

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

**A G E N D A
9:00 AM
September 2, 2021**

**Dewitt C. Greer State Highway Building
Ric Williamson Hearing Room
125 E. 11th Street
Austin, Texas 78701**

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.

Resolution Recognizing October 2021 as National Energy 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.

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 July 8, 2021, and July 22, 2021

Beau Eccles
Board
Secretary

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

01086	Mission Oaks	Refugio
00155	Legend Oaks	Llano
99176	Mariposa Gardens Apartments	Mathis
99148	Windmill Run Apartment Homes	Sweeny
98148	Sandia Crossing	Luling
98147	Oaks at Winding Way	Gonzales

This will be an open, public meeting conducted under Tex. Gov't Code, chapter 551, without COVID-19 emergency waivers. There will not be a remote online or telephone option for public participation. The meeting, however, will be streamed online for public viewing. Masks will be available for members of the public who wish to attend this public meeting.

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

20024	Dallas Stemmons Apartments	Dallas
20212	Vernon Pioneer Crossing	Vernon
20495	Fawn Ridge Apartments	The Woodlands
05447	Providence Place II Apartments	Denton

BOND FINANCE

- d) Presentation, discussion, and possible action on Inducement Resolution No. 22-001 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority

Teresa Morales
Director of
Multifamily Bonds

21615	The Terrace at Southern Oaks	Dallas
21621	Palladium East Berry Street	Fort Worth
21622	Palladium Oak Grove	Fort Worth
21623	The Flats at White Rock	Dallas
21624	Potter's House at Primrose	Dallas
21625	Primrose at Sequoia Park	Denton
21626	Rosemont at Pecan Creek	Denton
21627	River Trails Apartments	San Antonio

COMMUNITY AFFAIRS

- e) Presentation, discussion, and possible action on the Section 8 Program 2022 Streamlined Annual Public Housing Agency Plan for the Housing Choice Voucher Program

Michael DeYoung
Director of
Community Affairs

SINGLE FAMILY & HOMELESS PROGRAMS

- f) Presentation, discussion and possible action on the appointment of Colonia Resident Advisory Committee members
- g) Presentation, discussion, and possible action on Colonia Self-Help Center Program Awards to Cameron County and Val Verde County in accordance with Tex. Gov't Code §2306.582 through Community Development Block Grant Funding
- h) Presentation, discussion, and possible action on a proposed amendment to a Colonia Self-Help Center Program Contract with Maverick County in accordance with 10 TAC Chapter 25, the Colonia Self-Help Center Program Rule
- i) Presentation, discussion, and possible action on proposed amendments to the 2022-2023 Texas Housing Trust Fund Biennial Plan and authorization to enter into a capacity building agreement with Habitat for Humanity Texas, Inc.
- j) Presentation, discussion, and possible action authorizing extension to Neighborhood Stabilization Program 1 contract for City of Port Arthur

Abigail Versyp
Director of Single Family
and Homeless Programs

RULES

- k) Presentation, discussion, and possible action on an order proposing the repeal, and proposed new rule, for 10 TAC Chapter 1, Subchapter C, Previous Participation and Executive Award Review and Advisory Committee, §1.301 Previous Participation Reviews for Multifamily Awards and Ownership Transfers, §1.302 Previous Participation Reviews for Department Program Awards Not Covered by §1.301 of this Subchapter, and §1.303 Executive Award and Review Advisory Committee (EARAC), and an order directing their publication for public comment in the Texas Register
- l) 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

Brooke Boston
Deputy Director of
Programs

Administrative Requirements; §1.403 Single Audit Requirements; §1.404 Purchase and Procurement Standards; §1.407 Inventory Report; and §1.411 Administration of Block Grants under Chapter 2105 of the Tex. Gov't Code and an order directing their publication for public comment in the Texas Register

- m) Presentation, discussion, and possible action on an order proposing amendments to 10 TAC, Chapter 10, Subchapter G, §10.801, Affirmative Marketing Requirements, and directing its publication for public comment in the Texas Register
- n) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 20, Single Family Programs Umbrella Rule, and an order proposing new 10 TAC Chapter 20, Single Family Programs Umbrella Rule, 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 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, and an order proposing new 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, and directing their publication for public comment in the Texas Register
- p) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and an order proposing new 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and directing their publication for public comment in the Texas Register
- q) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 25, Colonia Self-Help Center Rule, and an order proposing new 10 TAC Chapter 25, Colonia Self-Help Center Rule, and directing their publication for public comment in the Texas Register
- r) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and an order proposing new 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and directing their publication for public comment in the Texas Register
- s) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 6, Community Affairs Programs; an order proposing new 10 TAC Chapter 6, Community Affairs Programs; and directing that they be published for public comment in the Texas Register

Abigail Versyp
Director of Single Family
and Homeless Programs

Michael DeYoung
Director of
Community Affairs

SECTION 8

- t) Presentation, discussion, and possible action ratifying staff's action to submit one or more Registrations of Interest to the U.S. Department of Housing and Urban Development a request for additional Veterans Affairs Supportive Housing vouchers within Kerr, Bandera, Medina, Fort Bend and Galveston counties, and if successfully awarded by HUD, authority to make those additional vouchers available through a competition as project-based vouchers

Andre Adams
Manager of Section 8

MULTIFAMILY FINANCE

- u) Presentation, discussion, and possible action to amend the 2021-1 and 2021-3 Multifamily Direct Loan Notice of Funding Availability
- v) Presentation, Discussion, and Possible Action on a waiver of 10 TAC §13.8(b) and other impacted Administrative rules related to floating NHTF units for Vernon Pioneer Crossing in Vernon and approval to submit, as needed, to the U.S. Department of Housing and Urban Development an amendment to the Department's Consolidated Plan/Action Plan
- w) Presentation, Discussion, and Possible Action on waivers relating to 10 TAC §13.3, related to ineligibility of Adaptive Reuse, and 10 TAC §11.1(d)(1), related to Adaptive

Charlotte Flickinger
Multifamily Direct
Loan Manager

Reuse treatment as new construction for Commons at St. Anthony's in Amarillo for National Housing Trust Fund purposes, and approval to submit, as needed, to the U.S. Department of Housing and Development an amendment to the Department's Consolidated Plan/Action Plan

- x) 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 for Applications Awarded Competitive (9%) Housing Tax Credits in Prior Application Rounds

Brooke Boston
Deputy Director of
Programs

20018	The Park Tower	Fort Worth
20042	Commons at St. Anthony	Amarillo
20075	New Hope Housing Savoy	Houston
20083	Lakeview Preserve	Irving
20114	3300 Caroline Street	Houston
20192	Arbor Park	Austin
20204	Heritage Senior Residences	Houston
20205	Ella Grand	Houston
20212	Vernon Pioneer Crossing	Vernon
20272	Westwind of Dumas	Dumas
20344	Merritt Sunset	Midland

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Media Analysis and Outreach Report (June, July 2021)
- b) Report on Activities Related to the Department's Response to COVID-19 Pandemic
- c) Report on the Department's Swap Portfolio and recent activities with respect thereto

Michael Lyttle
Director of
External Affairs
Brooke Boston
Deputy Director
of Programs
Monica Galuski
Director of Bond
Finance

ACTION ITEMS

ITEM 3: EXECUTIVE

Executive Director's Report

Bobby Wilkinson
Executive Director, TDHCA

ITEM 4: ACTION REPORT ITEMS

- a) Report regarding the 2021 Competitive Housing Tax Credit awards
- b) Quarterly report relating to staff-issued Determination Notices for 2021 Non-competitive 4% Housing Tax Credit applications

Brooke Boston
Deputy Director of
Programs
Teresa Morales
Director of
Multifamily Bonds

ITEM 5: BOND FINANCE

Presentation, discussion, and possible action on Resolution No. 22-002 authorizing modifications to single family homeownership programs and approving amending program documents and program guidelines, authorizing the execution of documents and instruments relating to the foregoing, making certain findings and determinations in connection therewith, and containing other provisions relating to the subject; and possible waiver of 10 TAC 10 TAC §27.4(a) and 10 TAC §28.4(a)

Monica Galuski
Director of Bond
Finance

ITEM 6: SINGLE FAMILY & HOMELESS PROGRAMS

Presentation, discussion, and possible action on Program Year 2021 Emergency Solutions Grants Program Awards

Naomi Cantu
Homeless Programs
Manager

ITEM 7: CDBG CARES

Presentation, discussion, and possible action on the Community Development Block Grant Coronavirus Aid, Relief, and Economic Security Act Texas Emergency Mortgage Assistance Program awards and any timely filed appeals

Rudy Bentancourt
CDBG CARES Director

ITEM 8: RULES

- a) 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
- b) Presentation, discussion, and possible action on the proposed repeal of 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, proposed new 10 TAC Chapter 11 concerning the Housing Tax Credit Program Qualified Allocation Plan, and directing their publication for public comment in the Texas Register
- c) Presentation, discussion, and possible action on an order adopting new 10 TAC §1.8, Plan Requirements, Process, and Approval Criteria for Properties Designated for Camping by Political Subdivisions for Homeless Individuals, and directing its publication for adoption in the Texas Register

Teresa Morales
Director of
Multifamily Bonds

Brooke Boston
Deputy Director of
Programs

ITEM 9: ASSET MANAGEMENT

- a) Presentation, Discussion, and Possible Action regarding a workout for La Esperanza Del Rio (HOME #1002040)
- b) Presentation, discussion, and possible action regarding an increase to the Housing Tax Credit amount

Rosalio Banuelos
Director of Asset
Management

18614 Springs Apartments
16429 Pointe at Crestmont

Balch Springs
Houston

ITEM 10: MULTIFAMILY FINANCE

- a) Presentation, Discussion, and Possible Action on a waiver relating to 10 TAC §11.101(b)(2), related to Development Size Limitations for Bluff View Apartments in Boerne
- b) 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 Marine Park Apartments in Fort Worth
- c) Presentation, discussion, and possible action regarding the issuance of Determination Notices for 4% Housing Tax Credit Applications

Teresa Morales
Director of
Multifamily Bonds

21451 Horizon Pointe
21450 W. Leo Daniels

San Antonio
Houston

- d) Presentation, Discussion and Possible Action Relating to the Use of 2022 Credit Ceiling to Provide Allocations of Credits to 2021 Competitive Housing Tax Credit Applicants Negatively Impacted by Department Ministerial Error

Brooke Boston
Deputy Director
of Programs

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):

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.

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