

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

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

**John H. Regan Building, JHR 140
1400 Congress Ave
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 December 21, 2021, as National Homeless Persons' Memorial Day

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 summary for November 10, 2021

Beau Eccles
Board
Secretary

ASSET MANAGEMENT

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

Rosalio Banuelos
Director of Asset
Management

18018	Columbia Renaissance Square II Senior	Fort Worth
20077	Lockwood South	Houston
20419	Woodway Village Apartments	Austin
20449	EMLI at Pecan Creek	Aubrey

BOND FINANCE

- c) Presentation, discussion, and possible action on Inducement Resolution No. 22-011 for Multifamily Housing Revenue Bonds Regarding Authorization for Filing Applications for Private Activity Bond Authority for The Reserves (#22605) in Seagoville

Teresa Morales
Director of
Multifamily Bonds

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.

- d) Presentation, discussion, and possible action on Resolution No. 22-012 authorizing the filing of one or more applications for reservation with the Texas Bond Review Board with respect to qualified mortgage bonds, authorizing state debt application, and containing other provisions relating to the subject

Monica Galuski
Director of
Bond Finance

RULES

- e) Presentation, discussion, and possible action on an order adopting the amendment of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.3, Sick Leave Pool; and an order directing its publication in the Texas Register
- f) Presentation, discussion, and possible action on an order adopting the repeal of 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.801, Project Access Initiative; adopting new 10 TAC Chapter 5, Section 8 Housing Choice Voucher Program, §5.801, Project Access Initiative; and directing their publication in the Texas Register
- g) Presentation, discussion, and possible action on the draft 2022 State of Texas Low Income Housing Plan and Annual Report; proposed repeal of 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 concerning State of Texas Low Income Housing Plan and Annual Report; proposed new 10 TAC Chapter 1, Subchapter A, General Policies and Procedures, §1.23 concerning State of Texas Low Income Housing Plan and Annual Report; and directing their publication for public comment in the Texas Register
- h) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 27, Texas First Time Homebuyer Program Rule; proposing new 10 TAC Chapter 27, Texas First Time Homebuyer Program Rule; and directing their publication for public comment in the Texas Register
- i) Presentation, discussion, and possible action on an order proposing the repeal of 10 TAC Chapter 28, Taxable Mortgage Program; proposing new 10 TAC Chapter 28, Taxable Mortgage Program; and directing their publication for public comment in the Texas Register
- j) Presentation, discussion, and possible action on an order adopting new 10 TAC Chapter 20, Single Family Programs Umbrella Rule, and directing its publication for adoption in the Texas Register
- k) Presentation, discussion, and possible action on an order adopting new 10 TAC Chapter 21, Minimum Energy Efficiency Requirements for Single Family Construction Activities, and directing their publication for adoption in the Texas Register
- l) Presentation, discussion, and possible action on an order adopting new 10 TAC Chapter 24, Texas Bootstrap Loan Program Rule, and directing its publication for adoption in the Texas Register
- m) Presentation, discussion, and possible action on an order adopting new 10 TAC Chapter 25, Colonia Self-Help Center Rule, and directing its publication for adoption in the Texas Register
- n) Presentation, discussion, and possible action on an order adopting new 10 TAC Chapter 26, Texas Housing Trust Fund Rule, and directing its publication for adoption in the Texas Register

Brooke Boston
Deputy Director of
Programs

Elizabeth Yevich
Director Housing
Resource Center

Monica Galuski
Director of
Bond Finance

Abigail Versyp
Director of Single Family
and Homeless Programs

MULTIFAMILY FINANCE

- o) Presentation, discussion, and possible action regarding a waiver of 10 TAC §11.101(b)(8)(B) relating to visitability requirements associated with Franklin Place (#21468) and Mesa Place (#21469)
- p) Presentation, discussion, and possible action regarding the approval for publication in the Texas Register of the 2022-1 Multifamily Direct Loan Notice of Funding Availability

Teresa Morales
Director of
Multifamily Bonds

Charlotte Flickinger
Multifamily Direct
Loan Manager

q) Presentation, discussion, and possible action regarding a Material Amendment of the Housing Tax Credit Application for The Palms at Blucher Park (HTC #21186)

Cody Campbell
Director of Multifamily
Programs

r) Presentation, discussion, and possible action to adopt the 2022 Multifamily Programs Application Procedures Manual

COMMUNITY AFFAIRS

s) Presentation, discussion, and possible action regarding authorization to release a Notice of Funding Availability for 2022 Community Services Block Grant Discretionary funds for education and employment initiatives for Native American and migrant seasonal farm worker populations

Michael De Young
Director of
Community Affairs

LEGAL

t) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning related properties Villa Elaina (HTF 853338 / CMTS 4210) and The Cornerstone (HTF 1000358 / CMTS 4319)

Jeff Pender
Deputy General
Counsel

u) Presentation, discussion, and possible action regarding the adoption of an Agreed Final Order concerning Mission Pointe Club f/k/a Country Villa (HTC 91040 / CMTS 958)

TEXAS HOMEOWNERSHIP

v) Presentation, discussion, and possible action on the Participating Lender List for the Single Family Mortgage Loan and Mortgage Credit Certificate Programs

Cathy Gutierrez
Director of Texas
Homeownership

CONSENT AGENDA REPORT ITEMS

ITEM 2: THE BOARD ACCEPTS THE FOLLOWING REPORTS:

- a) Media Analysis and Outreach Report (October 2021)
- b) Report on Activities Related to the Department's Response to COVID-19 Pandemic
- c) Report on the outcomes of the HUD Fair Housing Initiatives Program Grant
- d) Report on the Draft Computation of Housing Finance Division Total and Unencumbered Fund Balances and Transfers to the Housing Trust Fund

Michael Lyttle
Director of
External Affairs
Brooke Boston
Deputy Director
of Programs
Elizabeth Yevich
Director Housing
Resource Center
Joe Guevara
Director of Financial
Administration

ACTION ITEMS

Executive Session: the Chair may call an Executive Session at this point in the agenda in accordance with the below-cited provisions¹

Leo Vasquez
Chair

ITEM 3: EXECUTIVE

Executive Director's Report

Bobby Wilkinson
Executive Director, TDHCA

ITEM 4: INTERNAL AUDIT

- a) Report on the meeting of the Internal Audit and Finance Committee
- b) Presentation, discussion, and possible approval of the Annual Internal Audit Plan for Fiscal Year 2022

Ajay Thomas
Chair of Audit and
Finance Committee
Mark Scott
Director of Internal
Audit

ITEM 5: HOME AMERICAN RESCUE PLAN

Presentation, discussion and possible action on approval of a Draft HOME-ARP Plan to be released for public comment and to release Notices of Funding Availability after Plan acceptance

Naomi Cantu
Director of
HOME ARP

ITEM 6: BOND FINANCE

¹ Note: the Chair is not restricted by this item, and may call for an Executive Session at any time during the posted meeting.

- a) Presentation, discussion, and possible action on Resolution No. 22-013 authorizing the issuance, sale and delivery of Texas Department of Housing and Community Affairs Residential Mortgage Revenue Bonds, Series 2022A, 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
- b) Quarterly report relating to staff-issued Determination Notices for 2021 Non-competitive 4% Housing Tax Credit applications and summary of year-end activity

Monica Galuski
Director of
Bond Finance

Teresa Morales
Director of
Multifamily Bonds

ITEM 7: HOMEOWNER ASSISTANCE FUND

Presentation, discussion, and possible action on delegation of authority to the Department's Executive Director or designee to make up to \$8.5 million in awards to eligible organizations to provide outreach and application intake assistance for the Homeowner Assistance Fund

Monica Galuski
Director of
Bond Finance

ITEM 8: MULTIFAMILY FINANCE

- a) Presentation, discussion, and possible action on a waiver of certain amenity requirements in 10 TAC §11.101(b)(4) (Commons at St. Anthony's Application #20042 (HTC) and #21506 (MFDL))
- b) Presentation, discussion, and possible action on timely filed appeal of allocation procedures for 2022 supplemental Housing Tax Credits
- c) Presentation, discussion, and possible action regarding an award from the Multifamily Direct Loan (MFDL) 2021-1 Notice of Funding Availability (NOFA), as amended

Cody Campbell
Director of Multifamily
Programs

Charlotte Flickinger
Multifamily Direct
Loan Manager

21515 Southton Apartments

- d) Presentation, discussion, and possible action regarding awards from the Multifamily Direct Loan (MFDL) 2021-3 Notice of Funding Availability (NOFA), as amended

21502 Lockwood South
21510 Avanti at Viking Hills
21512 Dallas Stemmons
21521 Palladium W. Francis

ITEM 9: COMMUNITY AFFAIRS

- a) Presentation, discussion, and possible action regarding the adoption of a final order concerning termination of CEAP and CSBG funding and contracts, and CEAP Provider and CSBG Eligible Entity status, of Galveston County Community Action Council, Inc. (SOAH Docket #332-21-2743.HCA)
- b) Presentation, discussion, and possible action on the selection of subrecipients to administer the Low Income Home Energy Assistance Program Comprehensive Energy Assistance Program in Brazoria, Fort Bend, Galveston, and Wharton counties (the service area previously served by Galveston County Community Action Council, Inc.)
- c) Presentation, discussion, and possible action regarding authorization to proceed with the procurement of a statewide weatherization provider to support the Weatherization Assistance Program in the provision of home weatherization assistance to low income Texans, and authorization, if necessary, to amend the 2021 DOE WAP State Plan and the 2022 LIHEAP State Plan to effectuate the procurement of a statewide WAP provider and submit such amended Plans to the U.S. Department of Energy and U.S. Department of Health and Human Services
- d) Presentation, discussion, and possible action regarding authorization to proceed with the procurement of a statewide Community Energy Assistance Program and Low

Michael De Young
Director of
Community Affairs

Income Household Water Assistance Program provider to support subrecipients in the provision of utility assistance to low income Texans, and authorization to amend the 2022 LIHEAP State Plan and the LIHWAP State Plan to effectuate the procurement of a statewide CEAP and LIHWAP provider and submit such amended Plans to the U.S. Department of Health and Human Services

PUBLIC COMMENT ON MATTERS OTHER THAN ITEMS FOR WHICH THERE WERE POSTED AGENDA ITEMS

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 Kathleen Vale Castillo, 512-475-4144, 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 Kathleen Vale Castillo, al siguiente número 512-475-4144 por lo menos cinco días antes de la junta para hacer los preparativos apropiados.