File #: 1520 **Agenda Date:** 7/9/2026 **Agenda #:**

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement for Sunset Haven (HTC #060118)

RECOMMENDED ACTION

WHEREAS, Sunset Haven (HTC #060118) received an allocation of 9% Housing Tax Credits (HTCs) in 2006 for the new construction of 100 units for the elderly in Brownsville, Cameron 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 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, Sunset Haven, 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 Land Use Restriction Agreement (LURA);

NOW, therefore, it is hereby

RESOLVED, that the Board approves amendment to the LURA of Sunset Haven 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

Sunset Haven received an allocation of 9% Housing Tax Credits in 2006 for the new construction of 100 units for the elderly in Brownsville, Cameron 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 May 22, 2026, Cheridan McIntyre, 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 and require 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 would be 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, 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 meeting and notifying each resident of the Development and the lender for the Development that they are requesting a LURA amendment to extend the elderly requirement throughout the term of the LURA. There is no longer a syndicator involved with this Development. The public hearing was held on June 5, 2026. The Owner reported that 30 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.

CAPSTONE
REAL ESTATE SERVICES, INC.

May 22nd, 2026

Sunset Haven **CMTS ID: 4388**

Dear TDHCA Compliance Team,

Please accept this letter as a formal request for a Land Use Restriction Agreement (LURA) amendment to allow Sunset Haven to continue operating as a senior housing property.

During the recent monitoring review, it was noted that the property's elderly set-aside requirement had expired with the end of the applicable compliance period. Ownership would like to maintain the property as senior housing in order to continue serving the existing resident population and preserve housing opportunities for elderly households within the community.

The property has historically operated as a senior community and continues to market and lease units in accordance with applicable fair housing requirements and senior housing guidelines. Maintaining the elderly designation is important to both ownership and the residents currently residing at the property, as it supports the long-term stability and housing needs of seniors in the area.

Ownership is in the process of issuing the $2,500 check. Can you please confirm the mailing address where the payment should be sent?

We respectfully request guidance regarding the next steps and any documentation required by TDHCA to process the LURA amendment request. Ownership is prepared to provide any additional information necessary to facilitate review and approval. Thank you for your time and consideration. Please let us know if you require any further documentation or clarification.

Sincerely,
Cheridan McIntyre
Compliance Officer
Capstone Real Estate Services, Inc.
(512)646-6700
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