



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

File #: 1633

Agenda Date: 11/5/2026

Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement for Nacogdoches Senior Village (HTC #060014)

RECOMMENDED ACTION

WHEREAS, Nacogdoches Senior Village (HTC #060014) received an allocation of 9% Housing Tax Credits (HTCs) in 2006 for the new construction of 36 units for the elderly in Nacogdoches, Nacogdoches County;

WHEREAS, the Land Use Restriction Agreement (LURA) for the Development states that throughout the 15-year Compliance Period, which ended on December 31, 2022, the Development must be a project which is solely occupied by persons age 62 years of age or older, or at least 80% of the units in the Development must be operated for occupancy by at least one person 55 years of age or older;

WHEREAS, Nacogdoches Charger Properties LP (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 affordability period; and

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

NOW, therefore, it is hereby

RESOLVED, that the Board approves amendment to the LURA of Nacogdoches Senior Village 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

Nacogdoches Senior Village received an allocation of 9% Housing Tax Credits in 2006 for the new construction of 36 units for the elderly in Nacogdoches, Nacogdoches County. The LURA for the Development states that throughout the 15-year Compliance Period, which ended on December 31, 2022, the Development must be a project which is solely occupied by persons 62 years of age or older, or at least 80% of the units in the Development must be operated for occupancy by at least one person 55 years of age or older.

In a letter dated September 16, 2026, Mike Van Essen, 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 and meets the requirements of the Housing for Older Persons Act.

10 TAC §10.405(b)(2)(C) states that changes to the target population are material amendments to the LURA, requiring Board approval. 10 TAC 10.405(b)(1)(F) states that a change in target population, if the elderly restriction in the LURA expired at the end of the compliance period would be considered a non-material LURA amendment, if the amendment is requested within one year of expiration and contains a certification from the Owner that the Development still qualifies as elderly. However, because it has been more than one year since the end of the Compliance Period for this Development, this request to extend the elderly requirements requires Board approval.

The Owner complied with the requirements for requesting a material LURA amendment, including holding a public meeting. The public hearing was held on October 6, 2026. The Owner reported that eight residents attended the public hearing, and the comments received were all in favor of maintaining the elderly designation at the Development.

Staff recommends approval of the amendment request as presented herein.

Post Office Box 489
New Caney, Texas 77357

281-689-2030 (o)
281-689-0103 (f)

September 16, 2026

Texas Department of Housing and Community Affairs
Asset Management Division | Attn: Karen Curtice, Asset Manager
221 East 11th Street, Austin, Texas 78701
Via email: asset.management@tdhca.texas.gov

RE: Request for Material Amendment to Land Use Restriction Agreement

Nacogdoches Senior Village, 605 Harris St, Nacogdoches, Texas 75964
TDHCA File No. 060014 | LURA effective September 10, 2008
For consideration at the November 5, 2026 Governing Board meeting

Ms. Curtice:

Nacogdoches Charger Properties LP (the "Owner"), Development Owner of the above referenced Development, requests approval of a material amendment to the Development's Land Use Restriction Agreement (the "LURA") under 10 TAC §10.405(b), for consideration at the November 5, 2026 Board meeting. The amendment fee required by 10 TAC §11.901(10) accompanies this request.

1. Development and Owner

Development	Nacogdoches Senior Village, 605 Harris St, Nacogdoches, Texas 75964, Nacogdoches County
TDHCA File No.	060014 36 total Elderly units, 36 low income units
Development Owner	Nacogdoches Charger Properties LP, a Texas limited partnership
Owner Contact	Alfredo Huerta ahuerta@harlingencdc.org
LURA	Effective September 10, 2008; recorded document number 2008-130934; Extended Use Period ends December 31, 2047
Compliance Period	Ended December 31, 2022; Forms 8609 issued 2008

2. The change requested

The Owner requests that the Elderly Target Population restriction in LURA Appendix A (Page 18), which by its terms applies "throughout the Compliance Period," shall be amended to apply throughout the remaining extended use term of the LURA. No other term changes: the number of low income units, the income set asides, the rent limits, and the unit mix all remain as



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recorded. The Owner understands that a change to Target Population is a material amendment requiring Board approval.

3. Reason the change is necessary

The Compliance Period ended December 31, 2022, but the Development has continued without interruption to be named, marketed, leased, and operated as senior housing, and its tenant selection criteria still reflect an age restriction. On June 24, 2026 the Department issued a monitoring finding citing this condition and offering two corrective options: convert the Development to a family development, or amend the LURA to change the Elderly requirement.

The Owner elects the amendment, and this request is the Owner's corrective action for that finding. Carrying the Elderly restriction through the Extended Use Period allows the Development to keep serving the senior households it was built for.

4. Good cause

- **Continuity for existing residents.** The Development's residents are seniors who chose it as a senior community. Converting to general occupancy would change the character of that community built for an older resident base.
- **Purpose built senior housing.** The Development was awarded, underwritten, constructed, and staffed as an Elderly development. Operating it as a family development would put the physical attributes and the services model at odds with the resident population.
- **Continuing community need.** Demand for income restricted senior housing in this submarket remains strong. Removing the Elderly designation would reduce the supply of affordable senior units in Nacogdoches at no benefit to the Department or its residents.

5. Financial impact

The amendment has no financial impact on the Development. It conforms the recorded LURA to operations already in place. No changes to low income unit count, unit mix, rent limits, or set asides will occur.

6. Tenant and third party rights

Every household currently residing at the Development qualifies under the Elderly designation, so no current tenant is displaced, made ineligible, or subject to any change in rent, lease, or unit; the amendment preserves the status quo rather than altering it.

7. Notice and public hearing

Forms 8609 have been issued, so notice of the amendment and hearing is being provided to each tenant and to the current lender(s) and investor(s); draft copies are enclosed. The hearing is scheduled at least twenty (20) business days before the November 5, 2026 Board meeting:

Location	Nacogdoches Senior Village Community Room, 605 Harris St, Nacogdoches, Texas 75964
Date	Tuesday, October 6, 2026
Time	1 PM Central

Minutes of the hearing and a copy of the attendance sheet will be submitted within three (3) business days of the hearing, on or before Friday, October 9, 2026.

8. Foreseeability at the time of Application

The necessity of this amendment was not reasonably foreseeable at Application. The award, the Development's design, and the Owner's intent all contemplated senior housing for the full affordability period, and the Owner had no reason to anticipate that the Elderly restriction would expire at the close of the Compliance Period while the Development continued in senior use. The Owner learned of the issue upon receipt of the June 24, 2026 finding and is acting promptly to resolve it.

9. Compliance status

The Owner is resolving the only other compliance items for this Development from the June 24, 2026 finding letter.

10. Enclosures

- Amendment fee of \$2,500.00, check no. 4148, payable to the Texas Department of Housing and Community Affairs per 10 TAC §11.901(10)
- Notice to Residents
- Notice to Lenders and Investors

Please contact Mike Van Essen at 281-213-5366 or mvanessen@lcjcompanies.com with any questions. The Owner appreciates the Department's consideration.

Respectfully,

Mike Van Essen

Regional Manager, LCJ Management
Nacogdoches-Charger Properties LP, Development Owner
281-213-5366 | mvanessen@lcjcompanies.com