



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

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**File #:** 1426

**Agenda Date:** 5/7/2026

**Agenda #:**

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Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement for Providence Place Apartments (HTC #05209)

**RECOMMENDED ACTION**

**WHEREAS**, Providence Place Apartments (HTC #05209) received an allocation of 9% Housing Tax Credits (HTCs) in 2005 for the construction of 174 units, of which 166 are designated as low-income units, for the elderly in Katy, Harris County;

**WHEREAS**, the Land Use Restriction Agreement (LURA) for the Development states that throughout the 15-year Compliance Period, which ended on December 31, 2021, the Development is intended for, and solely occupied by Persons 62 years of age or older; or is intended and operated for occupancy by at least one person who is 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one person who is 55 years of age or older; and adheres to policies and procedures which demonstrate an intent by the owner and manager to provide housing for persons 55 years of age or older;

**WHEREAS**, Providence Place, Ltd. (Development Owner or Owner) has continued to operate the Development as restricted for the elderly and requests approval to extend the elderly designation throughout the 40-year extended use period; and

**WHEREAS**, 10 TAC §10.405(b)(2)(C) states that changes to the Target Population are material amendments to the Land Use Restriction Agreement (LURA);

**NOW, therefore, it is hereby**

**RESOLVED**, that the Board approves amendment to the LURA of Providence Place Apartments to extend the elderly restriction throughout the term of the LURA as presented at this meeting, and the Executive Director and his designees are each authorized, directed, and empowered to take all necessary action to effectuate the foregoing.

**BACKGROUND**

Providence Place Apartments received an allocation of 9% Housing Tax Credits in 2005 for the construction of 174 units, of which 166 units are designated as low-income, for elderly residents. The Development is located in Katy, Harris County. The LURA for the Development states that throughout the 15-year Compliance Period, which ended on December 31, 2021, the Development was intended for, and solely occupied by Persons 62 years of age or older; or

is intended and operated for occupancy by at least one person who is 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one person who is 55 years of age or older; and adhere to policies and procedures which demonstrate an intent by the owner and manager to provide housing for persons 55 years of age or older.

In a letter dated January 26, 2026, H. Chris Richardson, the representative for the Owner, requests approval to extend the elderly designation of the Development throughout the 40-year affordability period. The Owner has certified that the Development has continued to operate as elderly.

10 TAC §10.405(b)(2)(C) states that changes to the target population are material amendments to the LURA, requiring Board approval. At the meeting on July 10, 2025, the Board granted staff the authority to process requests to extend the elderly requirement as non-material amendments where the elderly restrictions have expired within two years of the amendment request and the Owner has certified that the property has continued to operate as elderly. However, because it has been more than two years since the end of the Compliance Period for this Development, this request to extend the elderly requirement requires Board approval.

The Owner complied with the requirements for requesting a material LURA amendment, including holding a public hearing. The public hearing was held on March 26, 2026. According to the attendance sheets, many residents attended the meeting. The meeting minutes reflect that several residents provided public comment, all of whom expressed strong support for retaining the elderly requirement.

Staff recommends approval of the amendment request as presented herein.

January 26, 2026

**VIA ELECTRONIC DELIVERY**

Ms. Stephanie Givens  
Texas Department of Housing and Community Affairs  
221 East 11th Street  
Austin, Texas 78701-2410

*email: stephanie.givens@tdhca.state.tx.us*

Re: TDHCA File No. 05209  
Providence Place Apartments (the "**Property**")

Dear Ms. Givens:

The undersigned, being the General Partner (herein so called) of Providence Place Ltd., a Texas limited partnership (the "**Partnership**") and the current owner of the Property, submits this request for a material LURA amendment in order to modify the LURA Qualified Elderly Development Requirements post 15 year compliance period to allow the property to continue operating as a Qualified Elderly Development.

**Request to Amend the Qualified Elderly Development Requirements**

The Partnership was previously approved as a Qualified Elderly Development that is now post 15-year compliance and is no longer required to meet the requirements of the Qualified Elderly Development in the LURA recorded January 10, 2007. The Partnership is requesting that it continue to operate under the requirements that state it "is intended for, and solely occupied by Persons 62 years of age or older; or is intended and operated for occupancy by at least one person 55 years of age or older per unit, where at least 80% of total housing units are occupied by at least one person who is 55 years of age or older; and adheres to policies and procedures which demonstrate an intent by the owner and manager to provide housing for persons 55 years of age or older."

Following the property's transition to post-Year 15 compliance, it was discovered that the LURA no longer expressly maintained the age-restriction language required for the development to continue operating as a Qualified Elderly Development. Without approval of this amendment, the property would be required to lease and occupy units without any age limitations, which would fundamentally alter the nature, mission, and operational structure of the property as a senior housing community. This outcome is inconsistent with the property's long-standing use, resident expectations, management practices, and original intent as an elderly housing community.

The Partnership certifies that Providence Place Apartments is currently leasing and operating as an elderly housing community, consistent with the definition of Qualified Elderly Development. The property has continuously enforced age-restricted occupancy standards, maintains written policies and procedures demonstrating intent to house persons 55 years of age or older. The Partnership further certifies its intent to continue operating the property as an elderly housing community.

Good cause exists for this amendment as the requested change does not alter affordability levels, unit mix, income targeting, or any other material program requirements. Instead, it preserves the existing operational framework of the property and prevents displacement risks, market confusion, and operational hardship that would result from removing the Qualified Elderly Development age restriction.

# BLAZER

Providence Place, Ltd

At the time of the original application and award, it was not reasonably foreseeable that the age-restriction provisions would be lifted upon entering post-Year 15 compliance. The Partnership and Management had no indication that the Qualified Elderly designation would expire absent a specific post-Year 15 amendment, nor was this issue commonly understood or emphasized during the original application process.

As such, the current circumstance was neither intentional nor preventable, and the request is being made promptly upon discovery to ensure continued compliance with TDHCA guidance.

In accordance with Section 10.405 of the Rules the amendment being a material amendment, the Partnership respectfully requests TDHCA's approval of this material LURA amendment to allow the property to continue operating as a Qualified Elderly Development.

With that, the Partnership will provide notice of the requested change and hold a public hearing regarding the requested change at least twenty (20) business days prior to the scheduled Board meeting where the request will be considered.

Thank you very much for your assistance. Please do not hesitate to contact us if you require any additional information.

Sincerely,

**PROVIDENCE PLACE, LTD.**  
a Texas limited partnership

By: BLAZER LAND L.L.C,  
a Delaware limited liability company,  
its general partner

By:   
H. Chris Richardson, President