

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

**A G E N D A
9:00 AM
June 17, 2021**

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/3614837305911894032>

Dial-in number: +1 (213) 929-4212, access code 374-973-001 (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

Leo Vasquez, 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.

* 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>

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 March 11, 2021; April 8, 2021; and May 13, 2021

Beau Eccles
General
Counsel

ASSET MANAGEMENT

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

Rosalio Banuelos
Director of Asset
Management

14428	Aloysius A. Ochoa Apartments	El Paso
060014	Nacogdoches Senior Village	Nacogdoches
96038	2100 Memorial	Houston

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

17239	Abbingtion Ranch	Boerne
14429	Lyndon B. Johnson Memorial Apartments	El Paso

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

92176	Oaks at Mustang	Alvin
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COMMUNITY AFFAIRS

- e) Presentation, discussion, and possible action on the 2022-2023 Community Services Block Grant State Plan for submission to the U.S. Department of Health and Human Services and approval of the associated 2022 awards
- f) Presentation, discussion, and possible action on approval of the 2022 Low Income Home Energy Assistance Program State Plan for submission to the U.S. Department of Health and Human Services and approval of the associated 2022 awards
- g) Presentation, discussion and possible action on the Low Income Household Water Assistance Program funded through the Consolidated Appropriations Act of 2021 and the American Rescue Plan Act of 2021 and authorization to program and award such funds

Michael De Young
Director of
Community Affairs

HOUSING RESOURCE CENTER

- h) Presentation, Discussion, and Possible Action on the final 2021 State of Texas Consolidated Plan: One-Year Action Plan

Elizabeth Yevich
Director of
Housing Resource Center

LEGAL

- i) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning White Rock Hills (HTC 07001 / CMTS 4431)

Jeff Pender
Deputy General Counsel

MULTIFAMILY FINANCE

- j) Presentation, discussion, and possible action to amend the 2021-1 Multifamily Direct Loan Notice of Funding Availability

Marni Holloway
Director of
Multifamily Finance

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Media Analysis and Outreach Report (April 2021)
- b) Report on Activities Related to the Department's Response to COVID-19 Pandemic
- c) Housing Finance Activity Report

Michael Lyttle
Director of
External Affairs
Brooke Boston
Deputy Director
of Programs
Cathy Gutierrez
Director of Texas
Homeownership

ACTION ITEMS

ITEM 3: BOARD

Presentation, discussion, and possible action on the election from the board membership of an assistant presiding officer (or "Vice Chair") of the Governing Board for the upcoming biennium pursuant to Tex. Gov't Code §2306.030

Leo Vasquez
Chair

ITEM 4: EXECUTIVE

- a) Executive Director's Report
- b) Presentation, discussion, and possible action to authorize the issuance of the Housing Stabilization Services Notice of Funding Availability and publication in the Texas Register

Bobby Wilkinson
Executive Director, TDHCA
Brooke Boston
Deputy Director
of Programs

ITEM 5: INTERNAL AUDIT

Report on the meeting of the Internal Audit and Finance Committee

Sharon Thomason
Chair of Audit and Finance
Committee

ITEM 6: FINANCIAL ADMINISTRATION

- a) Approval of the FY 2022 Operating Budget
- b) Approval of the FY 2022 Housing Finance Division Budget

Joe Guevara
Director of Financial
Administration

ITEM 7: BOND FINANCE

- a) Presentation, discussion, and possible action approving a plan to be submitted to the U.S. Department of the Treasury with respect to administration of the Homeowner Assistance Fund, established pursuant to the American Rescue Plan Act, for the State of Texas, and to accept public comment on the plan
- b) Presentation, discussion, and possible action on Resolution No. 21-031 authorizing the filing of one or more applications for reservation to the Texas Bond Review Board with respect to Qualified Mortgage Bonds and containing other provisions relating to the subject
- c) Report on the closing of the Department's Residential Mortgage Revenue Bonds, Series 2021A and Residential Mortgage Revenue Refunding Bonds, Series 2021B (Taxable)
- d) Presentation, discussion and possible action on Resolution No. 21-032 regarding Amendments to Funding Loan Agreements relating to certain Governmental Lender Notes issued by the Department
- e) Presentation, discussion and possible action on Resolution No. 21-033 amending previously adopted resolution relating to the Issuance of a Governmental Note for Caroline Lofts Series 2021 and the re-issuance of a Determination Notice of 4% Housing Tax Credits

Monica Galuski
Director of Bond
Finance

Michelle Straley
Senior Financial Analyst

Teresa Morales
Director of
Multifamily Bonds

ITEM 8: MULTIFAMILY FINANCE

- a) Presentation, discussion, and possible action regarding a waiver of 10 TAC §11.101(b)(5) of the 2021 Qualified Allocation Plan relating to Common Amenities for El Rosario Homes (#21423) in Mission and La Merced Homes (#21424) in Mercedes
- b) Presentation, discussion, and possible action regarding a waiver of 10 TAC §11.101(b)(1)(A)(ii) of the Qualified Allocation Plan (QAP) and the issuance of a Determination Notice for 4% Housing Tax Credits for Yager Flats (#21435)
- c) Presentation, discussion, and possible action on a waiver relating to 10 TAC §11.101(b)(1)(B)(i) relating to Ineligibility of Elderly Developments for Historic Oaks of Allen Parkway Village in Houston
- d) Presentation, Discussion, and Possible Action on a waiver relating to 10 TAC §11.101(b)(2) of the Qualified Allocation Plan (QAP), related to Development Size Limitations for Narrows Apartments in Hutto
- e) 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 for Villas at Shriner's Point (#21612) in San Angelo
- f) Presentation, discussion, and possible action regarding the issuance of a Determination Notice for 4% Housing Tax Credits for Westmoreland Station (#21417) in Dallas
- g) Report on requests to re-issue Determination Notices for 2021 Non-competitive 4% Housing Tax Credit applications due to the impact of increased construction costs
- h) Presentation, discussion and possible action on timely filed appeals

Marni Holloway
Director of
Multifamily Finance

21128 Fisher Street Apartments Houston
21131 Boulevard 61 Houston

- i) Presentation, discussion and potential action of a waiver of requirements under 10 TAC 11.8(b)(2)(B) related to Notification Recipients
- j) Report of Third Party Request for Administrative Deficiency under 10 TAC §11.10 of the 2021 Qualified Allocation Plan
- k) Presentation, discussion, and possible action to issue a list of approved Applications for 2021 Housing Tax Credits (HTC) in accordance with Tex. Gov't Code §2306.6724(e)
- l) 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 for 800 Middle in Houston
- m) Presentation, discussion, and possible action regarding the approval for publication in the Texas Register of the 2021-3 Multifamily Direct Loan Notice of Funding Availability

ITEM 9: COMMUNITY AFFAIRS

Presentation, discussion, and possible action on an appeal of Galveston County Community Action Council's terminated application to administer the Comprehensive Energy Assistance Program in Brazoria, Fort Bend, Galveston, and Wharton counties

Gavin Reid
Manager of Planning
and Training

ITEM 10: ASSET MANAGEMENT

- a) Presentation, discussion, and possible action regarding a resolution of a dispute concerning the Carryover Agreement

Rosalio Banuelos
Director of Asset
Management

16258 Provision at West Bellfort Sugar Land

- b) Presentation, discussion, and possible action on timely filed appeal under the Department's Multifamily Program Rules

95007 The Heights at Post Oak Apartments Houston

EXECUTIVE SESSION

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

Leo Vasquez
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 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.