

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS  
GOVERNING BOARD MEETING**

**A G E N D A  
8:00 AM  
OCTOBER 10, 2019**

**Texas Capitol Extension, E1.028  
1100 Congress Ave  
Austin, Texas 78701**

**CALL TO ORDER**

**ROLL CALL**

**J.B. Goodwin, Chair**

**CERTIFICATION OF QUORUM**

*Pledge of Allegiance - I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.*

*Texas Allegiance - Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*

**CONSENT AGENDA**

Items on the Consent Agenda may be removed at the request of any Board member and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion or approval at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Tex. Gov't Code, Texas Open Meetings Act. Action may be taken on any item on this agenda, regardless of how designated.

**ITEM 1: APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS:**

**EXECUTIVE**

- a) Presentation, discussion, and possible action on Board meeting minutes summaries for June 27, 2019 and July 25, 2019

**J. Beau Eccles**  
General Counsel

**LEGAL**

- b) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning related scattered site properties Mitay Inc Scattered Site (HTC 92009 / CMTS 1026), 2512 Thorne (HTC 70046 / CMTS 2344), 2904 Walnut (HTC 70054 / CMTS 2345), 1213 Pecan (HTC 70083 / CMTS 912), and 2503 N Wilson (HTC 70084 / CMTS 913)
- c) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Weldon Blackard (HOME 539112 / CMTS 2706)

**Jeffrey T. Pender**  
Deputy General Counsel

**ASSET MANAGEMENT**

- d) Presentation, discussion, and possible action a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement  
01150 Limestone Ridge Apartments                      Big Spring

**Rosalio Banuelos**  
Director of  
Asset Management

**HOME AND HOMELESSNESS PROGRAMS**

- e) Presentation, discussion, and possible action on 2020 Homeless Housing and Services Program Youth Set-Aside funds for the City of San Antonio

**Abigail Versyp**  
Director of HOME and  
Homelessness Programs

## RULES

- f) Presentation, discussion, and possible action on an order proposing amendments to 10 TAC §8.7, Tenant Selection and Screening; an order proposing amendments to 10 TAC §23.61, Tenant-Based Rental Assistance (TBRA) General Requirements; and directing their publication in the *Texas Register*
- g) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC §2.203, Termination and Reduction of Funding for CSBG Eligible Entities; an order adopting new 10 TAC §2.203, Termination and Reduction of Funding for CSBG Eligible Entities; an order adopting the repeal of 10 TAC §2.204, Contents of a Quality Improvement Plan; an order adopting new 10 TAC §2.204, Contents of a Quality Improvement Plan; and directing that they be published for adoption in the *Texas Register*
- h) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, an order adopting new 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, and directing their publication in the *Texas Register*
- i) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and an order adopting new 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and directing their publication for public comment in the *Texas Register*

**Brooke Boston**  
Director of  
Programs

**Gavin Reid**  
Manager, Planning &  
Training

**Raul Gonzales**  
Director of  
OCI, HTF, NSP Division

## BOND FINANCE

- j) Presentation, discussion, and possible action on Inducement Resolution No. 20-002 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority
  - 19611 Granada Terrace Houston
  - 19613 THF 333 Holly The Woodlands
  - 19614 THF The Pines The Woodlands
  - 19615 Oaks on Clark San Antonio
- k) Presentation, discussion, and possible action on Resolution No. 20-003 Authorizing the Execution of an Irrevocable Instructions and Agreement relating to the Multifamily Housing Mortgage Revenue Bonds for Churchill at Pinnacle Park Series 2004
- l) Presentation, discussion, and possible action on Resolution No. 20-004 authorizing request to the Texas Bond Review Board for annual waiver of Single Family Mortgage Revenue Bond set-aside requirements; authorizing the execution of documents and instruments relating thereto; making certain findings and determinations in connection therewith; and containing other provisions relating to the subject

**Teresa Morales**  
Director of  
Multifamily Bonds

**Monica Galuski**  
Director of  
Bond Finance

## CONSENT AGENDA REPORT ITEMS

### ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Outreach and Activities Report (Sept-Oct)
- b) Report on the closing of the Department's 2019 Series A Single Family Mortgage Revenue Bonds
- c) Report regarding a Request for Proposal for Underwriters issued by the Texas Department of Housing and Community Affairs

**Michael Lyttle**  
Director of  
External Affairs

**Monica Galuski**  
Director of  
Bond Finance

- d) Report regarding a Request for Proposal for TBA Program Administrator issued by the Texas Department of Housing and Community Affairs
- e) Report regarding a Request for Proposal for Mortgage Warehouse Facility issued by the Texas Department of Housing and Community Affairs

## ACTION ITEMS

### ITEM 3: GOVERNING BOARD

Presentation, discussion, and possible action on the election of Governing Board Officers for the upcoming biennium pursuant to Tex. Gov't Code §2306.030

**J.B. Goodwin**  
Chair

### ITEM 4: COMPLIANCE

Presentation, discussion, and possible action on Dispute of the Compliance Division's assessment of the Applicant's compliance history to be reported to the Executive Award Review Advisory Committee for Estates at Shiloh (19439)

**Patricia Murphy**  
Director of Compliance

### ITEM 5: HOME AND HOMELESSNESS PROGRAMS

- a) Presentation, discussion, and possible action on 2020 Ending Homelessness Fund Awards
- b) Presentation, discussion, and possible action on an amendment to the 2018 Emergency Solutions Grants Program Contract for Youth and Family Alliance dba LifeWorks

**Abigail Versyp**  
Director of HOME and Homelessness Programs

### ITEM 6: ASSET MANAGEMENT

Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application  
18235 Memorial Apartments McAllen

**Rosalio Banuelos**  
Director of Asset Management

### ITEM 7: RULES

- a) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements, and an order proposing new 10 TAC Chapter 10 Subchapter E, Post Award and Asset Management Requirements, and directing their publication for public comment in the *Texas Register*
- b) Presentation, discussion, and possible action on amendments to 10 TAC §10.602 Notice to Owners and Corrective Action Periods; §10.605 Elections under IRC §42(g); §10.607 Reporting Requirements; §10.609 Notices to the Department; §10.610 Written Policies and Procedures, §10.611 Determination, Documentation and Certification of Annual Income; §10.612 Tenant File Requirements; §10.613 Lease Requirements; §10.614 Utility Allowances; §10.615 Elections under IRC §42(g); Additional Income and Rent Restrictions for HTC, Exchange, and TCAP Developments; §10.616 Household Unit Transfer Requirements for All Programs; §10.617 Affirmative Marketing Requirements, §10.618 Onsite Monitoring; §10.622 Special Rules Regarding Rents and Rent Limit Violations; §10.623 Monitoring Procedures for Housing Tax Credit Properties After the Compliance Period; §10.624 Compliance Requirements for Developments with 811 PRA Units; and Figure §10.625; and directing that they be published for public comment in the *Texas Register*
- c) Presentation, discussion, and possible action on the proposed repeal of 10 TAC Chapter 13, the Multifamily Direct Loan Rule, and the proposed new 10 TAC Chapter 13, the Multifamily Direct Loan Rule, and directing the publication for public comment in the *Texas Register*
- d) Presentation, discussion, and possible action on an order proposing new 10 TAC, Chapter 10, Subchapter G, Affirmative Marketing Requirements and Written Policies

**Rosalio Banuelos**  
Director of Asset Management

**Patricia Murphy**  
Director of Compliance

**Andrew Sinnott**  
Multifamily Loan Programs Administrator

**Cate Tracz**  
Manager of Fair Housing

and Procedures, and directing its publication for public comment in the *Texas Register*

**Raul Gonzales**  
Director of  
OCI, HTF, NSP Division

- e) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 20, Single Family Programs Umbrella Rule, and an order adopting new 10 TAC Chapter 20, Single Family Programs Umbrella Rule, and directing their publication in the *Texas Register*
- f) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and an order adopting new 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and directing their publication in the *Texas Register*
- g) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 90, Migrant Labor Housing Facilities; an order proposing new 10 TAC Chapter 90, Migrant Labor Housing Facilities; and directing its publication for public comment in the *Texas Register*

**Tom Gouris**  
Director of HOME and  
Special Initiatives

**ITEM 8: MULTIFAMILY FINANCE**

**Marni Holloway**  
Director of  
Multifamily Finance

- a) Presentation, discussion and possible action on requests for return and reallocation of tax credits under 10 TAC §11.6(5) related to Credit Returns Resulting from Force Majeure Events
  - 17028 The Vineyard on Lancaster Fort Worth
  - 17295 Legacy Trails of Decatur Decatur
  - 17327 Legacy Trails of Lindale Lindale
  - 17736 Providence at Ted Trout Drive Hudson
  - 17290 Golden Trails West
  - 17259 Mistletoe Station Fort Worth
- b) Presentation, discussion, and possible action on a timely filed appeal of the expiration of a Commitment of Housing Tax Credits for 19223 Bamboo Estates Apartments
- c) Presentation, discussion, and possible action regarding the issuance of a Determination Notice for 4% Housing Tax Credit Applications
  - 19407 Norwood Estates Austin
  - 19436 Bridge at Granada Austin
  - 19440 Ventura at Parmer Austin ETJ
  - 19441 Decker Lofts Austin ETJ
  - 19437 Residences at Stillwater Georgetown
- d) Presentation, discussion, and possible action regarding the issuance of a Determination Notice for 4% Housing Tax Credit Applications and a determination of eligibility under 10 TAC §11.101 of the Qualified Allocation Plan
  - 19429 Govalle Terrace Austin
  - 19433 Wayman Manor Temple
- e) Presentation, Discussion and Possible Action on a Determination regarding Eligibility under 10 TAC §11.101(a)(3) related to Neighborhood Risk Factors for Bridge at Canyon View (#19411) in Austin
- f) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits and an Award of Direct Loan Funds (#19418, Bridge at Loyola Lofts, Austin)
- g) Presentation, discussion, and possible action regarding a determination of eligibility under 10 TAC §13.5(d)(2) of the 2018 Multifamily Direct Loan Rule
  - 18509 El Sereno Apartments Cibolo
- h) Presentation, discussion and possible action regarding an Award of Direct Loan

**Teresa Morales**  
Director of  
Multifamily Bonds

**Andrew Sinnott**  
Multifamily Loans Program  
Administrator

funds from the 2019-1 Multifamily Direct Loan Notice of Funding Availability  
19503 Sierra Royale Robstown

- i) Presentation, discussion, and possible action on the Fifth Amendment to the 2019-1 Multifamily Direct Loan Annual Notice of Funding Availability and approving its publication in the *Texas Register*

#### **PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS**

#### **EXECUTIVE SESSION**

The Board may go into Executive Session (close its meeting to the public):

**J.B. Goodwin**  
Chair

The Board may go into Executive Session Pursuant to Tex. Gov't Code §551.074 for the purposes of discussing personnel matters including to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

Pursuant to Tex. Gov't Code §551.071(1) to seek the advice of its attorney about pending or contemplated litigation or a settlement offer;

Pursuant to Tex. Gov't Code §551.071(2) for the purpose of seeking the advice of its attorney about a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Tex. Gov't Code Chapter 551; including seeking legal advice in connection with a posted agenda item;

Pursuant to Tex. Gov't Code §551.072 to deliberate the possible purchase, sale, exchange, or lease of real estate because it would have a material detrimental effect on the Department's ability to negotiate with a third person; and/or

Pursuant to Tex. Gov't Code §2306.039(c) the Department's internal auditor, fraud prevention coordinator or ethics advisor may meet in an executive session of the Board to discuss issues related to fraud, waste or abuse.

#### **OPEN SESSION**

If there is an Executive Session, the Board will reconvene in Open Session. Except as specifically authorized by applicable law, the Board may not take any actions in Executive Session.

#### **ADJOURN**

To access this agenda and details on each agenda item in the board book, please visit our website at [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us) or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11<sup>th</sup> Street, Austin, Texas 78701, and request the information. If you would like to follow actions taken by the Governing Board during this meeting, please follow TDHCA account (@tdhca) on Twitter.

Individuals who require auxiliary aids, services or sign language interpreters for this meeting should contact MeLissa Nemecek, ADA Responsible Employee, at 512-475-3959 or Relay Texas at 1-800-735-2989, at least five days before the meeting so that appropriate arrangements can be made. Non-English speaking individuals who require interpreters for this meeting should contact Elena Peinado, 512-475-3814, at least five days before the meeting so that appropriate arrangements can be made.

Personas que hablan español y requieren un intérprete, favor de llamar a Elena Peinado, al siguiente número 512-475-3814 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.

**NOTICE AS TO HANDGUN PROHIBITION DURING THE OPEN MEETING OF A GOVERNMENTAL ENTITY IN THIS ROOM ON THIS DATE:**

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista.

**THIS RESTRICTION IS APPLICABLE TO THE IDENTIFIED MEETING ROOM ON THIS DATE AND DURING THE MEETING OF THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**