Grantee: State of Texas - TDHCA
Grant: B-11-DN-48-0001
April 1, 2012 thru June 30, 2012 Performance Report
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.

AREAS OF GREATEST NEED

> The Federal Register Notice (Docket No.FR-5321-N-03), specifies that funds be used in the areas of greatest need. Need is determined by theHUD Foreclosure Need website located at http://www.huduser.org/nspgis/nsp.html

Texas has identified census tracts with a score of 16 or greater as being the census tracts with the HUD-estimated greatest need. Eligible applicants within these census tracts will be able to apply for NSP3 funding.

ELIGIBLE ENTITIES AND USES OF FUNDS

> Eligible applicants for rental properties are nonprofit organizations as described in Section 501 (c)(3) or (c)(4) of the Internal Revenue Code who are required by federal rules to follow 24 CFR Part 84. Eligible applicants for homebuyer properties are units of general local government (including public housing authorities) who will follow rules required by federal rules to follow 24 CFR Part 85, nonprofit organizations as described in Section 501(c)(3) or c)(4) of the Internal Revenue Code who are required by federal rules to follow 24 CFR Part 84, and Housing Finance Corporations authorized under the provisions of the Texas Housing Finance Corporation Act, Texas Government Code, Chapter 394.

In accordance with NSP guidelines, activities under NSP3 may include the establishment of financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties, purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed, and the redevelopment of demolished or vacant properties.

SELECTION CRITERIA AND PRIORITIES

> The State of Texas (State) has established the priorities and scoring that will be used in the application review process and are described below. While the criteria are important to demonstrate a successful proposal, the scoring structure is also designed to ensure that the State complies with the requirements of the HUD Notice designed to prioritize areas of greatest need, meets applicable ODBG regulations, meets Department priorities, and efficiently and effectively expends the funds. Each applicant will be required to submit a properly completed application. Each applicant organizational and financial capacity will be evaluated. The application will be available on the Department website after the TDHCA Governing Board approves a Notice of Funding Availability. All applications must contain the address of the target property. The Department expects to accept applications beginning on March 14, 2011, the initial round of applications on April 15, 2011. Applications with the highest scores were presented to the Department’s Governing Board of Directors on June 30, 2011, for possible approval.

a) All initial round applications must meet a minimum threshold total score of 38 points to be considered for funding. Subsequent round applications considered for award after April 15, 2011, must meet a minimum score of 33 points. Should applications meeting this minimum score threshold exceed available funding, such eligible applications will be retained regardless of date of submission until such a time that funding is available in sufficient amounts to fund the applications or a subsequent Texas NSP NOFA covering NSP3 funds is released.

i) Maximum Total Score = 55 Points (initial application period) or 50 points:
Departments sole and reasonable judgment a likely threat to human health, safety, or the public welfare.

definition, blighted structure shall mean that a structure exhibits objectively determinable signs of deterioration sufficient to constitute, in the

allowable under HOME program standards. The ability of TDHCA to enforce this requirement for the full affordability period will be secured

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 Departments sole and reasonable judgment a likely threat to human health, safety, or the public welfare.
Definiton 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 NSF 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&ndash3619) 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 §50.8(h)(4)(H), Developments involving New Construction (excluding New Construction of nonresidential buildings) where some Units are two-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 funds 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 Standards, 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).

vi) The TDHCA Real Estate Analysis Rules current as of the date of the application may apply, except that if the Rules and the Federal or Texas NSP guidelines conflict, the provisions described in the HUD notice or described herein will govern.

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 requirements established in 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)

NSP3 subgrantees, shall, to the maximum extent feasible, provide for the hiring of employees who reside in the vicinity, of projects funded this 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)(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. Viciity 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
>Office: 512-475-3726
>Fax: 512-472-1672
>marni.holloway@tdhca.state.tx.us

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<tr>
<th>Overall</th>
<th>This Report Period</th>
<th>To Date</th>
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<td>$728,497.80</td>
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<td>Program Funds Drawdown</td>
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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 previously accepted applications for available NSP3 funds between December 5, 2011, and January 6, 2012. At that time, one application met the threshold score for award. That application and a draft Neighborhood Stabilization Program Substantial Amendment #3 were presented to the TDHCA Governing Board and posted for public comment in the first 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.

The Works at Pleasant Valley, which is not currently contracted, has received an initial underwriting review. Staff is currently awaiting more documents from the developer before final underwriting/award approval.

Project Summary

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<th>Project #, Project Title</th>
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<td>Project Funds</td>
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<td>2, Acquisition and New Construction</td>
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<td>3, Program Administration</td>
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<tr>
<td>9999, Restricted Balance</td>
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Activities

Grantee Activity Number: 77110000000
Activity Title: Project Administration

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

Activity Status: Under Way
Projected End Date: 03/07/2014
Completed Activity Actual End Date: 03/07/2011

Benefit Type: TDHCA Only

Overall
Total Projected Budget from All Sources
Total Budget
Total Obligated
Total Funds Drawdown
Program Funds Drawdown
Program Income Drawdown
Program Income Received
Total Funds Expended
TDHCA Only
Match Contributed

April 1 thru Jun 30, 2012
$728,497.80
$0.00
$728,497.80
$0.00
$0.00
$0.00
$0.00
$0.00
$0.00
$0.00
$0.00

To Date
$728,497.80
$728,497.80
$0.00
$0.00
$0.00
$0.00
$0.00
$0.00
$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.

The Works at Pleasant Valley, which is not currently contracted, has received an initial underwriting review. Staff is currently awaiting more documents from the developer before final underwriting/award approval.

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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<th>Address</th>
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Other Funding Sources Budgeted - Detail
No Other Match Funding Sources Found

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<tr>
<td>Total Other Funding Sources</td>
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Grantee Activity Number: 77110000101
Activity Title: Legacy CDC - Purchase and Rehabilitation

Activity Category: Rehabilitation/reconstruction of residential structures
Project Number: 1
Projected Start Date: 07/01/2011
Projected End Date: 06/30/2013
Benefit Type: Direct Benefit (Households)
National Objective: NSP Only - LMMI

Overall
- Total Projected Budget from All Sources: $3,625,662.00
- Total Projected Budget: $0.00
- Total Obligated: $0.00
- Total Funds Drawdown: $0.00
  - Program Funds Drawdown: $0.00
  - Program Income Drawdown: $0.00
- Program Income Received: $0.00
- Total Funds Expended: $0.00
- Match Contributed: $0.00

Activity Status: Planned
Project Title: Acquisition and Rehabilitation

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 future quarters.

Accomplishments Performance Measures

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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

Beneficiaries Performance Measures

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<th>Cumulative Actual Total / Expected</th>
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<tr>
<td># of Multifamily Units</td>
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<table>
<thead>
<tr>
<th>This Report Period</th>
<th>Cumulative Actual Total / Expected</th>
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<tr>
<td></td>
<td>Total</td>
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<tr>
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<tr>
<td># of Households</td>
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<tr>
<td># Renter Households</td>
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Activity Locations

No Activity Locations found.

Other Funding Sources Budgeted - Detail

No Other Match Funding Sources Found

Beneficiaries Performance Measures

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<tr>
<th>This Report Period</th>
<th>Cumulative Actual Total / Expected</th>
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<th>This Report Period</th>
<th>Cumulative Actual Total / Expected</th>
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<td>Total</td>
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<td># of Households</td>
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<tr>
<td># Renter Households</td>
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Grantee Activity Number: 77110000105
Activity Title: CDC Brownsville - New Construction

Activity Category: Construction of new housing
Project Number: 2
Projected Start Date: 07/01/2011
Benefit Type: Direct Benefit (Households)
National Objective: NSP Only - LH - 25% Set-Aside

Total Projected Budget from All Sources: $2,930,818.20
Match Contributed: $0.00
Total Obligated: $0.00
Total Funds Drawdown: $0.00
Program Funds Drawdown: $0.00
Program Income Drawdown: $0.00
Program Income Received: $0.00
Total Funds Expended: $0.00
Community Development Corporation of Brownsville

Activity Status: Planned
Project Title: Acquisition and New Construction
Projected End Date: 06/30/2013
Completed Activity Actual End Date: 06/30/2013

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 continuing to work 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 future quarters, and the project will proceed.

Accomplishments Performance Measures

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Community Development Systems
Disaster Recovery Grant Reporting System (DRGR)
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

Beneficiaries Performance Measures

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