



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

File #: 1461

Agenda Date: 6/4/2026

Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for Ekos City Heights (HTC #20701)

RECOMMENDED ACTION

WHEREAS, Ekos City Heights (Development) received an award of 4% Housing Tax Credits (HTCs) in 2020 for the new construction of 179 units for the elderly population and was subsequently amended to be for the general population in Austin, Travis County;

WHEREAS, MHP City Heights, Ltd. (Development Owner or Owner) requests approval for a reduction in the Common Area from 37,641 square feet to 30,383 square feet, representing a reduction of 7,258 square feet or 19.28% from the Common Area represented at Application, which the Owner explains is due to the fact that the boundaries used to tabulate the corridors and circulation areas were accidentally double-counted in some areas at Application;

WHEREAS, Board approval is required for a reduction of 3% or more in the square footage of the Common Area as directed in Tex. Gov't Code §2306.6712(d)(4) and 10 TAC §10.405(a)(4)(D), and the Owner has complied with the amendment requirements therein; and

WHEREAS, the requested change does not negatively affect the Development, impact the viability of the transaction, impact the selection of the Application, or affect the amount of housing tax credits awarded;

NOW, therefore, it is hereby

RESOLVED, that the requested amendment for Ekos City Heights is approved as presented at this meeting, and the Executive Director and his designees are each hereby authorized, directed, and empowered to take all necessary action to effectuate the foregoing.

BACKGROUND

Ekos City Heights received an award of 4% Housing Tax Credits in 2020 for the new construction of 179 low-income units for the elderly population in Austin, Travis County. A Material LURA Amendment was approved in January 2026 to change the Target Population from Elderly to General as a result of weak demand for senior affordable housing in the Austin market. Construction of the Development was completed in 2024, and the cost certification documentation for the Development is currently review by the Department.

In a letter dated March 25, 2026, Rebecca Broadbent, Consultant for the Development, requested approval for a reduction in the Common Area from 37,641 square feet to 30,383 square feet, a reduction of 19.28% or 7,258 square feet. Board approval is required for a reduction of 3% or more in the square footage of the Common Area as directed in Tex. Gov't Code §2306.6712(d)(4) and 10 TAC §10.405(a)(4)(D). The amendment request letter states that at Application the boundaries used to tabulate the corridors and circulation areas were accidentally double counted in some areas. This resulted in numbers that were higher than actually intended. The Owner's consultant indicated that there was no real change between Application and as-built other than a math error that needs to be corrected and that there was no change in the amenity areas.

The change to the Common Area square footage does not materially alter the Development in a negative manner and was not reasonably foreseeable or preventable by the Development Owner at the time of Application. The Owner has indicated that there was no financial impact on the Development because of the proposed change. Staff has determined that this change does not affect the selection of the Application or the HTC award, and the Development will continue to meet the accessibility requirements. The final recommended HTC amount will be determined upon finalization of the cost certification process.

Staff recommends approval of the amendment request as presented herein.



March 25, 2026

Rene Ruiz, Asset Manager Region 7
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Re: Ekos City Heights, TDHCA #20701, Austin, Texas

Dear Mr. Ruiz:

Please accept this formal request for a Material LURA amendment to the above referenced development to adjust the Common Area for the development,

SECTION 1

Change Requested

- 1) Adjust the Common Area for the development from 37,641 sf to 30,383 sf. This represents a reduction of 19.28%.

Reason the Change is Necessary

- 1) At Application, the boundaries used to tabulate the corridors and circulation areas were accidentally double-counted in some areas. This resulted in numbers that were higher than was actually intended. There was no real change between Application and As-built—it was just a math error that needs to be corrected.

Good Cause for the Change

- 1) The error of double-counting areas needs to be corrected. Even though the numbers changed, what was designed from the beginning is what was actually built—there really was not a change in areas, it was just a math error.
- 2) It is important to note that the amenity areas in the development did not change. They remained the same from Application to As-Built.

Explanation of Foreseeable or Preventable Nature

- 1) We had no way of knowing that the architect made an error in double counting some circulation areas.

Financial Impact

- 1) Since there really was no change, there is no financial impact.

SECTION 2

Attachments

- Common Area calculation sheet showing the change in numbers from Application to As-Built calculations.

The \$3,000 amendment fee has been submitted. Thank you for marshalling the amendment request through the system. Please feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Broadbent". The signature is written in a cursive, flowing style.

Rebecca Broadbent
Consultant to the Project

Ekos City Heights Common Area				
	At Application	At Cost Cert	Difference	Not Common Area
Reception	395	395	0	
Media Center	226	226	0	
Parcel Storage	52	52	0	
Parcel Area	85	85	0	
Lobby/Lounge	876	876	0	
Café	91	91	0	
Club/Game Room	650	650	0	
Mens RR	158	158	0	
Womens RR	156	156	0	
Micro Office #1	89	89	0	
Micro Office #2	97	97	0	
Mail	149	149	0	
Fitness Room	669	666	-3	
Mens RR (Parking level)	120	120	0	
Womens RR (Parking level)	126	126	0	
Leasing	580	580	0	
Office	108	108	0	
Manager Office	123	123	0	
Work Room			0	208
IT/Storage			0	65
Unisex RR (employees)			0	66
Mechanical			0	48
Breakroom			0	105
Mechanical			0	21
Janitor			0	26
Maintenance			0	90
Mechanical (parking level)			0	22
Fire and Pump Room			0	318
Trash Collection Areas Parking level			0	803
Mechanical Support Areas Level 1			0	125
Mechanical Support Areas Level 2			0	160
Mechanical Support Areas Level 3			0	160
Mechanical Support Areas Level 4			0	160
Mechanical Support Areas Level 5			0	130
IT Data Closet Level 2			0	91
Janitor Closet Level 3			0	91
IT Data Closet Level 4			0	91
Janitor Closet Level 5			0	91
Elevator Closet Level 5			0	35
Clubhouse Balcony	267	267	0	
West End Balconies (levels 1-5)	740	740	0	
South Balconies (levels 1-5)	715	720	5	
Covered Terrace	413	275	-138	
Corridors Level 1	4020	3732	-288	
Corridors Level 2	6168	4689	-1479	
Corridors Level 3	6168	4689	-1479	
Corridors Level 4	6168	4689	-1479	
Corridors Level 5	6168	4689	-1479	
Parking Level Corridors	2064	1146	-918	
Total Common Area	37641	30383	-7258	2906

19.28% Reduction in Common Area