



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

File #: 992

Agenda Date: 5/8/2025

Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for Ekos at the Preserve (HTC #20083)

RECOMMENDED ACTION

WHEREAS, Ekos at the Preserve (the Development) received an award of 9% Housing Tax Credits (HTCs) in 2020 for the construction of 84 units for the general population in Irving, Dallas County;

WHEREAS, MHP Region 3 II, LLC (the Development Owner or Owner) requests approval for a reduction in the Common Area from 16,030 square feet to 4,251 square feet, representing a reduction of 11,779 square feet or 73.48% from the Common Area represented in the Architect Certification 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 scoring of the Application, or affect the amount of funding awarded;

NOW, therefore, it is hereby

RESOLVED, that the requested amendment for Ekos at the Preserve 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 at the Preserve received an award of 9% Housing Tax Credits in 2020 for the new construction of 84 units for the general population in Irving, Dallas County. The construction of the Development has been completed, and the Owner has submitted the cost certification documentation. Upon review of the cost certification, staff identified a change in the square footage of the Common Area from what was represented in the Application. In a letter dated March 19, 2025, Rebecca Broadbent, the Owner representative, requested approval for a reduction in the Common Area.

The Application originally identified the Common Area as 16,030 square feet. However, according to the amendment request, the Common Area was miscalculated in the Architect Certification; however, a revised form was not included in the Application. The Architect provided a revised Engineer/Architect Certification dated March 13, 2021, identifying the Common Area as 4,970 square feet. The original Architect Certification provided included the area of the breezeways, stairs, and corridors for the three buildings, but did not include any of the clubhouse area. The revised Architect Certification removed the breezeways, stairs, and corridors from the Common Area and included the entire clubhouse building as the Common Area. The breezeways, stairs, and corridors, totaling to 7,339 square feet as-built, are not enclosed, they are open-air areas in walk-up garden style buildings, and these areas are not included in the Common Area calculation for the Development. The clubhouse includes maintenance, mechanical, IT, and HVAC areas, which are excluded from Common Area as well. When these areas are removed from the Common Area calculation, the Common Area is 4,251 square feet, representing a reduction of 11,779 square feet or 73.48% from the Common Area identified at Application. If the breezeways, stairs, and corridors, totaling to 7,339 square feet, were to be counted as Common Area, the total Common Area square footage would be 11,590.

The amendment request package indicates that the as-built Development has a smaller building footprint due to site constraints, and a redesign of the breezeways also resulted in a decreased square footage. Additionally, the kids center of 273 square feet was moved to an outdoor area, and the laundry room of 213 square feet was eliminated.

The change to the Common Area square footage still allows the Development Owner to provide the amenity points promised at Application, and the changes due to site constraints were not reasonably foreseeable or preventable by the Development Owner at the time of Application. The Owner has indicated that there was no net financial impact on the Development as a result of the proposed changes. Staff has determined that this change does not affect the scoring of the Application or the funding 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 review process.

Staff recommends approval of the amendment request as presented herein.



March 19, 2025

Rosalio Banuelos
Director of Multifamily Asset Management
Texas Department of Housing and Community Affairs
221 East 11th Street
Austin, TX 78701

Re: Amendment Request for Ekos at the Preserve #20083, in Irving, Texas

Dear Mr. Banuelos,

We are submitting an Amendment Request for 20083 Ekos at the Preserve. The change we are requesting has to do with the Common Area. It is important to note that the change in Common Area since Application is only 3.8%, even though it appears to be more than that. The reason this change is needed is because at Application the Common Area was mis-represented in the Application. Areas that are considered Common Area were not included in the calculation, and areas that are not actually Common Area were included.

The reasons the changes are necessary.

Prior to Application, the architect provided an Architect Certification that showed the Common Area as 16,030 sqft. The Architect provided a revised Engineer/Architect Certification dated 1/14/2020 that was mistakenly left out of the application. This form stated the Common Area as 4,970 sqft. Please see the form submitted at application and the revised form as well as a letter from our architect explaining why the form was revised. We realize now that even the revised Common Area provided by the architect on the form was not calculated correctly.

The attached spreadsheet shows the calculation of the areas that are in question. The original Architect Certification provided included the area of the breezeways, stairs and corridors for the three buildings, but did not include any of the Clubhouse Area (shown in yellow on the spreadsheet). The Revised Architect Certification removed the breezeways, stairs, and corridors from the Common Area and included the entire Clubhouse building as the Common Area (shown in blue on the spreadsheet).

What actually should have been included in the Common Area at Application is shown in green on the spreadsheet. In this development, the breezeways, stairs, and corridors are not enclosed. They are open-air areas in walk-up garden style buildings, and these areas are not to be included in the Common Area calculation. The Clubhouse has maintenance, mechanical, IT, and HVAC areas, which are specifically excluded from common area. When these areas are removed from the Common Area calculation, we are left with a Common Area of 4,251 sqft.

The development as-built has a Common Area of 4,089 sqft. This is a change of 3.8% since Application. The change in Common Area is due to site constraints, as explained in the attached letter from the architect.

Foreseeable nature of the changes.

At application the Architect miscalculated the common area and when they realized the mistake submitted a revised form that was not included in the application. A letter explaining this error is attached. However, even that revised form did not calculate the Common Area correctly. A lack of understanding about what exactly should and should not be included in the Common Area is what led to this error.

We respectfully request approval of the Amendment Request for the Common Area at Ekos at the Preserve.

Thank you,

A handwritten signature in black ink that reads "Rebecca Broadbent". The script is cursive and fluid, with the first name and last name clearly legible.

Rebecca Broadbent
Project Manager
Structure Development

Ekos at the Preserve Common Area Calculations								
	At Application						As Built	
	What was submitted as the Common Area originally		What was submitted on the Revised Common Area		What should have been submitted as Common Area		Common Area As Built	
	Common Area	Non Rentable Area	Common Area	Non Rentable Area	Common Area	Non Rentable Area	Common Area	Non Rentable Area
Reception Area		205	205		205		339	
Kids Center		273	273		273		N/A	
Gathering Area (Incl Café)		1014	1014		1014		1075	
Exercise Room		453	453		453		572	
Media Room		275	275		275		241	
Mens RR		48	48		48		49	
Womens RR		46	46		46		47	
Laundry		213	213		213		N/A	
Toilet #1		50	50		50		64	
Toilet #2		50	50		50		59	
Hall		66	66		66		101	
Office #1		140	140		140		159	
Office #2		168	168		168		194	
Office #3		168	168		168		140	
Work/Break Room		170	170		170		131	
Toilet #3		50	50		50		44	
Hall		131	131		131		76	
Covered Entry		84	84		84		46	
Covered Living Area		421	421		421		606	
Covered Mail		226	226		226		146	
Maintenance		494	494			494		458
HVAC		25	25			25		N/A
HVAC #2		25	25			25		N/A
IT Closet		90	90			90		11
Mechanical		85	85			85		21
Stariways, Breezeways, and Corridors building 1	6973			6973		6973		2769
Stariways, Breezeways, and Corridors building 2	4449			4449		4449		2285
Stariways, Breezeways, and Corridors building 3	4608			4608		4608		2285
Total Area:	16030	4970	4970	16030	4251	16749	4089	7829
		21000		21000		21000		11918

Moved to outdoor area

Laundry put in individual units

Redesign of building breezeways

Redesign of building breezeways

Redesign of building breezeways

smaller building footprint due to site constraints



March 18, 2025

RE: Ekos at the Preserve (TDHCA # 20083)
Application Amendment
Texas Housing and Community Affairs
221 E. 11th st, Austin, TX 78701
FK Project No. 5637

Dear Lucy Weber,

This letter along with the common area calculation excel file will explain the discrepancy in the square footage(s) between the initial concept plans & final construction documents for the Ekos at the Preserve TDHCA application.

The original clubhouse calculations included the maintenance area as part of the common area square footage, kids play center, and laundry room. On 9/9/20, at the request of the client, the clubhouse was redesigned due to site constraints, which reduced the overall square footage of the building. We accomplished this reduction by removing the interior kids play center & laundry room from the clubhouse and relocating them. The kids play center was relocated from an interior conditioned space to the exterior near the pool area. The laundry room was also removed from the clubhouse and replaced with laundry closets in all unit types. As for the apartment buildings, the original layout contained a center corridor on every level that ran horizontally through the building connecting the open stairways. This was removed from every level in all building types, which had an impact on the non-rentable area square footage numbers. The corridors were originally designed due to site constraints adjacent to the natural wetland area. Later, as the civil engineer was more involved it was determined that preferred conventional cross-breezeway buildings could be utilized.

Sincerely,

FK ARCHITECTURE
FUGLEBERG KOCH, LLC
AR0017385

A handwritten signature in black ink, appearing to read 'Eladio Nieves', written over a light blue circular stamp.

Eladio Nieves

cc: File

Engineer/Architect Certification

I (We) certify that the Development will be designed and built to meet the accessibility requirements of the Federal Fair Housing Act as implemented by HUD at 24 CFR Part 100 and the Fair Housing Act Design Manual, Titles II and III of the Americans with Disabilities Act (42 U.S.C. Sections 12131-12189) as implemented by the Department of Justice regulations at 28 CFR Parts 35 and 36, and the Department's Accessibility rules in 10 TAC Chapter 1, Subchapter B, in effect at the time of certification.

I (we) certify that all materials submitted to the Department by the Architect or Applicant constitute records of the Department subject to Chapter 552, Tex. Gov't Code, and the Texas Public Information Act.

I (We) certify that in accordance with Section 504 of the Rehabilitation Act of 1973 and implemented at 24 CFR. Part 8, if the Development includes the New Construction or substantial rehabilitation of multifamily units (4 or more units), at least five percent (5%) of all dwelling units will be designed and built to be accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise compliant with the 2010 ADA Standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" (Federal Register 79 FR 29671) meets this requirement. In addition, at least two percent (2%) of all dwelling units will be designed and built to be accessible for persons with hearing or vision impairments.

I (We) certify that the requirements of Section 504 of the Rehabilitation Act of 1973 and implemented at 24 CFR. Part 8 and Tex. Gov't Code §§2306.6722 and 2306.6730, will be met as described in 10 TAC Chapter 1, Subchapter B, including the accessibility requirements relating to Unit Type distribution.

I (We) certify that I (We) have reviewed and understand the Department's fair housing educational materials posted on the Department's website as of the beginning of the Application Acceptance Period.

I (We) acknowledge that the Department may publish the full Development Plan on the Department's website, release the Development Plan in response to a request for public information and make other use of the Development Plan as authorized by law.

I (We) certify that if the Development includes the New Construction or Rehabilitation of single family units (1 to 3 units per building), every unit will be designed and built to meet the accessibility requirements of Tex. Gov't Code §2306.514, as it may be amended from time to time.

I (We) have attached a statement describing how, regardless of building type, all Units accessed by the ground floor or by elevator ("affected units") meet the requirements at 10 TAC

§11.101(b)(8)(B), or the Applicant has requested a waiver of specific provisions of 10 TAC §11.101(b)(8)(B) as necessary for Rehabilitation Developments.

I(We) certify that all accessible Units under 10 TAC Chapter 1, Subchapter B will be dispersed throughout the Development.

If the Applicant is applying for Multifamily Direct Loan funds, I (We) further certify that the Development meets the Property Standards in 24 CFR §92.251 or 24 CFR §93.301 and as further outlined in 10 TAC Chapters 11 and 13, as applicable.

If the Applicant is applying for Housing Tax Credits, Tex. Gov't Code §2306.6712(d)(4) requires that the board by vote approve or reject an amendment that would result in a reduction of 3% or more in the square footage of the units or common areas. I(We) certify that the net rentable square footage of the Development is 77,982 square feet, and the common area square footage (to include all enclosed space for resident use such as interior corridors, property management offices, resident services offices, 24 hour front desk offices, clubrooms, lounges, community kitchens, community restrooms, exercise rooms, laundry rooms, mailbox areas, food pantries, meeting rooms, libraries, computer labs, classrooms, maintenance areas, break rooms, and flex space for resident use) is 16,030 square feet. This certification will be applied for square footage comparison at Cost Certification, unless the application is amended prior to Cost Certification.

This certification meets the requirement that the Applicant provide a certification from the Development engineer or an accredited architect after careful review of the Department's accessibility requirements, including Tex. Gov't Code §§2306.6722 and 2306.6730.

By: 

Signature

1/14/2020

Date

Edward Hunton, AIA

Printed Name

AR94580, FL

License Number and State

Fugleberg Koch, LLC
AA26002103

Firm Name (If applicable)

Engineer/Architect Certification

I (We) certify that the Development will be designed and built to meet the accessibility requirements of the Federal Fair Housing Act as implemented by HUD at 24 CFR Part 100 and the Fair Housing Act Design Manual, Titles II and III of the Americans with Disabilities Act (42 U.S.C. Sections 12131-12189) as implemented by the Department of Justice regulations at 28 CFR Parts 35 and 36, and the Department's Accessibility rules in 10 TAC Chapter 1, Subchapter B, in effect at the time of certification.

I (we) certify that all materials submitted to the Department by the Architect or Applicant constitute records of the Department subject to Chapter 552, Tex. Gov't Code, and the Texas Public Information Act.

I (We) certify that in accordance with Section 504 of the Rehabilitation Act of 1973 and implemented at 24 CFR. Part 8, if the Development includes the New Construction or substantial rehabilitation of multifamily units (4 or more units), at least five percent (5%) of all dwelling units will be designed and built to be accessible for persons with mobility impairments. A unit that is on an accessible route and is adaptable and otherwise compliant with the 2010 ADA Standards with the exceptions listed in "Nondiscrimination on the Basis of Disability in Federally Assisted Programs and Activities" (Federal Register 79 FR 29671) meets this requirement. In addition, at least two percent (2%) of all dwelling units will be designed and built to be accessible for persons with hearing or vision impairments.

I (We) certify that the requirements of Section 504 of the Rehabilitation Act of 1973 and implemented at 24 CFR. Part 8 and Tex. Gov't Code §§2306.6722 and 2306.6730, will be met as described in 10 TAC Chapter 1, Subchapter B, including the accessibility requirements relating to Unit Type distribution.

I (We) certify that I (We) have reviewed and understand the Department's fair housing educational materials posted on the Department's website as of the beginning of the Application Acceptance Period.

I (We) acknowledge that the Department may publish the full Development Plan on the Department's website, release the Development Plan in response to a request for public information and make other use of the Development Plan as authorized by law.

I (We) certify that if the Development includes the New Construction or Rehabilitation of single family units (1 to 3 units per building), every unit will be designed and built to meet the accessibility requirements of Tex. Gov't Code §2306.514, as it may be amended from time to time.

I (We) have attached a statement describing how, regardless of building type, all Units accessed by the ground floor or by elevator ("affected units") meet the requirements at 10 TAC

§11.101(b)(8)(B), or the Applicant has requested a waiver of specific provisions of 10 TAC §11.101(b)(8)(B) as necessary for Rehabilitation Developments.

I(We) certify that all accessible Units under 10 TAC Chapter 1, Subchapter B will be dispersed throughout the Development.

If the Applicant is applying for Multifamily Direct Loan funds, I (We) further certify that the Development meets the Property Standards in 24 CFR §92.251 or 24 CFR §93.301 and as further outlined in 10 TAC Chapters 11 and 13, as applicable.

If the Applicant is applying for Housing Tax Credits, Tex. Gov't Code §2306.6712(d)(4) requires that the board by vote approve or reject an amendment that would result in a reduction of 3% or more in the square footage of the units or common areas. I(We) certify that the net rentable square footage of the Development is 78,204 square feet, and the common area square footage (to include all enclosed space for resident use such as interior corridors, property management offices, resident services offices, 24 hour front desk offices, clubrooms, lounges, community kitchens, community restrooms, exercise rooms, laundry rooms, mailbox areas, food pantries, meeting rooms, libraries, computer labs, classrooms, maintenance areas, break rooms, and flex space for resident use) is 4,970 square feet. This certification will be applied for square footage comparison at Cost Certification, unless the application is amended prior to Cost Certification.

This certification meets the requirement that the Applicant provide a certification from the Development engineer or an accredited architect after careful review of the Department's accessibility requirements, including Tex. Gov't Code §§2306.6722 and 2306.6730.

By: 
Signature

3/13/2021

Date

Edward Hunton, AIA

Printed Name

28761 TX

License Number and State

Fugleberg Koch, LLC
Lic. # 0009879

Firm Name (If applicable)



September 21, 2021

Lakeview Preserve Apartments

RE: Correction Explanation to 2020 Architect Certification Application

To whom it may concern,

The Engineer/Architect Certification form submitted on 1/14/20 states the common area square footage as 16,030 square feet. The aforementioned square footage is incorrect, and was derived from a misunderstanding, as it pertains to interior corridors within the language of the form. Upon realization of the misunderstanding, another form was immediately sent out containing the correct square footage of 4,970 square feet for the common areas.

Sincerely,

Edward Hunton, AIA, LEED AP
Fugleberg Koch, LLC

LAKEVIEW PRESERVE APARTMENTS

2800 S MACARTHUR BLVD. IRVING, TEXAS



UNIT MIX BREAKDOWN

BLDG. TYPE	UNIT TYPE	NUMBER OF FLOORS	UNITS PER BUILDING	NUMBER OF BUILDINGS	NUMBER OF UNITS PER BUILDING TYPE	SUB TOTAL	NET RENTABLE AREA	STAIRWAYS, BREEZEWAYS AND CORRIDORS AREA	TOTAL PROJECTED UNITS	
BUILDING "A"	UNIT A1 - 1 BEDROOM	3	24	1	24				84	
	UNIT B1 - 2 BEDROOM		12		12					
						36	30,564 SF	6,973 SF		
BUILDING "B"	UNIT A1 - 1 BEDROOM	3	6	1	6					
	UNIT B1 - 2 BEDROOM		6		6					
	UNIT C1 - 3 BEDROOM		12		12					
						24	24,402 SF	4,449 SF		
BUILDING "C"	UNIT B1 - 2 BEDROOM	3	24	1	24					
						24	23,016 SF	4,608 SF		
TOTAL							77,982 SF	16,030 SF		

TOTAL NUMBER OF APARTMENT BUILDINGS: 3

UNIT MIX PERCENTAGES

UNIT TYPE	UNIT TYPE TOTAL	UNIT SQ. FT.	TOTAL SQ. FT.	PERCENTAGES
UNIT A1 - 1 BEDROOM	30	794 S.F.	23,820 S.F.	30%
UNIT B1 - 2 BEDROOM	42	969 S.F.	40,278 S.F.	52%
UNIT C1 - 3 BEDROOM	12	1,167 S.F.	13,884 S.F.	18%
TOTAL	84		77,982 S.F.	100%

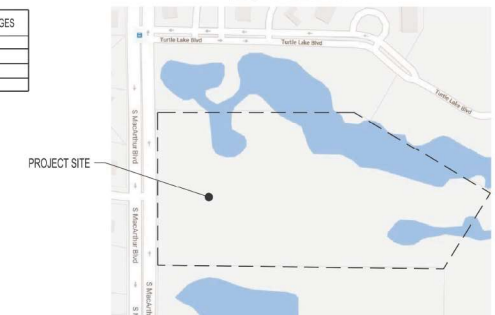
ACCESSIBLE UNITS

TOTAL UNITS = 84
 MOBILITY (5%) = 5 REQUIRED (5 PROVIDED)
 A1 (2)
 B1 (2)
 C1 (1)

COMMUNICATION (2%) = 2 REQUIRED (2 PROVIDED)
 A1 (1)
 B1 (1)

NOTE: LOCAL CODE REQUIRES ACCESSIBLE UNITS TO BE ON THE FIRST FLOOR.

VICINITY MAP



FUGLEBERG KOCH

COVER SHEET

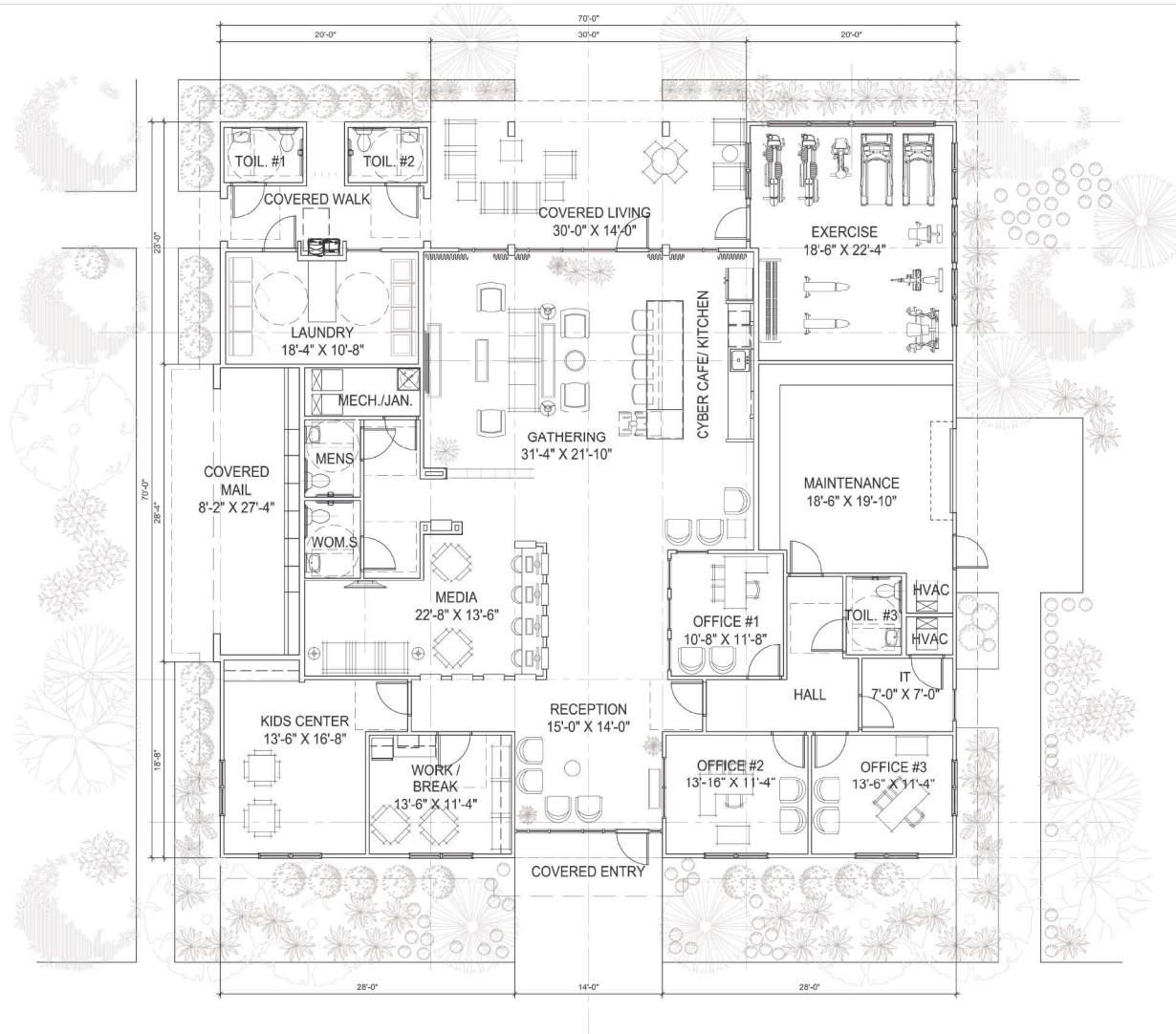
PROJECT No: 5637 - 02/19/2020

LAKEVIEW PRESERVE APARTMENTS

IRVING, TEXAS



McDOWELL
HOUSING PARTNERS
An Affiliate of McDowell Properties



EMPLOYEE AND TENANT FLOOR AREA	
CONDITIONED SPACE S.F.	
EMPLOYEE ONLY S.F.	
OFFICE #1	= 140 S.F.
OFFICE #2	= 168 S.F.
OFFICE #3	= 168 S.F.
WORK / BREAK	= 170 S.F.
TOILET #3	= 60 S.F.
HALL	= 131 S.F.
TOTAL EMPLOYEE ONLY S.F.	= 827 S.F.
TENANT ACCESS S.F.	
RECEPTION	= 205 S.F.
KIDS CENTER	= 273 S.F.
GATHERING	= 1,014 S.F.
EXERCISE	= 453 S.F.
MEDIA	= 275 S.F.
MENS	= 48 S.F.
WOMENS	= 46 S.F.
LAUNDRY	= 213 S.F.
TOILET #1	= 50 S.F.
TOILET #2	= 50 S.F.
HALL	= 68 S.F.
TOTAL TENANT ACCESS S.F.	= 2,805 S.F.
TOTAL CONDITIONED SPACE S.F.	= 3,632 S.F.
UNCONDITIONED SPACE S.F.	
TENANT ACCESS S.F.	
COVERED ENTRY	= 84 S.F.
COVERED LIVING	= 421 S.F.
COVERED MAIL	= 226 S.F.
TOTAL TENANT ACCESS S.F.	= 731 S.F.
TOTAL UNCONDITIONED SPACES S.F.	= 731 S.F.

These are the areas enumerated on the Common Area calculation sheet.

CLUBHOUSE FLOOR PLAN
SCALE: 3/16" = 1'-0"

CLUBHOUSE FLOOR PLAN | LAKEVIEW PRESERVE APARTMENTS

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IRVING, TEXAS



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