

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

**A G E N D A
9:00 AM
April 23, 2020**

Meeting Location: In light of the March 13, 2020, disaster declaration by the Office of the Governor, and the subsequent waivers of portions of Tex. Gov't Code, Ch. 551*, this meeting of the TDHCA Governing Board will be accessible to the public via the telephone and web link information, below. In order to engage in two-way communication during the meeting, persons must first register (at no cost) to attend the webinar via the link provided. Anyone who calls into the meeting without registering online will not be able to ask questions or provide comments, but the meeting will still be audible. A recording of the meeting will be made available to the public as soon as possible following the meeting.

Governing Board Webinar registration:

<https://attendee.gotowebinar.com/register/862841056476346637>

Dial-in number: +1 (562) 247-8422, access code 370-639-005 (persons who use the dial-in number and access code without registering online will only be able to hear the Board meeting and will not be able to ask questions or provide comments). Note, this meeting will be proceeding as a videoconference under Tex. Gov't Code §551.127, as modified by waiver.

CALL TO ORDER

ROLL CALL

Leslie Bingham, Vice 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.

Resolution recognizing May as Community Action Month

Resolution recognizing May as National Mobility Awareness Month

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.

* The list of Open Meeting laws subject to temporary suspension effective March 16, 2020, is available at:

<https://www.texasattorneygeneral.gov/sites/default/files/images/admin/2020/Press/Open%20Meeting%20Laws%20Subject%20to%20Temporary%20Suspension.pdf>

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

EXECUTIVE

- a) Presentation, discussion, and possible action on Board meeting minutes summary for January 16, 2020

J. Beau Eccles
General Counsel

ASSET MANAGEMENT

- b) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application
17081 Palladium Denton Denton
19234 The Residences at Alsbury Burleson
- c) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Land Use Restriction Agreement
96182 Crestview Apartments Longview
00179 Highland Oaks Apartments Floresville
- d) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application and Land Use Restriction Agreement
97167 Columbia Luxar Townhomes Dallas
- e) Presentation, discussion, and possible action regarding an increase to the Housing Tax Credit amount
16409 Sansom Ridge Sansom Park
17410 Lakecrest Village Apartments Houston

Rosalio Banuelos
Director of Asset
Management

COMMUNITY AFFAIRS

- f) Presentation, discussion, and possible action on the 2020 Department of Energy Weatherization Assistance Program State Plan and Awards
- g) Presentation, discussion, and possible action on release of the draft 2021 Low Income Home Energy Assistance Program State Plan for public comment

Michael DeYoung
Director of
Community Affairs

RULES

- h) Presentation, discussion, and possible action on an order adopting amendments to 10 TAC §8.7, Tenant Selection and Screening; an order adopting amendments to 10 TAC §23.61, Tenant-Based Rental Assistance (TBRA) General Requirements; and directing their submission to the Texas Register for adoption

Brooke Boston
Director of Programs

MULTIFAMILY FINANCE

- i) Presentation, discussion, and possible action on the Second Amendment to the 2020-1 Multifamily Direct Loan Notice of Funding Availability
- j) Presentation, discussion, and possible action regarding the issuance of Determination Notices for 4% Housing Tax Credit Applications

Andrew Sinnott
Multifamily Loan Programs
Administrator

Teresa Morales
Director of
Multifamily Bonds

20420 Pan American San Antonio
20408 Vi Collina Austin
20449 Emli at Pecan Creek Aubrey ETJ

BOND FINANCE

- k) Presentation, discussion, and possible action on Resolution No. 20-013 regarding the annual approval of the Department's Investment Policy
- l) Presentation, discussion, and possible action on Resolution No. 20-014 regarding the annual approval of the Department's Interest Rate Swap Policy

Monica Galuski
Director of Bond Finance

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

a) Outreach and Activities Report (March-April)

Michael Lyttle

Director of
External Affairs

b) Report on the Department's 2nd Quarter Investment Report in accordance with the Public Funds Investment Act

Joe Guevara

Director of
Financial Administration

c) Report on the Department's 2nd Quarter Investment Report relating to funds held under Bond Trust Indentures

Monica Galuski

Director of Bond Finance

ACTION ITEMS

ITEM 3: SINGLE FAMILY AND HOMELESS PROGRAMS

a) Presentation, discussion, and possible action on waivers to certain provisions of Texas Administrative Code to allow for payment of mortgages as a homelessness prevention activity under the Homeless Housing and Services Program

Abigail Versyp

Director of Single Family
and Homeless Programs

ITEM 4: BOND FINANCE

a) Report regarding the impact of the coronavirus on the municipal market and on the Department's mortgage revenue bond programs

Monica Galuski

Director of Bond Finance

b) Presentation, discussion, and possible action regarding the Issuance of Multifamily Green Tax-Exempt Bonds (Green M-TEBS - Oaks on Clark Apartments) Resolution No. 20-015 and a Determination Notice of Housing Tax Credits

Teresa Morales

Director of
Multifamily Bonds

c) Presentation, discussion, and possible action regarding the Issuance of Governmental Notes (Granada Terrace Apartments) Resolution No. 20-016 and a Determination Notice of Housing Tax Credits

d) Presentation, discussion, and possible action on Resolution No. 20-017 authorizing the issuance, sale and delivery of Texas Department of Housing and Community Affairs Single Family Mortgage Revenue Bonds, 2020 Series A and Single Family Mortgage Revenue Refunding Bonds, 2020 Series B (Taxable); approving the form and substance of related documents, authorizing the execution of documents and instruments necessary or convenient to carry out the purposes of this resolution, and containing other provisions relating to the subject

Monica Galuski

Director of Bond Finance

ITEM 5: MULTIFAMILY FINANCE

a) Presentation, discussion, and possible action on the draft 2020 Multifamily National Housing Trust Fund Minimum Rehabilitation Standards for the 2020-2024 State of Texas Consolidated Plan and Opportunity for a Public Hearing

Andrew Sinnott

Multifamily Loan Programs
Administrator

b) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits and an Award of Direct Loan Funds (#20401, Palladium Port Aransas, Port Aransas)

Marni Holloway

Director of
Multifamily Finance

c) Presentation, discussion, and possible action on the process of staff determinations regarding points awarded under 10 TAC §11.9(d)(4) related to Quantifiable Community Participation

20004	Bamboo Estates Apartments	Progreso
20012	Merritt Gardens	Midland
20034	Ranch Court Apartments	Andrews
20063	Azalea West	Fort Worth
20066	Vista at Everest	San Antonio
20069	Vista at Interpark	San Antonio
20079	Fairview Terrace	Brenham
20115	Avenue at Sycamore Park	Fort Worth
20116	Dian Street Villas	Houston
20120	Lennox House	Grand Prairie
20123	Meander Park	Granbury

20145	Gala at Ridgmar	Fort Worth
20148	High View Place	Killeen
20149	Provision at Fort Worth	Fort Worth
20153	Provision at Bomber Road	White Settlement
20155	Gala at Premier	Plano
20158	Redwood Apartments	Dumas
20167	Laurel Flats	Tyler
20184	The Heritage at Abilene	Abilene
20186	The Residences at Ridgehill	Kerrville
20187	Cortez Plaza	El Paso
20190	Nuestra Senora	El Paso
20204	Heritage Senior Residences	Houston
20210	Amber Ridge Apartments	Angleton
20211	Ennis Trails	Ennis
20216	Henderson Trails	Henderson
20220	Trinity Estates	Trinity
20222	Brenham Trails	Brenham
20231	Walnut Trails	San Angelo
20233	Quinlan Estates	Quinlan
20267	Valley View Estates	Fabens
20294	Sagebrush Apartments	Brady
20295	Hwy 79 Senior Living	Henderson
20317	Merritt Edge	Midland
20344	Merritt Sunset	Midland

d) Presentation, discussion, and possible action regarding requests for waiver of the Department's Multifamily Program Rules

20001	Farm Street Village	Bastrop
20128	OST Lofts	Houston
20147	Kestrel on Cooper	Arlington

ITEM 6: RULES

- a) Presentation, discussion, and possible action on adoption of 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 adoption in the *Texas Register*
- b) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 1, Subchapter C, Previous Participation and Executive Award Review Advisory Committee; and an order adopting new 10 TAC Chapter 1, Subchapter C, Previous Participation and Executive Award Review Advisory Committee and directing that they be published for adoption in the *Texas Register*

Patricia Murphy
Director of Compliance

- c) Presentation, discussion, and possible action on an order adopting new 10 TAC, Chapter 10, Subchapter G, Affirmative Marketing Requirements and Written Policies and Procedures, and directing its publication in the Texas Register

ITEM 7: AGENCY RESPONSE TO COVID-19 PANDEMIC AND ACTIVITY UNDER HR 748, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT)

Michael DeYoung
Director of
Community Affairs

- a) Presentation, discussion and possible action on the Programming of Community Services Block Grant funds available to Texas through the Coronavirus Aid, Relief, and Economic Security Act and Authorization to Award Such Funds
- b) Presentation, discussion and possible action on the Programming of Low Income Home Energy Assistance Program funds available to Texas through the Coronavirus Aid, Relief, and Economic Security Act and Authorization to Award Such Funds and Update on Administrative Flexibilities
- c) Presentation, discussion and possible action on the programming of Community Development Block Grant funds available to Texas through the Coronavirus Aid, Relief, and Economic Security Act and authorization to award such funds and opportunity for Public Hearing on a Material Amendment to the 2019 One-Year Action Plan, and 2015-2019 Consolidated Plan
- d) Presentation, discussion and possible action on the Programming of Emergency Solutions Grant (ESG) Program funds in the first allocation available to Texas through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and Authorization to Award Such Funds, and, if needed, an emergency rulemaking to accomplish this action
- e) Presentation, discussion, and possible action on waivers to certain provisions of Texas Administrative Code for HOME Tenant-Based Rental Assistance for disaster response for qualified persons and households most impacted by COVID-19
- f) Presentation, discussion, and possible action relating to the use of Reserve for Replacement Account funds as provided for in 10 TAC §10.404(a)(7)(C)(i) to address responsiveness for households impacted by the COVID-19 pandemic, and, if needed, an emergency rulemaking to accomplish this action
- g) Presentation, discussion and possible action on waivers relating to certain requirements under 10 TAC Chapter 11, the Qualified Allocation Plan (QAP) and 10 TAC Chapter 13, the Multifamily Direct Loan (MFDL) Rule in relation to the Department's response to the COVID-19 pandemic

Abigail Versyp
Director of Single Family
and Homeless Programs

Tom Gouris
Director of Single Family and
Homeless Programs &
Special Initiatives

Marni Holloway
Director of
Multifamily Finance

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):

Leslie Bingham
Vice 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 or contact Michael Lyttle, 512-475-4542, TDHCA, 221 East 11th 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 Elizabeth Yevich, at 512-463-7961 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.