

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

**A G E N D A  
9:00 AM  
September 3, 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/1312464349205216780>

Dial-in number: +1 (631) 992-3221, access code 591-553-382 (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 designating October as National Energy Awareness Month

**CONSENT AGENDA**

\* 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>

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 May 21, 2020; June 25, 2020; and July 14, 2020

**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

14427	Kennedy Brothers Communities	El Paso
17028/19702	The Vineyard on Lancaster	Fort Worth
18069	Palladium Farmersville	Farmersville
19214	Lakeridge Villas	Ennis
19410	Eisenhower II	El Paso

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

97167	Columbia Luxar Townhomes	Dallas
05097	Cathy's Pointe	Amarillo
05099	Madison Pointe	Cotulla

- d) Presentation, discussion, and possible action regarding a Material Amendment to the Housing Trust Fund Affordable Housing Match Program Application and Land Use Restriction Agreement

1001336	Temenos Place Apartments II	Houston
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**MULTIFAMILY FINANCE**

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

**Teresa Morales**  
Director of  
Multifamily Bonds

20466	Blue Water Gardens	Hereford
20415	Avenue on 34 <sup>th</sup>	Houston
20473	Agave East	Austin ETJ
20454	South Terrace	Waco
20475	Northview	San Antonio
20411	Kitty Hawk	San Antonio ETJ
20478	Vera at Odessa	Odessa
20483	Shady Oaks	Fort Worth

- f) Presentation, discussion, and possible action on a waiver of 10 TAC §13.3(d)(2)(A) (#20501 Samano, Brownsville)
- g) Presentation, discussion, and possible action on the Sixth Amendment to the 2020-1 Multifamily Direct Loan Notice of Funding Availability

**Andrew Sinnott**  
Multifamily Loan Programs  
Administrator

**COMMUNITY AFFAIRS**

- h) Presentation, discussion, and possible action on the Section 8 Program 5-Year and 2021 Annual Public Housing Agency (PHA) Plan for the Housing Choice Voucher Program.
- i) Presentation, Discussion and Possible Action on Extensions to the Release of Coronavirus Aid, Relief, and Economic Security Act Community Services Block Grant Funds and Low Income Home Energy Assistance Program Funds Held in Emergency Reserve and Authorization to Award Such Funds

**Michael De Young**  
Director of  
Community Affairs

**BOND FINANCE**

- j) Presentation, discussion, and possible action on Inducement Resolution No. 21-001 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority

**Teresa Morales**  
Director of  
Multifamily Bonds

20626	Palladium Mountain Creek Apartments	Dallas
20627	Palladium Simpson Stuart Apartments	Dallas
20628	Mayhill Road Apartments	Denton
20629	Residences at Merritt Hill Apartments	Rowlett

**SINGLE FAMILY & HOMELESS PROGRAMS**

- k) Presentation, discussion, and possible action on Colonia Self-Help Center Program Awards to Hidalgo County and Webb County in accordance with Tex. Gov't Code §2306.582 through Community Development Block Grant Funding

**Abigail Versyp**  
Director of Single Family &  
Homeless Programs

**RULES**

- l) Presentation, Discussion and Possible Action on the statutory four-year rule review and proposed readoption of 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.406 Fidelity Bond Requirement, §1.407 Inventory Report, and §1.408 Travel; and directing their publication for public comment in the Texas Register
- m) Presentation, discussion, and possible action on an order proposing the repeal, and proposed new rule, for 10 TAC Chapter 1, Subchapter D, Uniform Guidance for Recipients of Federal and State Funds, §1.401 Definitions, §1.402 Cost Principles and Administrative Requirements, §1.403 Single Audit Requirements, §1.404 Purchase and Procurement Standards, §1.405 Bonding Requirements, §1.409 Records Retention, §1.410 Determination of Alien Status for Program Beneficiaries; an order and directing their publication for public comment in the Texas Register
- n) Presentation, discussion, and possible action on order proposing the repeal of 10 TAC Chapter 23, Single Family HOME Program, and orders proposing new 10 TAC Chapter 23, Single Family HOME Program Rules, and directing their publication for public comment in the Texas Register
- o) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 12, concerning the Multifamily Housing Revenue Bond Rules, and an order proposing new 10 TAC Chapter 12 concerning the Multifamily Housing Revenue Bond Rules, and directing their publication for public comment in the Texas Register

**Brooke Boston**  
Deputy Director  
of Programs

**Abigail Versyp**  
Director of Single Family &  
Homeless Programs

**Teresa Morales**  
Director of  
Multifamily Bonds

**CONSENT AGENDA REPORT ITEMS**

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

- a) Outreach and Activities Report (July-September)
- b) Report on Activities Related to the Department's Response to COVID-19 Pandemic

**Michael Lyttle**  
Director of  
External Affairs

**Brooke Boston**  
Deputy Director  
of Programs

- c) Report to the Board on 811 PRA Program award
- d) Housing Finance Activity Report
- e) Report on the closing of the Department's 2020 Series A Single Family Mortgage Revenue Bonds and 2020 Series B Single Family Mortgage Revenue Refunding Bonds (Taxable)

**Cathy Gutierrez**  
Director of Texas  
Homeownership  
**Monica Galuski**  
Director of Bond Finance

## **ACTION ITEMS**

### **ITEM 3: INTERNAL AUDIT**

- a) Report on the meeting of the Internal Audit and Finance Committee

**Sharon Thomason**  
Chair of Audit and Finance  
Committee

### **ITEM 4: HOUSING RESOURCE CENTER**

- a) Presentation, discussion and possible action of a substantial amendment to the 2019 State of Texas Consolidated Plan: One-Year Action Plan and approval of programming for ESG CARES II and CDBG CARES funding

**Elizabeth Yevich**  
Director of  
Housing Resource Center

### **ITEM 5: RULES**

- a) Presentation, discussion, and possible action on the proposed repeal of 10 TAC Chapter 13, Multifamily Direct Loan Rule, the proposed new 10 TAC Chapter 13, Multifamily Direct Loan Rule, and directing their publication for public comment in the Texas Register

**Andrew Sinnott**  
Multifamily Loan Programs  
Administrator

### **ITEM 6: ASSET MANAGEMENT**

- a) Report on six-month extension to the placed-in-service deadline for 2018 9% Housing Tax Credit developments

**Rosalio Banuelos**  
Director of Asset  
Management

### **ITEM 7: BOND FINANCE**

- a) Presentation, discussion, and possible action regarding the Issuance of Multifamily Housing Revenue Bonds (Fish Pond at Corpus Christi) Resolution No. 21-002, a Determination Notice of Housing Tax Credits and an Award of Direct Loan Funds

**Teresa Morales**  
Director of  
Multifamily Bonds

### **ITEM 8: MULTIFAMILY FINANCE**

- a) Presentation, Discussion and Possible Action regarding a waiver of §10.402(b) relating to Determination Notices for Gala at Central Park (#20406)
- b) Presentation, discussion, and possible action on the proposed repeal of 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, and a proposed new 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan and directing its publication for public comment in the Texas Register
- c) Presentation, discussion, and possible action on timely filed scoring appeals under the Department's Multifamily Program Rules for Application 20116 Dian Street Villas, Houston

**Teresa Morales**  
Director of  
Multifamily Bonds  
**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](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 Nancy Dennis, 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.