



Texas Department of Housing and Community Affairs

Governing Board

Board Action Request

File #: 1308

Agenda Date: 2/5/2026

Agenda #:

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application for Salazar Apartments (HTC #22487)

RECOMMENDED ACTION

WHEREAS, Salazar Apartments (the Development) received a 4% Housing Tax Credit (HTC) award in 2022 to rehabilitate 286 units of multifamily housing in El Paso, El Paso County;

WHEREAS, EP Salazar, LP (Development Owner or Owner) requests approval to decrease the size of the Development site from 21.68 acres to 16.225 acres, due to the discovery that the originally identified acreage included public right of ways (streets) that belong to the City of El Paso rather than the Development, which results in a 33.62% increase in residential density from 13.192 units per acre to 17.627 units per acre;

WHEREAS, Board approval is required for a modification of the residential density of at least 5% as directed in Tex. Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F), and the Owner has complied with the amendment requirements therein; and

WHEREAS, the requested change does not materially alter the Development in a negative manner, and the Owner has represented that it was not reasonably foreseeable or preventable by the Owner at the time of Application, and would not have adversely affected the selection of the Application;

NOW, therefore, it is hereby

RESOLVED, that the requested material amendment of the Application for Salazar Apartments is approved 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 Board's determination.

BACKGROUND

Salazar Apartments (HTC #22487) received a 4% Housing Tax Credit (HTC) award in 2022 to rehabilitate 286 units, all of which are designated as low-income units, of multifamily housing in El Paso, El Paso County. Rehabilitation of the Development has been completed, and a request to draft the Land Use Restriction Agreement (LURA) was submitted by the Owner.

Based on the review of the legal description provided for the LURA, it was determined that a

greater than 5% change in residential density had occurred from the representation at initial Application to the time of the review of the LURA request, and in a letter dated December 22, 2025, Laura Derkits, the representative for the Development Owner, requested approval to modify the total acreage to represent the actual size of the Development site due to the removal of rights of way.

At the time of Application, the original Development site was identified as 21.68 acres, which is now identified as 16.225 acres. The difference between the acreage at Application and the final acreage is entirely attributable to roads within the Development site that were the dedicated rights of way noted on the Plat recorded in the records of El Paso County on December 18, 1974. As a result, the residential density increased by 33.62%, going from 13.192 to 17.627 units per acre, requiring approval by the Board under Tex. Gov't Code §2306.6712(d)(6) and 10 TAC §10.405(a)(4)(F).

While the density increased due to the acreage of the Development site decreasing, none of the living areas have become denser. The building spacing, public use areas, number of units, play areas and parking areas remain the same from Application to the completed rehabilitation of the existing project.

Due to the errors in the initial documentation used to determine the acreage, the Owner has stated change was not foreseeable or preventable by the Owner. It was not until the legal description was provided and the plat was reviewed that this discrepancy was identified.

The requested amendment does not materially alter the Development in a negative manner and would not have affected the selection of the Development for the HTC award.

Staff recommends approval of the requested material amendment to the Application, and if approved, the LURA will be recorded to reflect the acreage as corrected.

December 22, 2025

By Email to Karen.Treadwell@tdhca.texas.gov
Texas Department of Housing and Community Affairs
Asset Management Division
221 East 11th Street
Austin, Texas 78701-2410

Re: Material Application Amendment – Change in Residential density of greater than 5%
TDHCA #22487 Salazar Apartments, EP Salazar, LP

Dear Karen,

A Material Application Amendment to TDHCA 4% LIHTC application #22487 for the change in residential density of greater than 5% is being submitted. At application a survey was submitted with incorrect acreage, 21.68 acres. The acreage included public right of ways (streets) that belong to the City of El Paso rather than the development. The updated survey, included with this submission, has a corrected site acreage of 16.225 acres (attachment 1). The decrease in acreage results in a 33.62% change in residential density. At application the residential density was 13.192 units/acre. The decrease in site acreage increases the residential density to 17.627 units/acre.

The following is being proposed:

The Change Requested: A change to the residential density greater than 5%. The change will NOT result in a change to the Net Rentable Area.

A correction to the survey will result in a 33.62% increase in the residential density at Salazar Apartments. The original survey included acreage of public right of ways (streets) that belong to the City of El Paso rather than the development. The residential density went from 13.192 units/acre to 17.627 units/acre.

The reason the change is necessary: The change is necessary to reflect the correct survey acreage.

The good cause for the change: The change will correct the site acreage on the survey, excluding acreage for public right of ways.

Explanation of whether the change was reasonably foreseeable or preventable at the time of application: At application the developer relied on information provided by the surveyor to be accurate and complete. The survey included public right-of-way adjacent to the development. The final survey, dated May 12, 2023, accurately reflects the site acreage, 16.225 acres.

Please find the updated Survey attached to this submission.

Let us know if you have any questions or need additional information.

Sincerely,

Laura Derkits

cc: Lee Ann Chance, Manager of Multifamily Asset Management



