Grantee: State of Texas - TDHCA
Grant: B-11-DN-48-0001
January 1, 2012 thru March 31, 2012 Performance Report
Disasters:
Declaration Number
NSP

Narratives
Summary of Distribution and Uses of NSP Funds:
This document is a substantial amendment to the Action Plan for FFY 2010 submitted by the State of Texas. The Action Plan is the annual update to the Consolidated Plan for FFY 2010 through 2015. This amendment outlines the expected distribution and use of $7,284,978.00 through the Neighborhood Stabilization Program (NSP), which the U.S. Department of Housing and Urban Development (HUD) is providing to the State of Texas. This allocation of funds is provided under Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010 (Pub. L. 111-203, approved July 21, 2010) (Dodd-Frank Act).
The Texas Department of Housing and Community Affairs (TDHCA or Department) issued a competitive Notice of Funds Availability pursuant to which it has awarded funding to eligible subgrantees, Legacy Community Development Corporation in Port Arthur and Community Development Corporation of Brownsville in Brownsville.
The census tracts where awards will be used are 48245005500 in Jefferson County, Texas and 48061014100 in Cameron County, Texas.
The allocation of funds total $6,556,480.20 in project funds and $728,497.80 in administrative funds to assist approximately 54 households.
1. Greatest Need (20 Points); Minimum Score 16 points.
>2. Rental Property (10 Points) or (5 Points after Initial Application)
>3. Prior experience with Texas NSP and TDHCA (Up to 5 Points)
>4. Local at Risk Priorities (10 Points)
>5. Low-Income Households (Up to 5 Points)
>6. Low Poverty Area (1 Point)
>7. Transit Area (1 Point)
>8. Education Opportunities (1 Point)
>9. Special Needs/Hard to Serve Populations (Up to 2 points)

ii) Greatest Need (20 Points): NSP3 activities must be completed in eligible census tracts, as determined by HUD under the Neighborhood Stabilization 3 NOFA. Applicants are required to provide evidence that activities will meet a Neighborhood Stabilization purpose, in a census tract with a threshold foreclosure needs score of 16 or more. The HUD data and mapping tool may be found on the HUD website, here: http://www.texas.gov/hsngl/nsp3/nsp3.html These areas may change as the data is updated, and the target score will be determined as that which was in place as of the date of application.

iii) Rental Properties (10 Points till April 15th, 5 points thereafter): The NSP3 allocation included statutory language requiring the establishment of procedures to create preferences for the development of affordable rental housing for properties assisted with NSP3 funds. Texas NSP3 is demonstrating this preference through a points system.

iv) Local At-Risk Priorities: (10 Points) The identified cities listed in Table 1, as attached to the NOFA, are communities at risk of losing affordable units with existing or former funding through the Department. Eligible applications that are located and willing and able to commit to minimum unit, affordability term and amount of non-federal funds for each specified city, as identified in the chart in Addendum 1 will receive points under this scoring item. The Applicant must be willing to execute a Texas HOME LURA and be able to meet all of the conditions of the federal requirements of a HOME funded development in conjunction with the requirements of this NOFA. These areas may change as the data is updated, and the points will be determined as that which was in place as of the date of application.

v) Previous Participation with Texas NSP and TDHCA funds (5 Total Points): An Applicant will receive two points for having prior State of Texas NSP experience and three points for experience with other TDHCA funds. The experience must have been completed with the same type of construction as the Application is proposing (single family, multifamily, new construction, rehabilitation, etc.) and have acquired their experience in connection with a development with at least 80% as many units as the Units in the development for which Application is being made. The experience will be documented as outlined in the most current QAP plan, as applicable.

vi) Assistance to Low-Income Households at or Below 50% AMFI (5 Total Points): In order to emphasize affordability for households at or below 50% of AMFI, the State will give up points to proposals that will serve households in this income category. Each household served in this income category will receive a point, up to five points.

vii) Low Poverty Area (1 point): The development is in a census tract that has no greater than 10% poverty threshold population according to the most recent census data as of the date of the application.

viii) Transit District (1 point): The development or unit is in a mixed-use residential and commercial area, located within a radius of one-quarter mile from an existing or proposed transit stop, designed to encourage pedestrian activities and maximize access to public transportation.

ix) Educational Opportunities (1 point): The development or unit will serve families with children (at least 70% of the Unit or units must have an eligible bedroom mix of two bedrooms or more) and is proposed to be located in an elementary school attendance zone that has an academic rating of “Exemplary” or “Recognized,” or comparable rating if the rating system changes. An elementary attendance zone does not include magnet school or elementary schools with district-wide possibility of enrollment or no defined attendance zones. The date for consideration of the attendance zone is that in existence as of the date of the application and the academic rating is the most current rating determined by the Texas Education Agency as of that same date.

x) Special Needs or Hard to Serve Populations (1 point per category up to 2 points): At least 51% of the NSP assisted unit or units are designed to serve, Elderly, Persons with Disabilities, Transitioning out of Homelessness, Victims of Domestic Violence, Veterans, Transitioning out of Foster Care, Prisoner Reentry, or Migrant Farmworkers.

xi) Tiebreaker: In the event that two or more Applications receive the same priority based upon the scoring and are both practicable and economically feasible, the Department will utilize the factors in this section, in the order they are presented, to determine which Development will receive a preference in consideration for an awarded of funds.

>1) Applications involving any Rehabilitation or Reconstruction of existing Units will win this first tier tie breaker over Applications involving solely New Construction or Adaptive Reuse.

>2) The Application with the least amount of Texas NSP funds per Texas NSP restricted unit will win this second tier tie breaker.

xii) Department Priorities: The Federal NSP3 NOFA contains a requirement that at least 25% of the awarded funds be spent on housing for properties assisted with NSP3 funds. Texas NSP3 is demonstrating this preference through a points system.

How Fund Use Addresses Market Conditions:

MARKET ANALYSIS

Each applicant will be required to demonstrate how their proposal addresses their local needs and how, if applicable, it coordinates with their community consolidated plan. In addition, multi-family properties will go through an underwriting process to ensure that the area market can support the proposed rental project.

Ensuring Continued Affordability:

The Texas NSP will adopt the HOME program standards for continued affordability for rental housing at 24 CFR 92.252 and homeownership at 24 CFR 92.254. The Texas NSP will follow the Single Family Mortgage limits under Section 203(b) of the National Housing Act which are allowable under HOME program standards. The ability of TDHCA to enforce this requirement for the full affordability period will be secured with a recapture provision in the loan documents.

Definition of Blighted Structure:

The Texas NSP will use local code to determine the definition of a blighted structure except that moral blight is not eligible. If there is no local definition, blighted structure shall mean that a structure exhibits objectively determinable signs of deterioration sufficient to constitute, in the Department’s sole and reasonable judgment a likely threat to human health, safety, or the public welfare.
Definition of Affordable Rents: The Texas NSP will adopt the HOME program standards for affordable rents at 24 CFR 92.252(a), (b), (c), (d), (e), (f) and (j).

Housing Rehabilitation/New Construction Standards:

Single Family Housing

i) All housing that is constructed or rehabilitated with NSP3 funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. In the absence of a local code for new construction or rehabilitation, the housing must meet the International Residential Code and the National Electrical Code, as applicable. In addition, housing that is rehabilitated with NSP3 funds must meet all applicable energy efficiency standards established by §2306.187 of the Texas Government Code, and energy standards as verified by RESCHECK.

ii) If a Texas NSP3 assisted single-family or duplex is newly constructed and reconstructed, the applicant must also ensure compliance with the universal design features in new construction, established by §2306.514 of the Texas Government Code, and as implemented by TDHCA.

iii) All NSP3 assisted properties must meet all applicable State and local housing quality standards and code requirements, which at a minimum must address Universal Physical Condition Standards (UPCS) or the housing quality standards (HQS) in 24 CFR §982.40, but only if HQS is required for another funding source. If there are no such standards or code requirements, the housing must meet Universal Physical Condition Assessment guidelines, unless HQS is required for another fund source. When NSP3 funds are used for rehabilitation the entire unit must be brought up to the applicable property standards, pursuant to 24 CFR §92.251(a)(1).

iv) All NSP3 assisted ownership units must pass inspection by a licensed Texas Real Estate Commission inspector prior to occupation.

Multifamily Rental Housing

i) Housing that is constructed, reconstructed or rehabilitated with NSP3 funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. When NSP funds are used for rehabilitation, the entire unit development must be brought up to the applicable property standards, pursuant to 24 CFR §92.251(a) (1). In the absence of a local code for new construction, reconstruction, or rehabilitation, NSP-assisted new construction, reconstruction or rehabilitation must meet, as applicable, International Residential Code and the National Electrical Code. In addition, housing that is rehabilitated with NSP3 funds must meet all applicable energy efficiency standards established by §2306.187 of the Texas Government Code, and energy standards as verified by RESCHECK.

ii) To avoid duplicative inspections when Federal Housing Administration (FHA) financing is involved in an NSP-assisted property, a participating jurisdiction may rely on a Minimum Property Standards (MPS) inspection performed by a qualified person. Gut rehabilitation, reconstruction or new construction of residential buildings up to three stories must be designed to meet the standard for Energy Star Qualified New Homes. All gut rehabilitation, reconstruction or new construction of mid-or high-rise multifamily housing must be designed to meet American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2004, Appendix G plus 20 percent. Other rehabilitation must meet these standards to the extent applicable to the rehabilitation work undertaken.

iii) Mui-Family Housing must meet the accessibility requirements at 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and covered multifamily dwellings, as defined at 24 CFR §100.201, must also meet the design and construction requirements at 24 CFR §100.205, which implement the Fair Housing Act (42 U.S.C. 3601 &ndash 3631) and the Fair Housing Act Design Manual produced by HUD. Additionally, pursuant to the current Qualified Allocation Plan as of the date of the application QAP 10 TAC §50.9(h)(4)(H), Developments involving New Construction (excluding New Construction of nonresidential buildings) where some Units are two- and more stories and are normally exempt from Fair Housing accessibility requirements, a minimum of 20% of each Unit type (i.e. one bedroom, two bedroom, three bedroom) must provide an accessible entry level and all common-use facilities in compliance with the Fair Housing Guidelines, and include a minimum of one bedroom and one bathroom or powder room at the entry level. A certification will be required after the Development is completed from an inspector, architect, or accessibility specialist. For rehabilitation developments, the scope, specifications and costs associated with complying with accessibility requirements must be identified in the Property Condition Assessment.

iv) A single-site development of over 16 units must have all the development amenities listed in 10 TAC §49.4(14) or as defined in the threshold requirements of the Qualified Allocation Plan, current as of the date of application. If a development is requesting a waiver of any threshold amenity the waiver request must be included in the application. Requests will be evaluated using the criteria outlined in 10 TAC§49.4(14).

v) All NSP3 assisted properties must meet all applicable State and local housing quality standards and code requirements, which at a minimum must address Universal Physical Condition Standards (UPCS) or the housing quality standards (HQS) in 24 CFR §982.40, but only if HQS is required for another funding source. If there are no such standards or code requirements, the housing must meet Universal Physical Condition Assessment guidelines, unless HQS is required for another fund source. When NSP3 funds are used for rehabilitation the entire unit must be brought up to the applicable property standards, pursuant to 24 CFR §92.251(a)(1).

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vii) Any Development proposing New Construction or Reconstruction and located within the one-hundred (100) year floodplain as identified by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps must develop the site so that all finished ground floor elevations are at least one foot above the flood plain and parking and drive areas are no lower than six inches below the floodplain, subject to more stringent local requirements. If no FEMA Flood Insurance Rate Maps are available for the proposed Development, flood zone documentation must be provided from the local government with jurisdiction identifying the one-hundred (100) year floodplain. No buildings or roads that are part of a Development proposing Rehabilitation (excluding Reconstruction) with the exception of Developments with existing and ongoing federal funding assistance from HUD or TRDO-USDA, will be permitted in the one-hundred (100) year floodplain unless they already meet the requirements established in this subsection for New Construction, or if the Unit of General Local Government has undertaken mitigation efforts and can establish that the property is no longer within the one-hundred (100) year floodplain.

viii) All applications with multifamily housing units intended to serve persons with disabilities must adhere to the Department's Integrated Housing Rule at 10 TAC §1.15.

ix) Multifamily properties will be restricted under a Land Use Restriction Agreement (LURA), or other such instrument as determined by the Department for these terms. Among other restrictions, the LURA may require the owner of the property to continue to accept subsidies which may be offered by the federal government, prohibit the owner from exercising an option to prepay a federally insured loan, impose tenant income-based occupancy and rental restrictions, or impose any of these and other restrictions as deemed necessary at the sole discretion of the Department in order to preserve the property as affordable housing on a case-by-case basis.
Additional Requirements (Single and Multifamily Housing)

> i) NSP assisted new construction or rehabilitation will comply with federal lead-based paint requirements including lead screening in housing built before 1978 in accordance with 24 CFR §92.355 and 24 CFR Part 35, subparts A, B, J, K, M, and R. Lead-based paint requirements for Multifamily properties must be discussed in the Property Condition Assessment.

Vicinity Hiring:

NSP3 subgrantees, shall, to the maximum extent feasible, provide for the hiring of employees who reside in the vicinity, of projects funded in the section or contract with small business that are owned and operated by persons residing in the vicinity of such projects. For the purposes of administering this requirement, HUD has adopted the Section 3 applicability thresholds for community development assistance at 24 CFR §135.3 (a)(i)(3)(ii). The NSP3 local hiring requirement does not replace the responsibilities of Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C §1701u), and implementing regulations at 24 CFR Part 135, except to the extent the obligations may be in direct conflict. Vicinity is defined as the census tract where the project is located. Small business means a business that meets the criteria set forth in section 3(a) of the Small Business Act. See 42 U.S.C. §5302(a)(23). All applicants will be required to have a vicinity preference plan in order to meet threshold scoring criteria.

Procedures for Preferences for Affordable Rental Dev.:

The Texas NSP3 Selection Criteria and Priorities includes a preference for Affordable Rental Development through the scoring structure.

Grantee Contact Information:

Texas Department of Housing and Community Affairs
> 221 E. 11th Street
> Austin, TX 78701
> Marni Holloway
> Texas NSP Manager
> Office: 512-475-3726
> Fax: 512-472-1672
> marni.holloway@tdhca.state.tx.us

<table>
<thead>
<tr>
<th>Overall</th>
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<th>To Date</th>
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<tbody>
<tr>
<td>Total Projected Budget from All Sources</td>
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<td>Total Budget</td>
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<td>$728,497.80</td>
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<tr>
<td>Match Contributed</td>
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</table>
TDHCA accepted applications for available NSP3 funds between December 5, 2011, and January 6, 2012. One application met threshold score for award. That application and a draft Neighborhood Stabilization Program Substantial Amendment #3 will be presented to the TDHCA Governing Board and posted for public comment in the first quarter of 2012. It is anticipated that the Substantial Amendment #3 will be submitted to HUD in the 2nd quarter of 2012.

TDHCA NSP has continued to work with award recipients of Texas NSP 3 funds to execute Environmental Clearance, perform due diligence, and complete the underwriting process.

**Progress Toward Required Numeric Targets**

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**Progress Toward Activity Type Targets**

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**Progress Toward National Objective Targets**

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<td>$2,930,818.20</td>
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**Overall Progress Narrative:**

TDHCA accepted applications for available NSP3 funds between December 5, 2011, and January 6, 2012. One application met threshold score for award. That application and a draft Neighborhood Stabilization Program Substantial Amendment #3 will be presented to the TDHCA Governing Board and posted for public comment in the first quarter of 2012. It is anticipated that the Substantial Amendment #3 will be submitted to HUD in the 2nd quarter of 2012.

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**Project Summary**

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6

Community Development Systems
Disaster Recovery Grant Reporting System (DRGR)
Activities

Grantee Activity Number: 77110000000
Activity Title: Project Administration

Activity Category: Administration
Project Number: 3
Projected Start Date: 03/07/2011
Projected End Date: 03/07/2014
Benefit Type: N/A
National Objective: N/A

Total Projected Budget from All Sources: $728,497.80
Match Contributed: $0.00

Activity Status: Under Way
Project Title: Program Administration
Completed Activity Actual End Date: 03/07/2011

Program Objective:

National Objective: N/A

Overall

Jan 1 thru Mar 31, 2012
To Date

Total Projected Budget from All Sources
N/A
$728,497.80

Total Budget
$0.00
$728,497.80

Total Obligated
$0.00
$0.00

Total Funds Drawdown
$0.00
$0.00

Program Funds Drawdown
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$0.00

Program Income Drawdown
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$0.00

Program Income Received
$0.00
$0.00

Total Funds Expended
$0.00
$0.00

TDHCA Only
$0.00
$0.00

Match Contributed
$0.00
$0.00

Activity Description:
Administration of the NSP3 funds according to all applicable regulations and requirements.

Location Description:
Administrative activities will be carried out, and records retained at 221 East 11th Street, Austin, TX 78701

Activity Progress Narrative:
During previous quarters, TDHCA accepted and evaluated applications against the published NSP3 NOFA scoring criteria. Two Applicants received awards at the TDHCA Governing Board meeting on June 30, 2011. The proposed projects will be reviewed and evaluated for compliance with TDHCA underwriting guidelines prior to execution of Developer Agreements. A second Substantial Amendment describing the areas of greatest need to be served by NSP3 funds was published to the TDHCA-NSP website, and notification was provided via list-serve. No public comment was received regarding the second Substantial Amendment.
**Accomplishments Performance Measures**
No Accomplishments Performance Measures found.

**Beneficiaries Performance Measures**
No Beneficiaries Performance Measures found.

**Activity Locations**

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**Other Funding Sources Budgeted - Detail**
No Other Match Funding Sources Found

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</table>
Activity Category: Rehabilitation/reconstruction of residential structures

Project Number: 1

Projected Start Date: 07/01/2011

Benefit Type: Direct Benefit (Households)

National Objective: NSP Only - LMMI

Overall

<table>
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<tr>
<th>Description</th>
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<th>To Date</th>
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Match Contributed $0.00

Activity Description:
Acquisition and Rehabilitation of foreclosed 24-unit multifamily property to provide affordable rental housing for income-eligible households. The rehabilitation will meet or exceed standards described in the Multifamily Rental Housing Section of the Housing Rehabilitation/New Construction Standards of this plan.

Location Description:
The Eddingston Court project is located at 100 Eddingston Court, Port Arthur, Texas. The project is located in Census Tract 48245005500

Activity Progress Narrative:
In the course of completion of due diligence requirements in previous quarters, Legacy Community Development Corporation ordered the appraisal of the multi-family property proposed for acquisition. The conditional purchase price for the property exceeded the valuation provided by appraisal, and the Seller was unwilling to reduce the price to meet requirements, thus, the award has been declined and the project will not move forward.

NSP3 funds available after cancellation of this project will be moved to another eligible project in the 2nd quarter of 2012.

Accomplishments Performance Measures

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<th>Cumulative Actual Total / Expected</th>
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No Activity Locations found.

Activity Locations
No Activity Locations found.

Other Funding Sources Budgeted - Detail
No Other Match Funding Sources Found

Other Funding Sources
No Other Funding Sources Found
Total Other Funding Sources
### Activity Description:
New Construction of 30 single-family homes that will be rented to households at or below 50% AMI. The construction will meet or exceed the Single Family Housing standards in the Housing Rehabilitation/New Construction Standards of this Action Plan.

### Location Description:
The El Naranjal subdivision is located in Census Tract 48061014100, in Cameron County, Texas. All units will be located within the subdivision.

### Activity Progress Narrative:
In previous quarters, Community Development Corporation of Brownsville worked to complete due diligence requirements, prior to underwriting review. After some minor complications, CDCB is working to restructure their deal in order to ensure maximum benefit and feasibility throughout the entire affordability period. As TDHCA and CDCB remain committed to this process, it is anticipated that underwriting will commence in the 2nd quarter of 2012, and the project will proceed in the future.

### Accomplishments Performance Measures

<table>
<thead>
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<th>Cumulative Actual Total / Expected</th>
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<tr>
<td># ELI Households (0-30% AMI)</td>
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11
# of Housing Units  0  0/30
# of Singlefamily Units  0  0/30

Benefits Performance Measures

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Activity Locations
No Activity Locations found.

Other Funding Sources Budgeted - Detail
No Other Match Funding Sources Found

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<th>Amount</th>
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<td>Total Other Funding Sources</td>
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