



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

File #: 1638

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 Country Lane Seniors-Waxahachie Community (HTC #060042)

RECOMMENDED ACTION

WHEREAS, Country Lane Seniors-Waxahachie Community (HTC #060042) received an allocation of 9% Housing Tax Credits (HTCs) in 2006 for the new construction of 102 units, of which 98 units are designated as low-income units, for the elderly in Waxahachie, Ellis 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 intended for and solely occupied by persons 62 years of age or older or is intended and operated for occupancy where at least 80% of the units in the Development are restricted to households in which at least one person is 55 years of age or older;

WHEREAS, Two Country Lane-Waxahachie, 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 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 Country Lane Seniors-Waxahachie Community 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

Country Lane Seniors-Waxahachie Community received an allocation of 9% Housing Tax Credits in 2006 for the new construction of 102 units, of which 98 units are designated as low-income units, for the elderly in Waxahachie, Ellis 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 intended for and solely occupied by persons 62 years

of age or older or at least 80% of the units in the Development must be restricted to households in which at least one person is 55 years of age or older.

In a letter dated August 26, 2026, Nicki Wazny, 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 restrictions in the LURA expired at the end of the Compliance Period are a non-material LURA amendment if the amendment is requested within one year of expiration and contains a certification from the Development 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, the request to extend the elderly restriction 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 September 9, 2026. The Owner reported that 12 residents provided comments, 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.

August 26, 2026

Texas Department of Housing and Community Affairs
Asset Management Division
P.O. Box 13941
Austin, Texas 78711-3941

RE: Country Lane Waxahachie

TDHCA File No.: 060042

CMTS No.: 4369

Request for Material LURA Amendment – Extension of Qualified Elderly Restriction

Dear Asset Manager:

On behalf of the Development Owner, we respectfully submit this request for a Material LURA Amendment for Country Lane Waxahachie. The Development Owner requests amendment of the Land Use Restriction Agreement ("LURA") to extend the Qualified Elderly Project requirement beyond the Compliance Period and throughout the Extended Use Period.

The Development has historically operated as housing for persons 55 years of age or older. The current LURA provides that the Qualified Elderly Project requirement applies during the Compliance Period; however, the Owner wishes to continue operating the Development as housing for older persons and maintain its longstanding senior housing mission throughout the Extended Use Period.

The requested amendment is necessary because the existing elderly restriction contained in the LURA does not extend through the Extended Use Period. The Owner seeks to preserve the Development's existing use and continue serving the same target population that the property has historically been intended to serve.

Good cause exists for this amendment because the Owner is not proposing a change to the Development's historic use, affordability commitments, unit mix, rent restrictions, or income restrictions. Rather, the requested amendment will allow the Development to continue operating as housing for persons 55 years of age or older and preserve the property's established role in providing housing opportunities for elderly residents.

The need for this amendment arises from the expiration of the elderly restriction language contained in the recorded LURA. Although the Development has continuously operated as a Qualified Elderly Development, the Owner now seeks to formally extend the restriction through the Extended Use Period to ensure consistency between the Development's operations and the recorded land use restrictions.

The Development continues to qualify as housing for persons 55 years of age or older and will continue to comply with all applicable requirements governing housing for older persons. A signed Development Owner Certification is included with this submission.

To the best of the Owner's knowledge, the Development is not subject to a HUD contract or other federal funding source that independently requires the property to remain restricted for occupancy by persons 55 years of age or older. Accordingly, the Owner respectfully requests approval of this Material LURA Amendment to continue the Development's Qualified Elderly designation through the Extended Use Period.

We respectfully request TDHCA's approval of this Material LURA Amendment. Supporting documentation, including the Development Owner Certification and other materials required by TDHCA, are included with this submission.

Please contact me if additional information is needed to facilitate review of this request.

Sincerely,
Nicki Wazny
Senior Regional Manager
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