.

MS. BINGHAM: Great. Thank you very much.

Naomi, are you back? Are we good to close up?

MS. CANTU: Can you hear us?

MS. BINGHAM: Oh, yes, I can hear you.

MS. CANTU: No. We still have Rowena Dasch, and we're going to go ahead and unmute her.

MS. BINGHAM: Okay.

MS. CANTU: Sorry about the technical difficulty here. We're going to unmute Rowena, and you should be good to go.

MS. DASCH: Can you all hear me?

MS. BINGHAM: Yes.

MR. VASQUEZ: Yes.

MS. DASCH: Great. Good morning. My name is Rowena Dasch. I'm the executive director of the Neill-
Cochran House Museum, which is located directly across the street from the Espero project that you were just hearing about.

I'm not going to go back over the details, because she did a fabulous job of covering those. I also technically, according to the City of Austin, have no standing in this issue because the border of the neighborhood ends past San Gabriel Street; however, as I say, we are directly across the street. Our front yard will be the front yard for this facility.

I attended the same meeting several weeks ago and had very similar concerns. I think all of us in Austin recognize the need for more affordable housing. In the West Campus area in particular we all recognize the need for more affordable housing.

And this project, when we asked the question, well, why is this not focused on student housing, considering this is the neighborhood where the City of Austin has decided to attempt to consolidate student housing in order to reduce the amount of traffic on the road, keeping UT from being a commuter campus, there are a variety of reasons for that, and what the project leaders said in answer to that question was, well, the funding that we have secured will not allow student housing.

There are apparently a whole lot of different
hoops you have to jump through and essentially a decent --
most of the people who will be housed in this facility
will be on vouchers, and essentially students are
ineligible because of an employment requirement and being
head of household and things like that.

And so we pushed a little and they said, well,
if you can find $15 million, we're happy to turn this into
student housing. And it just feels like this entire
project has been thrown together.

I have all the respect in the world for Caritas
and what they do, but it is true that this is the largest
scale project of this type that any of the people who are
involved have done. None of them have worked in an area
directly adjacent to a university. They're working with
some people who have worked around the country, but there
is no similar project on which they can base any decision
making.

And on top of that, our neighborhood, we are
very open, we actually are the last green space in Austin
between the University of Texas and Shoal Creek, for those
of you who know the Shoal Creek area, and so we are kind
of a community park our front yard at the Neill-Cochran
House Museum, and we want to remain that way.

But we have been dealing with about a four-
month-long issue with vagrancy with somebody who has
mental health concerns, and he's basically just told us, he said, you're a state space and they can send me away but I'm coming back.

We have a lot of concerns with our family programming, school tours which happen in our front yard --

MS. BINGHAM: Ms. Dasch.

MS. DASCH: Yes.

MS. BINGHAM: So the comment period is for items that aren't on the agenda or may be on a future agenda and the Board doesn't really have the ability to engage with you on your comments, but we do hear your comments and your concerns, and I'm sure that the staff are available to answer questions that you might have about the process moving forward.

MS. DASCH: Okay. I'm happy for that to happen. I was contacted and told that this was going to be on the agenda today, that's why I was on the phone. So I apologize for taking up your time if it is not.

MS. BINGHAM: No worries. We're happy to hear your comments, and I'm sure that the staff will be able to provide you with some guidance. Thank you.

MS. DASCH: Okay. That would be very helpful. Thank you. Have a good day.

MS. BINGHAM: You bet. Thank you.
Naomi, anything else?

MS. CANTU: Yes. There's one other person with their hand raised. That's Jennifer Hicks.

Jennifer, we're going to unmute you, and then if you could state your organization and who you represent and your title, please.

MR. GAGNE: Ms. Hicks, according to my screen, you have not logged in to your audio controls, but if you can hear us, please do so now. You have a little green arrow that collapses your control panel, and you can click on it to expand it and there will be an audio control panel which you can either select using your computer or dialing into a phone number. So we'll give you a few moments to do so.

(Pause.)

MS. CANTU: We don't see a response from Jennifer yet.

Jennifer, again, if you want to go ahead and click on the computer audio, then hopefully we should be able to hear you if you're unable to call in.

If not, you can go ahead and enter information in the question panel and it will be recorded as written comment during this meeting as well.

Oh, I think she did call in. Why don't we unmute her.
MS. HICKS: Hi, everyone. This is Jennifer Hicks with True Casa Consulting. I'm actually here because -- to respond to the two previous commenters, so if this isn't the right course to do that, I'm happy to wait until this might get scheduled for a future Board meeting, whatever the Board wishes at this point.

MS. BINGHAM: Jennifer, just a minute.

So is Beau on a line where Beau can talk? Beau or Bobby, should we have Jennifer respond when it's on the agenda at a later time?

MR. ECCLES: Well, of course, people are welcome to discuss anything that they would like that relates to the Board's business during this public comment period, but the Board is not going to be taking any action one way or another on this application until it's actually on the agenda. So that's her call.

MS. HICKS: Great. I think I'd just like to say that -- Jennifer Hicks with True Casa Consulting. I'm the consultant on this project and working very closely with Caritas of Austin and the Viceno Group for Espero Austin at West 24th Street.

I would encourage both Meredith and Rowena to please reach out to Jo Kathryn Quinn. She is the executive director at Caritas of Austin. Her phone number is 512-466-7080. She is actively meeting face to face
with every single person who has emailed her or called her in response to this project.

I think there are a lot of facts that are not correct, which happens, and we would like to just meet face to face to just talk about what this project really will be, what our goal for this project is.

I want to say that the comments about us saying, you know, give us $15 million and we'd turn it into student housing, that is not the goal or mission of either one of the groups that are involved in this project.

The ultimate goal of this project is delivering extremely affordable units to that area of Austin. And so that is not anything that Caritas of Austin would ever be a part of. Their goal is affordable housing to reduce homelessness and housing instability in Austin.

The comment, though, I think there should be a conversation about what students can be served, and it would absolutely be the goal. It's very true the Housing Tax Credit Program, which this project will be financed with, has requirements about students, but any student who is experiencing housing instability, is emancipated and/or has exited foster care would be eligible.

And so we are happy to, you know, go through that and dig in, because that would be a goal of our team.
as well is to serve students that are facing housing instability.

So I would please encourage you to reach out. We would be happy to meet with you face to face and talk through some of the issues that you have with the project.

Thanks, everyone, for your time.

MS. BINGHAM: Thank you, Ms. Hicks. So are there no further comments teed up, Naomi?

MS. CANTU: I do not see any other hands raised or questions in the question panel, and we don't have any more people who when they registered indicated that they wished to express comments.

MS. BINGHAM: Great. Thank you so much for your help today.

So we had a motion and a second to adjourn the meeting. All those in favor aye.

(A chorus of ayes.)

MS. BINGHAM: All right. Motion carries.

Thank you all very much. The meeting is adjourned.

(Whereupon, at 10:15 a.m., the meeting was adjourned.)
CERTIFICATE

MEETING OF: TDHCA Board
LOCATION: Austin, Texas
DATE: March 26, 2020

I do hereby certify that the foregoing pages, numbers 1 through 57, inclusive, are the true, accurate, and complete transcript prepared from the verbal recording made by electronic recording by Latrice Porter before the Texas Department of Housing and Community Affairs.

DATE: March 31, 2020

(Transcriber)

On the Record Reporting
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