

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

A G E N D A

9:00 AM

May 21, 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/3008196050400077325> Dial-in number: +1 (562) 247-8422, access code 197-388-021 (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.

If the GoToWebinar terminates prior to adjournment of the meeting (i.e. if the webinar session "crashes") the meeting will be recessed. A new link to the meeting will be posted immediately on the TDHCA Board meetings web page (<https://www.tdhca.state.tx.us/board/meetings.htm>) along with the time the meeting will resume. The time indicated to resume the meeting will be within six hours of the interruption of the webinar. Please note that in this contingency, the original meeting link will no longer function, and only the new link (posted on the TDHCA Board meetings web page) will work to return to the meeting.

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 June as *Homeownership 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

* 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>

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 summary for February 27, 2020, and March 26, 2020

J. Beau Eccles
General Counsel

ASSET MANAGEMENT

- b) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application

Rosalio Banuelos
Director of Asset
Management

16170	Whitehouse Senior Village	Whitehouse
17004	Old Dowlen Cottages	Beaumont
19235	The Reserves at Saddleback Ranch	Wolfforth

- c) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Tax Credit Application and Land Use Restriction Agreement

99011	Plum Creek Townhomes	Houston
02151	Windsor Gardens Apartments	Houston
04420	Tranquility Bay Apartments	Pearland
060035	Quail Ridge Apartments	Hempstead

- d) Presentation, discussion, and possible action regarding an increase to the Housing Tax Credit amount

17449	Quail Chase Apartments	Houston
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LEGAL

- e) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Coppertree Village (HTC 70131/CMTS 931)

Jeff Pender
Deputy General Counsel

MULTIFAMILY FINANCE

- f) Presentation, discussion, and possible action regarding the issuance of Determination Notices for 4% Housing Tax Credit Applications

Teresa Morales
Director of
Multifamily Bonds

20410	Trader Flats	San Antonio
20412	1604 Lofts	San Antonio
20405	Gala at Fate	Fate
20413	Residences at Merritt Hill	Rowlett
20447	Franklin Park	Austin
20450	Mira Vista	San Antonio

- g) Presentation, discussion and possible action on a waiver related to §11.101(a)(1) regarding Site Requirements and Restrictions for Palladium Port Aransas (#20401) in Port Aransas

- h) Presentation, discussion, and possible action on a waiver of certain amenity requirements in 10 TAC §11.101(b)(4) (NSP1 PI Contract #77090000603 Grim Hotel, Texarkana)

Andrew Sinnott
Multifamily Loan Programs
Administrator

- i) Presentation, discussion, and possible action on a waiver of certain reserve requirements in 10 TAC §10.404(a)(3)(B)

- j) Presentation, discussion, and possible action on the Third Amendment to the 2020-1 Multifamily Direct Loan Notice of Funding Availability

BOND FINANCE

- k) Presentation, discussion, and possible action on Inducement Resolution No. 20-018 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority

Teresa Morales
Director of
Multifamily Bonds

20610 Terrace at Southern Oaks Dallas
20613 Riverside Senior Living Fort Worth

HOUSING RESOURCE CENTER

- l) Presentation, discussion, and possible action on the draft 2021 Regional Allocation Formula Methodology

Elizabeth Yevich
Director of
Housing Resource Center

- m) Presentation, discussion, and possible action on the ratification of a substantial amendment of the 2019 State of Texas Consolidated Plan: One-Year Action Plan

SINGLE FAMILY AND HOMELESS PROGRAMS

- n) Presentation, discussion, and possible action on an order adopting the repeal and new 10 TAC Chapter 7, Subchapter A, General Policies and Procedures, and Subchapter B, Homeless Housing and Services Program; 10 TAC §7.31, §7.34, §7.36, §§7.41-44, Emergency Solutions Grants; and 10 TAC §7.62 and §7.65, Ending Homelessness Fund, and directing their submission to the Texas Register for adoption
- o) Presentation, discussion, and possible action to authorize the issuance of the 2020 Emergency Solutions Grants Program Notice of Funding Availability and publication in the Texas Register

Abigail Versyp
Director of Single Family
and Homeless Programs

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Outreach and Activities Report (April-May)
- b) Report on Extension Authority Granted by the Board to the Executive Director in Response to COVID-19
- c) Housing Finance Activity Report
- d) Report on Activities Related to the Department's Response to COVID-19 Pandemic
- e) Report on the 2021 and 2022 QAP Planning Process

Michael Lyttle
Director of
External Affairs

Teresa Morales
Director of
Multifamily Bonds

Cathy Gutierrez
Director of
Texas Homeownership

Brooke Boston
Director of Programs

Marni Holloway
Director of
Multifamily Finance

ACTION ITEMS

ITEM 3: DEPARTMENT OF POLICY & PUBLIC AFFAIRS

- a) Presentation, discussion, and possible action on the agency strategic plan for fiscal years 2021-2025

Michael Lyttle
Director of
External Affairs

ITEM 4: COMPLIANCE

- a) Presentation, discussion, and possible action on a Dispute of the Compliance Division's assessment of the Applicant's compliance history to be reported to the Executive Award Review Advisory Committee regarding

Patricia Murphy
Director of Compliance

20604 The Walzem San Antonio
20611 333 Holly The Woodlands

ITEM 5: BOND FINANCE

- a) Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Notes (Scott Street Lofts Apartments) Resolution No. 20-019 and a Determination Notice of Housing Tax Credits
- b) Presentation, discussion, and possible action regarding the Issuance of Multifamily Green Tax-Exempt Bonds (Green M-TEBS – 333 Holly) Resolution No. 20-020 and a Determination Notice of Housing Tax Credits
- c) Presentation, discussion, and possible action regarding the Issuance of Multifamily Green Tax-Exempt Bonds (Green M-TEBS – The Pines) Resolution No. 20-021 and a Determination Notice of Housing Tax Credits
- d) Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds (The Walzem) Resolution No. 20-022 and a Determination Notice of Housing Tax Credits

Teresa Morales
Director of
Multifamily Bonds

ITEM 6: AGENCY RESPONSE TO COVID-19 PANDEMIC AND ACTIVITY UNDER HR 748, CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT)

- a) Presentation, discussion, and possible action on waivers to certain provisions of Texas Administrative Code for Emergency Solutions Grants Program funds allocated to the State of Texas through the Coronavirus Aid, Relief, and Economic Security Act
- b) Presentation, discussion and possible action authorizing the Executive Director to waive or extend certain construction inspection requirements under 10 TAC Chapter 10, the Uniform Multifamily Rules, 10 TAC Chapter 11, the Qualified Allocation Plan (QAP), 10 TAC Chapter 12, the Multifamily Housing Revenue Bond Rules (Bond Rule), 10 TAC Chapter 13, and the Multifamily Direct Loan (MFDL) Rule
- c) Presentation, discussion and possible action on the programming of Housing Choice Voucher Program Administrative funds available to Texas through the Coronavirus Aid, Relief, and Economic Security Act and authorization to proceed with said programmed activities

Abigail Versyp
Director of Single Family
and Homeless Programs

Marni Holloway
Director of
Multifamily Finance

Michael De Young
Director of
Community Affairs

ITEM 7: MULTIFAMILY FINANCE

- a) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits and an Award of Direct Loan Funds (#20416, Heritage Estates at Owen Tech, Austin extraterritorial jurisdiction)
- b) Presentation, discussion, and possible action on a Determination Notice for Housing Tax Credits and an Award of Direct Loan Funds (#20400, Palladium at West Francis, Midland)
- c) Presentation, discussion and possible action regarding eligibility under 10 TAC §11.101(b)(1)(C) related to Ineligibility of Developments within Certain School Attendance Zones and 10 TAC §11.101(a)(3)(B)(iv) related to Neighborhood Risk Factors for Preserve at the Port (#20468) in San Antonio
- d) Presentation, discussion, and possible action regarding requests for waiver of the Department's Multifamily Program Rules for 20128 OST Lofts
- e) Presentation, discussion, and possible action on timely filed appeals under the Department's Multifamily Program Rules

Teresa Morales
Director of
Multifamily Bonds

Marni Holloway
Director of
Multifamily Finance

20040	Espero Austin at Rutland	Austin
20041	Espero Austin at W. 24 th	Austin
20114	3300 Caroline Street	Houston
20148	High View Place	Killeen
20318	Cypress Creek at Spencer Landing	La Porte
20342	The Cottages at Cedar Ridge	Elgin

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.